

RESOLUTION NO. R-2001- 0437

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 89- 106.3
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-90-588
WHICH APPROVED THE SPECIAL EXCEPTION OF
FLOYD A. SCHLOSSBERG
PETITION NO. 89- 106

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 89-106.3 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on March 22, 2001; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 89-106.3 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. A Special Exception to permit a Planned Commercial Development was approved by the adoption of Resolution R-90-588 on April 3, 1990.
2. Development was considered to have commenced on the 7,224 square foot first phase on June 30, 1995, by the passed inspection of footers on that date.
3. No additional construction has occurred on this phase since June 30, 1995.
4. Development of the 23,500 square foot phase two has not commenced.
5. The property owner has had more than ten years to commence development of the entire project since it was approved in 1990.
6. The certified site plan is not consistent with the Unified Land Development Code (ULDC) because it does not meet the required compatibility and right-of-way buffers.
7. The new condition of approval will cause the development order to be consistent with the Unified Land Development Code.

8. The amendment of condition number 13 is appropriate because the turn lane is primarily intended to serve the second phase for which development has not yet commenced.
9. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and 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. SR 89-106.3, to amend Conditions of Approval of Resolution No. R-90-588, the Special Exception of Floyd A. Schlossberg, Petition No. 89-106, which granted a Special Exception to permit a Planned Commercial Development on the South 640.00 feet of the following described parcel:

The East ½ of Lot 1, Block 3, Model Land Company Palm Beach Plantations, Subdivision of Section 7 Township 44 South, Range 43 East, as shown on the Plat 10 thereof Page 20, less the following numbered parcels:

1. The South 280.00 feet of the East 150.00 feet of the above described East ½ of Lot 1, recorded in Deed Book 1007, Page 397.
2. The North 60.00 feet of the above described East ½ of Lot 1, for Lake Worth Drainage District Lateral Canal No.7.
3. The East 40.00 feet of the above described East ½ of Lot 1, for road right-of-way purposes, Davis Road right-of-way Deed, as recorded in Official Record Book 2825, Page 26.
4. The South 60.00 feet of the above described East ½ of Lot 1, for Road right-of-way purposes, Forest Hill Boulevard formerly Selby Road.
5. Commence at the Northeast corner of the above described East ½ of Lot 1, thence South 01 Degrees 28' 47" East, 469.69 feet along the East line of said East ½ of Lot 1 to the Point of Beginning; thence North 88 Degrees 20' 33" West, 93.22 feet; thence North 01 Degrees 39' 27" East, 84.87 feet; thence South 88 Degrees 20' 33" East, 88.57 feet; thence South 01 Degrees 28' 47" East, 85.00 feet to the Point of Beginning., being located on the north side of Forest Hill Boulevard, approximately 110 feet west of Davis Road in the CG-General Commercial Zoning District, is approved, subject to the following conditions:
 1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
 2. Prior to the issuance of the next building permit, the property owner shall have a new site plan certified which meets the requirements of the Palm Beach County Unified Land Development Code for the area identified as Phase 2 on the certified site plan (Exhibit 24). (BLDG PERMIT: MONITORING - Eng)
 3. Condition number 13. of Resolution No. 90-588 which currently states:

The property owner shall construct Davis Road as a 3 lane section from Forest Hill Boulevard North to the project's entrance road onto Davis Road plus the appropriate paved tapers concurrent with onsite paving and drainage improvements. Construction shall be

commenced concurrent with the issuance of the first building permit and shall be completed prior to the issuance of the first Certificate of Occupancy.

Is hereby revised to state:

The Property owner shall construct a left turn lane south approach on Davis Road at the project's entrance road.

- A) This construction shall be concurrent with the construction of the projects entrance road onto Davis Road. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, and utility relocations.
- B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the nest building permit. (BLDG PERMIT: Monitoring-Eng)
- C) Construction shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING-Eng)

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

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

WARREN H. NEWELL, CHAIRMAN	—	Absent
CAROL A. ROBERTS, VICE CHAIR	—	Aye
BURT AARONSON	—	Aye
ADDIE GREENE	—	Aye
KAREN T. MARCUS	—	Aye
TONY MASILOTTI	—	Aye
MARY MCCARTY	—	Aye

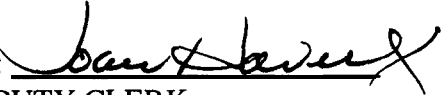
The Chair thereupon declared the resolution was duly passed and adopted this 22 day of March, 2001.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

