

RESOLUTION NO. R- 2000-0414

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 96-72
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-97-1
WHICH APPROVED THE PETITION OF
ELLIOT & PERRI ZANK
PETITION NO. 96-72

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 SR 96-72 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on March 23, 2000; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 96-72 and considered testimony presented by the applicant and other interested parties, 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. This project can only meet the Countywide Traffic Performance Standards if conditions of approval are amended.
2. Section 5.8 of the Unified Land Development Code permits the Board of County Commissioners to amend conditions of approval to cause a previously approved development order to comply with current codes and regulations.
3. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code, and will cause the development order to meet the Countywide Traffic Performance Standards.

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. SR 96-72, to amend Conditions of Approval of Resolution No. R-97-1, the petition of Elliot & Perri Zank, Petition No. 96-72, which rezoned the property to the Community Commercial (CC) Zoning District on LOTS 1,2,10,11 AND 12, BLOCK 1, HYPOLUXO VILLAGE PLAT NO. 1, UNRECORDED, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, THENCE N. 00" 16' 56" W. ALONG THE EAST LINE OF SAID SECTION 6, A DISTANCE OF 80.02 FEET; THENCE S. 88" 26' 04" W. PARALLEL TO THE SOUTH LINE OF SAID SECTION 6 A DISTANCE OF 84.46 FEET TO THE POINT OF BEGINNING; THENCE CONTINUES S. 88" 26' 04" W. A DISTANCE OF 265.55 FEET. THENCE N. 00° 16' 56" W. A DISTANCE OF 100.00 FEET; THENCE N. 88" 26' 04" E. A DISTANCE OF 100.00 FEET; THENCE N. 00" 16' 56" W. A DISTANCE OF 100.00 FEET; THENCE N. 88" 26' 04" E. A DISTANCE OF 164.43 FEET; THENCE S. 45" 55' 26" E. A DISTANCE OF 35.75 FEET; THENCE S. 00" 16' 56" E. A DISTANCE OF 149.98 FEET; THENCE S. 44" 04' 34" W. A DISTANCE OF 34.96 FEET TO THE POINT OF BEGINNING, being located on the northwest corner of the intersection of Congress Avenue and Hypoluxo Road, is approved, subject to the following conditions:

1. All previously approved conditions of approval contained in Resolution R-97-1 continue to apply unless expressly approved herein.
2. Condition number E.2. of Resolution Number **R-97-1** which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall not be issued any further building permits for the site after January 1, 1999. This date may be adjusted by the County Engineer based upon an approved Traffic Study which complies with the Mandatory Traffic Performance Standards in place at the time of the request. (DATE/BLDG PERMIT: MONITORING/Eng)

Is hereby amended to state:

No building permits shall be issued after December 31, 2001, unless a new traffic study is submitted and approved by the County Engineer which extends the buildout date for this development.

3. No building permits shall be issued until the contract is let for construction of Lawrence Road from Gateway Boulevard to Hypoluxo Road to a 5-lane cross-section, including an exclusive right turn lane, south approach at the intersection of Hypoluxo Road/Lawrence Road. Alternatively, the developer may agree to construct the right turn lane on the south approach of the Hypoluxo Road/Lawrence Road intersection, in which case this development shall not be issued any building permits

until construction has commenced for this improvement. (BLDG PERMIT: MONITORING - Eng)

Commissioner Aaronson moved for approval of the Resolution.

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

MAUDE FORD LEE, CHAIR	—	Aye
WARREN H. NEWELL, VICE CHAIR	—	Aye
BURT AARONSON	—	Aye
KAREN T. MARCUS	—	Absent
TONY MASILOTTI	—	Aye
MARY MCCARTY	—	Aye
CAROL ROBERTS	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 23 day of March, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
DEPUTY CLERK

