

RESOLUTION NO, R-2003- 0111

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 1999-055  
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-1999-2254  
WHICH APPROVED THE CONDITIONAL USE A OF  
ESFANDIAR BEHBOUDI AND GEORGE KOWCIR  
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 SR 1999-055 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on January 23, 2003; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1999-055 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 does not meet the Countywide Traffic Performance Standards (TPS).
2. A failure to meet TPS causes the development order to be inconsistent with the Palm Beach County Unified Land Development Code.
3. With the amendment of conditions of approval, the development order will meet TPS and therefore be consistent with the Unified Land Development Code.
4. 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 1999-055, to amend Conditions of Approval of Resolution No. R-1999-2254, the development order of Esfandiar Behboudi and George Koncir, Petition No. 1999-055, which approved a Conditional Use "A" to allow repair and general maintenance, on property being 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 approximately 1200ft. west of Congress Avenue on the north side of Lake Worth 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 first building permit, the contract shall be awarded for the six-lane widening of Congress Avenue. (BLDG PERMIT: MONITORING - Eng)

Commissioner Newell moved for approval of the Resolution.

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

KAREN T. MARCUS, CHAIR	—	Absent
TONY MASILOTTI, VICE CHAIRMAN	—	Aye
JEFF KOONS	—	Aye
WARREN H. NEWELL	—	Aye
MARY MCCARTY	—	Aye
BURT AARONSON	—	Aye
ADDIE L. GREENE	—	Aye

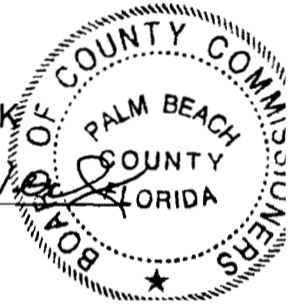
The Chair thereupon declared the resolution was duly passed and adopted this 23 day of January, 2003.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: *[Signature]*  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

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



Filed with the Clerk of the Board of County Commissioners on the 26 day of February, 2003.