

RESOLUTION NO. R-2001- 1242

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 1999-055/E 1
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-99-2254
WHICH APPROVED THE SPECIAL EXCEPTION OF
ESFANDIAR BEHBOUDI AND GEORGE KONCIR
PETITION NO. 1999-055

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 CR 1999-055/E1 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on July 25, 2002; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 1999-055/E1 and considered testimony, 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, Resolution No. 99-2254, 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 Architectural Guidelines of the Unified Land Development Code.
3. The project does not meet the Countywide Traffic Performance Standards.
4. With the amendment of conditions of approval, the project will meet the Countywide Traffic Performance Standards.
5. 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. CR 1999-055/E1, to amend Conditions of Approval of Resolution No. R-99-2254, the Class A Conditional Use of Esfandiar Behboudi and George Koncir, Petition No. 1999-055, which allows repair and general maintenance on property legally described as:

PARCEL 1:

The West 120.0 feet of the South 100.0 feet of the North 335.18 feet and the West 20.0 feet of the North 235.18 feet of Tract Seventy-Two; said parcel being a part of land lying in Tract Seventy Two, SWAN'S SUBDIVISION, according to the Plat thereof, recorded in Plat Book 6, page 66, of the Public records of Palm Beach County, Florida.

PARCEL 2:

The West 120.0 feet of the South 125.0 feet of the North 460.18 feet of Tract 72; said parcel being a part of and lying in Tract 72, SWAN'S SUBDIVISION, according to the Plat thereof, recorded in Plat Book 6, page 66, of the Public Records of Palm Beach County, Florida.

PARCEL 3:

A parcel of land located in Tract 72 in FRANK B. SWAN'S SUBDIVISION of Section 19, Township 44 South, Range 43 East, as recorded in Plat Book 6, page 66, of the Public Records of Palm Beach County, Florida; to-wit; Begin at the Southeast corner of Section 19, Township 44 South, Range 43 East; thence run West along the South line of Section 19, a distance of 1335.0 feet to a point; thence run Northerly along the Southerly projection of the West line of said Tract 72, a distance of 40 feet to the North right-of-way line of Lucerne Avenue Extension which is the Southwest corner of the Tract herein conveyed and the Point of Beginning; thence continue Northerly along the West line of Tract 72, a distance of 155.0 feet to the Northwest corner of the Tract herein conveyed; thence run Easterly, parallel to the South line of said Section 19, a distance of 120 feet to a point being the Northeast corner of this tract; thence run Southerly parallel to the West line of said Tract 72, a distance of 155.0 feet to the Southeast corner of this tract; thence run Westerly a distance of 120.0 feet to the Point of Beginning; less and excepting therefrom the following described parcel of land; All that portion of the following described parcel of land for road right-of-way purposes, situate 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 Book 5, pages 125 through 138, Public Records of Palm Beach County, Florida.

TOGETHER WITH;

The North 235.18 feet of the East 100 feet of the following described parcel; Beginning at the Southeast corner of Section 19, Township 44 South, Range 43 East, Palm Beach County, Florida, thence running Westerly along the South line of said Section 19, a distance of 1335 feet to a point; thence running Northerly along the West line of Tract 72, of Swan's Subdivision of Section 19, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 6, Page 66, a distance of 320 feet to the point of beginning of this parcel; thence running Northerly along the West line of Tract 72, to the Northwest Corner of said Tract 72; thence run easterly along the North line of said Tract 72, a distance of 120 feet; thence running Southerly parallel to the West line of Tract 72, to a point 320 feet North of the South line of said Section 19; thence running Westerly a distance of 120 feet to the point of beginning, lying and being in Palm Beach County, Florida.

SURVEYED PROPERTY ALSO DESCRIBED AS:

The West 120 feet of Tract 72, Subdivision of Section 19, T.44S. T.43E., according to the plat thereof as recorded in Plat Book 6, Page 66, in and for the Public Records of Palm Beach county, Florida. Less and except the South 45 feet thereof for additional road right-of-way for Lake Worth Road as recorded

in Road Plat Book 5, Page 125, in and for the Public Records of Palm Beach County, Florida, being located on the north side of Lake Worth Road, approximately 1200 feet west of Congress Avenue in the 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 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)
3. Prior to the issuance of a building permit, the contract shall be awarded for the six-lane widening of Congress Avenue from Lake Worth Road to Melaleuca Lane. (BLDG PERMIT: MONITORING - Eng)

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

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

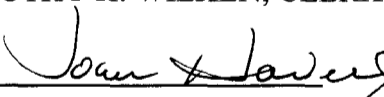
WARREN H. NEWELL, CHAIRMAN	—	Aye
CAROL A. ROBERTS, VICE CHAIR	—	Absent
BURT AARONSON	—	Aye
ADDIE L. GREENE	—	Aye
KAREN T. MARCUS	—	Aye
TONY MASEOTTI	—	Absent
MARY MCCARTY	—	Aye

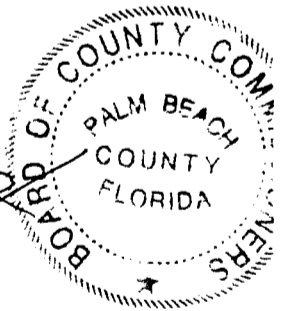
The Chair thereupon declared the resolution was duly passed and adopted this 25 day of July, 2002.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: 
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 21 day of August, 2002.