

RESOLUTION NO. R-2003-0753

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1986-134.10
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO, R-87-516
WHICH APPROVED THE SPECIAL EXCEPTION OF
TRANSAL CORPORATION
PETITION NO. 1986-134

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 1986-134.10 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on May 22, 2003; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1986-134.10 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. Section 5.8 of the Palm Beach County Unified Land Development Code (ULDC) requires staff to determine if previously approved development orders are consistent with the ULDC.
2. Article 15 of the ULDC requires development orders to comply with the Countywide Traffic Performance Standards (TPS).
3. Ordinance 2003-013 amended the Palm Beach County Traffic Performance Standards.
4. Since the adoption of Ordinance 2003-013, a new traffic study is required for staff to determine if Resolutions R-87-515 and R-87-516 meet the current Traffic Performance Standards.
5. A new traffic study has not been submitted to Palm Beach County.
6. With the amendment of conditions of approval, a new study will be required, and staff will be able to determine if Resolutions R-87-515 and R-87-516 meet Traffic Performance Standards.
7. 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 1986-134.10, to amend Conditions of Approval of Resolution No. R-87-5 16, the Special Exception of Transal Corporation, Petition No. 1986-134, which approved a Special Exception to allow an office warehouse combination ,property being legally described as a parcel of land being Lots 1 through 4, inclusive, of the Unrecorded Plat of Palm Acres Tract No. 3, said parcel of land being more particularly described as follows: The North 5 18 feet of the East 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 7, Township 44 South, Range 43 East, less the East 50 feet thereof for Road Right-of-way. Subject to Right-of-way to Lake Worth Drainage District Lateral Canal No. 7., being located on the west side of Congress Avenue, approximately. 0.1 mile north of Forest Hill Boulevard in the General Commercial (CG) 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 July 1, 2003, or prior to the issuance of a building permit, whichever shall first occur, the property owner shall submit a traffic study to the Palm Beach County Traffic Division. If staff determines that the project does not meet the Palm Beach County Traffic Performance Standards, a new status report shall be submitted to the Palm Beach County Board of County Commissioners for review and action pursuant to Section 5.8 of the Palm Beach County Unified Land Development Code. (DATE/BLDG PERMIT: MONITORING - Eng)

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

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

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

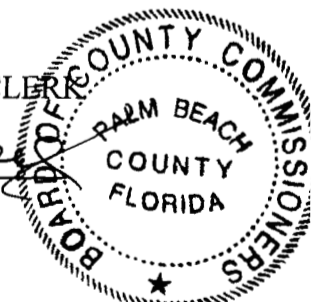
The Chair thereupon declared the resolution was duly passed and adopted this 22 day of May, 2003.

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: *[Signature]*
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 3 day of June, 2003.