

RESOLUTION NO. R-2006-2056

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1985-113B.10
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
FOR PROPERTY PREVIOUSLY GRANTED A CONDITIONAL USE "A" BY
RESOLUTION NO. R-94-12
APPROVING THE PETITION OF WILLIAM AND DAPHNE CLEVE
PETITION NO. 1985-113(B)

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; and

WHEREAS, the notice and hearing requirements as provided for in Article 2.E. of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report SR 1985-113B.10 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on September 26, 2006; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1985-113B.10 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. authorizes the Board of County Commissioners to approve Development Order Amendments; and

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

1. With the amendment of conditions of approval, the project will meet the Countywide Traffic Performance Standards, and therefore be consistent with the Unified Land Development Code.
2. The approval of a development order amendment is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

WHEREAS, Section 5.3 of the 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. SR 1985-113B.10, to approve a Development Order Amendment to amend conditions of approval, amending the development order previously granted by the approval of the petition of William and Daphne Cleve, Petition No. 1985-113(B), confirmed by the adoption of Resolution R-94-12, which approved a rezoning to the Community Commercial (CC) zoning district with a Conditional Overlay Zone (COZ), on property legally described in Exhibit A, being located on the northeast corner of Hypoluxo Rd. and High Ridge Road, is approved subject to the following conditions of approval:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.

2. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No building permits for the site shall be issued after January 1, 2009. A time extension for this condition may be approved by the County Engineer based on an approved Traffic Study which complies with the mandatory Traffic Performance Standards in place at the time of the request. (DATE: MONITORING – Eng)

3. The property owner shall construct the following:

- a. Left turn lane north approach at the project entrance on High Ridge Road.
- b. Left turn lane west approach at the project's eastern driveway on Hypoluxo Road.
- c. These constructions (items 2.a and 2.b) shall be concurrent with issuance of Building Permits for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. (BLDG PERMIT: MONITORING-Eng)
- d. Permits required by Palm Beach County for this construction (items 2.a and 2.b) shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
- e. Construction (items 2.a. and 2.b) shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

Commissioner Newell moved for approval of the Resolution.

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

TONY MASILOTTI, CHAIRMAN	—	Absent
ADDIE L. GREENE, VICE CHAIRPERSON	—	Aye
JEFF KOONS	—	Aye
WARREN H. NEWELL	—	Aye
MARY MCCARTY	—	Aye
BURT AARONSON	—	Absent
KAREN T. MARCUS	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 17th day of October, 2006.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

SHARON R. BOCK, CLERK AND COMPTROLLER

BY: 
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 27th day of October, 2006.