

RESOLUTION NO. R-94-359

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR S78-2A/2
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-93-1027
WHICH AMENDED THE SPECIAL EXCEPTION OF
WILLIAM EMPKE III AND MARIE EMPKE
PETITION NO. 78-2(A)

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 S78-2A/2 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on March 24, 1994; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR S78-2A/2 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. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations; and
2. The conditions listed below require this petition to develop more in conformity with current standards of development.

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 S78-2A/2, to amend Conditions of Approval of Resolution No. R-93-1027, which amended the Special Exception of William Empke III and Marie Empke, Petition No. 78-2(A), confirmed by the adoption of Resolutions R-90-809 and R-90-810, which rezoned the property entirely to the CG-General Commercial Zoning District and granted a Special Exception to amend and expand the site plan for a previously approved muffler shop to 1) increase land area, 2) increase building square footage, and 3) permit an auto service station (auto repair facility) on a parcel of land lying in Section 24, Township 44 South, Range 42 East, Lots 1, 2, 52 and 53, GRAMMES HOMESITES, according to the plat thereof, as recorded in Plat Book 21, page 91. LESS, the Westerly 3.0 feet of said Lots 1 and 2 for right-of-way for Military Trail, being located on the east side of Military Trail (S.R. #809), approximately 0.01 of a mile north of 10th Avenue North, is approved, subject to the following conditions:

1. All previous conditions of approval continue to apply unless expressly modified herein.

2. Condition number 2 of Resolution R-93-1027 which states:

On or before December 15, 1993, a building permit shall be issued for the balance of the project approved by Resolution R-90-810. No administrative time extension shall be approved for this condition.

Is hereby deleted.

3. On or before June 24, 1994, the property owner shall

a. Receive certification for a Final Site Plan by the Development Review Committee. This Final Site Plan shall include a representation of all existing structures and improvements on site (west of the existing wall). In addition, the final site plan shall include a landscape improvement planting plan that complies with the Land Development Code, but will not need to provide for additional parking spaces, and

b. Install and receive a final inspection approval for the required landscape improvements as required by this condition.

No administrative extension of time shall be permitted for this condition.

Commissioner Newell moved for approval of the Resolution.

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

MARY MCCARTY, CHAIR	--	Aye
BURT AARONSON	--	Aye
KEN FOSTER	--	A y e
MAUDE FORD LEE	--	Aye
KAREN T. MARCUS	--	Aye
WARREN H. NEWELL	--	Aye
CAROL ROBERTS	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 24th day of March, 1994.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

BY: *Richard Ottaviano*

DOROTHY H. WILKEN, CLERK BY: *Jane M. Blair* DEPTUY CLERK

