

RESOLUTION NO. R-2001-1354

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 92-7.4
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-93-516
WHICH APPROVED THE SPECIAL EXCEPTION OF
SHIRLEY K. BERNSTEIN AND ANN K. SCHULMAN
PETITION NO. 92-7

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 92-7.4 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on August 23, 2001; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 92-7.4 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. The conditional use is not consistent with the Unified Land Development Code because it has not been reviewed for consistency with Section 6.6.E. "Architectural Guidelines" of the Unified Land Development Code.
2. With the new condition of approval requiring the project to be certified for compliance with Section 6.6.E. of the Palm Beach County Unified Land Development Code, the conditional use will be consistent with the Unified Land Development Code.
3. 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. SR 92-7.4, to amend Conditions of Approval of Resolution No. R-93-516, the Special Exception of Shirley K. Bernstein and Ann K. Schulman, Petition No. 92-7, which approved a Planned General Commercial Development, including a fast food restaurant with drive-thru window, auto service station (automatic) and financial institution with 3 drive-up tellers, in the Southwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 1, Township 45 South, Range 42 East, less the Right-of-way of Military Trail and less the Right-of-way of Hypoluxo Road, being located on the

northeast corner of the intersection of Hypoluxo Road and Military Trail in the CC-Community 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 a building permit, the property owner shall submit an application to the Development Review Committee for review and certification that the project is in compliance with Section 6.6.E. of the Palm Beach County Unified Land Development Code, "Architectural Guidelines." (BLDG PERMIT: MONITORING - Zoning)

Commissioner **McCarty** 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	—	Aye
CAROL A. ROBERTS, VICE CHAIR	—	Absent
BURT AARONSON	—	Aye
ADDIE L. GREENE	—	Aye
KAREN T. MARCUS	—	Aye
TONY MASILOTTI	—	Aye
MARY MCCARTY	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 23 day of August, 2001.

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

