

PALM BEACH COUNTY

STATUS REPORT SR 90-25
(For Zoning Petition 90-25)

Staff Recommendation

Staff recommends the approval of a time extension until September 1 1993 for the commencement of development and compliance with condition number 9 This recommendation is based on the following

- 1 The current approval is consistent with the Comprehensive Plan
- 2 The project meets the Countywide Traffic Performance Standard
- 3 The Engineering Department does not object to the approval of a time extension for compliance with condition number 9

Development Approval Being Reviewed. Zoning Petition 90-25 was approved by the adoption of Resolution R-90-1897 on November 6 1990 The resolution approved a Special Exception to for an existing private utility service and accessory buildings and structures (propane storage) in a zoning district The zoning action is now being reviewed pursuant to Unified Land Development Code Section 5 8 "Compliance with Time Limitations " as development has not commenced and a condition of approval has not been complied with

Property Description. The subject property is approximately 2 0 acres in size and is on the west side of U S 441 approximately 0 1 of a mile south of 150th Street South

Property Owner(s). Synergy Gas Corp

Required Action. Unified Land Development Code Section 5 8 requires that the Board of County Commissioners take one or more of the following actions grant a time extension of up to twelve months rezone the property and/or revoke the Special Exception impose entitlement density/intensity add or modify conditions of approval permit the property owner to file a petition to add or modify conditions of approval

REVIEW FACTORS

Consistency with Land Use Plan

The Land Use Plan category for the subject property is Agricultural The current approval is consistent with the Comprehensive Plan

Performance Standards

The current approval which would generate eighty-one trips per day meets the Countywide Traffic Performance Standard

Supplemental Information

Condition number 9 of Resolution R-90-1897 required the property owner to convey a road right-of-way warranty deed for State Road 7 prior to September 1, 1990 The property owner applied for and received three administrative time extensions totalling twenty-four months to comply with this condition The right-of-way has not yet been conveyed The Engineering Department does not object to the approval of a time extension for compliance with condition number 9

Staff Recommendation

Staff recommends that Status Report CR S80-211B be postponed until the January 4 1993 BCC meeting as requested by the Palm Beach County Engineering Department

Development Approval and Condition(s) Being Reviewed. Zoning Petition 80-211(B) was approved by the adoption of Resolution R-90-51 on January 2 1990. The resolution approved a Special Exception to permit a wholesale bakery which extinguished the Special Exception for commercial new and used automobile truck boat motorcycle mobile home and recreational vehicle repair facilities and lots (new and used mobile homes) (petition no 80-211(A) in a CG-General Commercial zoning district. The zoning action is now being reviewed pursuant to Unified Land Development Code Section 5.8 Compliance with Time Limitations because Condition Number 2 of Resolution R-92-599 has not been fulfilled. This condition states

Prior to site plan certification or prior to September 1 1992 whichever shall first occur the property owner shall fund the construction of a left turn lane north approach on Military Trail at the project's entrance road. This petitioner shall be responsible for any change orders associated with this construction by Palm Beach County. Prior to certification the site plan shall be revised accordingly.

Property Description. The subject property is approximately 1.3 acres in size and is on the east side of Military Trail (S R #809) approximately 0.2 of a mile south of Melaleuca Lane.

Property Owner(s). Joyce A. Kjellgren

Required Action. Unified Land Development Code Section 5.8 requires that the Board of County Commissioners take one or more of the following actions: grant a time extension of up to twelve months; revoke the Special Exception and possibly rezone the property; impose entitlement density/intensity; add or modify conditions of approval; permit the property owner(s) to initiate a petition to modify or add conditions; or direct staff to cite the property owner for Code violation.

REVIEW FACTORS

Consistency with Land Use Plan

The Land Use Plan category for the subject property is CH-Commercial High Intensity with an underlying designation of High Residential 8. The current approval for a wholesale bakery is consistent with the Comprehensive Plan.

Performance Standards

The current approval which would generate approximately 190 trips per day meets the Countywide Traffic Performance Standard.

Supplemental

Condition number 2 of Resolution R-92-599 is an amendment of a previous condition. The condition was amended on February 27 1992 by the BCC as part of the Section 402.9 review process. The amendment added a due date which was inadvertently omitted when the bakery Special Exception was approved. The due date was September 1 1992. The Engineering Department has requested that this status

report be postponed until the January 4 1993 BCC meeting This is to allow time to determined the status of road construction in the area

On August 6 1992 the property owner contacted staff after receiving a certified letter An administrative time extension was discussed but he said that he did not want to spend any additional money on the project due to financial difficulties

November 1992