

RESOLUTION NO. R-2002- 0838

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1987-136.9
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-89-358
WHICH APPROVED THE SPECIAL EXCEPTION OF
PATRICIA MARSHALL
PETITION NO. 1987-136

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 1987-136.9 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on April 25, 2002; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1987-136.9 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 project is not consistent with the Unified Land Development Code because it does not meet the Countywide Traffic Performance Standards.
2. The property owner was notified in 2001 that the project might not meet the Countywide Traffic Performance Standards when the next time extension expired.
3. With the amendment of conditions of approval, the project will be consistent with the Countywide Traffic Performance Standards, and therefore the Unified Land Development Code.
4. 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 1987-136.9, to amend Conditions of Approval of Resolution No. R-89-358, the Special Exception of Patricia Marshall, Petition No. 1987-136, which granted a Special Exception for a Planned Commercial Development (PCD) on a parcel of land lying in the West ½ of the Southwest 1/4 of Tract 69, of Section 19, Township 44 South, Range 43 East, as recorded in Plat Book 6, Page 66. **LESS** the South 40.00 feet thereof, and **LESS** the right-of-way of State Road 802.

TOGETHER WITH:

The East 1/2 of the Southwest 1/4, of Tract 69, in Section 19, Township 44 South, Range 43 East, as recorded in Plat Book 6, Page 66. **LESS** all that portion of the preceding described parcel of land for road right-of-way purposes, situated in Section 19, Township 44 South, Range 43 East, lying South of the proposed North right-of-way line of Lake Worth Road, as shown on the right-of-way map of Lake worth Road, recorded in Road Book 5, Pages 125-138, located on the north side of Lake Worth Road (S.R. 802), approximately 300.00 feet east of Davis Road., being located on the north side of Lake Worth Road (S.R. 802) approximately 300 feet east 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.
2. Prior to the issuance of a building permit, the contract shall be awarded for construction of Congress Avenue from Melaleuca Lane to Lake Worth Road to a six-lane cross section (currently scheduled for FY 2003). (BLDG PERMIT: MONITORING - Eng)

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

The motion was seconded by Commissioner **McCarty** 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

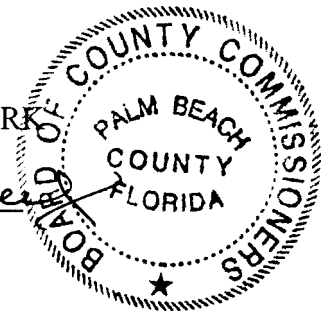
The Chair thereupon declared the resolution was duly passed and adopted this 23 day of May, 2002.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

BY: [Signature]
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: [Signature]
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 10 day of June, 2002.