

RESOLUTION NO. R-99- 984

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 81-10
TO APPROVE A DEVELOPMENT ORDER AMENDMENT TO
AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-81-216
WHICH APPROVED THE SPECIAL EXCEPTION OF
TARRA-MAR DEVELOPMENT CORPORATION
PETITION NO. 81-10

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report CR 81-10 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on May 27, 1999; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 81-10 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The property owner has failed to comply with condition number 3 of Resolution R-81-216.
2. Subsection 5.1.L.1. of the Unified Land Development Code (ULDC) requires compliance with all conditions prior to implementing the approval.
3. The approval has been implemented.
4. When a condition of approval has been violated, Section 5.8 of the ULDC provides for a review of the Special Exception by the Board of County Commissioners and an amendment of the conditions of approval.
5. This condition (requiring a wall or 25 foot landscape buffer) was required when the adjacent land use/zoning was residential.
6. The adjacent land use/zoning is now commercial.
7. The adjacent property is owned by the same entity.
8. The buffer can therefore be reduced to a five foot interior lot line buffer.
9. Based on recent litigation, Palm Beach County and the property owner have agreed on a settlement agreement which includes the amendment of condition number 3 of Resolution R-81-216.



- The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. CR 81-10, to approve a development order amendment to amend Conditions of Approval of Resolution No. R-81-216, the Special Exception of Tarra-Mar Development Corporation, Petition No. 81-10, which allows a Gasoline Service Station on on the West **1/2** of the East **1/2** of the Southwest **1/4** of the Southwest **1/4** of Section 4, Township 45 South, Range 43 East, less the North 1019.90 feet thereof, as measured along the East and West lines of the said West **1/2** of the East **1/2** of the Southwest **1/4** of the Southwest **1/4** of Section 4, and less the Right-of-way for 1-95, being located on the north side of Hypoluxo Road, approximately 400 feet west of 1-95 in the CG-General Commercial Zoning District, is approved, subject to the following conditions:

- All previously approved conditions of approval continue to apply unless expressly amended herein.
- Condition number 3 of Resolution R-81-216 which currently states:

Petitioner shall construct a 6 ft. wall or install a 25 ft. landscape buffer on the west property line

Is hereby amended to state:

Prior to June 1, 2000, the property owner shall receive approval of an administrative amendment to the site plan to provide for a five (5) foot interior lot line buffer along the west property line, and install all required landscape improvements in the buffer.

Commissioner **Roberts** moved for approval of the Resolution.

The motion was seconded by Commissioner **Marcus** and, upon being put to a vote, the vote was as follows:

Maude Ford Lee, Chair	—	Aye
Warren H. Newell, Vice-Chair	—	Absent
Karen T. Marcus	—	Aye
Carol A. Roberts	—	Aye
Mary McCarty	—	Absent
Burt Aaronson	—	Aye
Tony Masilotti	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27 day of May, 1999.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK

BY: 
DEPUTY CLERK

Status Report CR 81-10

