

RESOLUTION NO. R-2006- 2558

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1995-22.2
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
FOR PROPERTY PREVIOUSLY GRANTED
A DEVELOPMENT ORDER AMENDMENT BY
RESOLUTION NO. R-2005-0382
APPROVING THE PETITION OF ARRIGO ENTERPRISES, INC.
APPLICATION NUMBER 2004-814

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; and

WHEREAS, the notice and hearing requirements as provided for in Article 2.E. of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report SR 1995-22.2 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on November 27, 2006; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1995-22.2 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. of the Palm Beach County Unified Land Development Code authorizes the Board of County Commissioners to approve development order amendments; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. Article 2.E. of the 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. The Countywide Traffic Performance Standards require the submission of a new traffic study for staff to be able to determine if Resolution R-2005-0382 meets current TPS.
4. A new traffic study was submitted to Palm Beach County.
5. The traffic study did not document that the development order is consistent with the Traffic Performance Standards.
6. Article 2.E. only permits the approval of a time extension if a development order is consistent with the ULDC.

7. The approval of a development order amendment is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

WHEREAS, Section 5.3 of the 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 1995-22.2, to approve a Development Order Amendment to amend Conditions of Approval of Resolution No. R-2005-0382, the development order previously granted by the approval of the petition of Arrigo Enterprises, Inc, Application No. 2004-814, which approved a Development Order Amendment, for property legally described as: All of the lands encompassed in the Plat of AutoNation of Palm Beach, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, as recorded in Plat Book 83, Page 92.

Together with:

The reservation of right of ingress and egress, subject to the terms thereof, contained in that certain quitclaim deed dated March 11, 1974, and recorded on March 12, 1974, in official records book 2279, page 1407, of the public records of Palm Beach County, Florida, being located on the southwest corner of Okeechobee Boulevard and the Florida Turnpike, in the Multiple Use Planned Development (MUPD) 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. Condition number C.1. of Resolution No. R-2005-0382 which currently states:

Total gross floor area shall be limited to a maximum of 123,112 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division and DRC. (BLDG. PERMIT: BLDG - Zoning) (Previous Condition C.1 of Resolution R-2002-0511, Petition DOA1995-022(B))

Is hereby amended to state:

Total gross floor area shall be limited to a maximum of 104,014 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division and DRC. (BLDG. PERMIT: BLDG - Zoning) (Previous Condition C.1 of

Resolution R-2005-0380, Application DOA2004-814) (BLDG PERMIT: BLDG - Zoning)

Commissioner Marcus moved for approval of the Resolution.

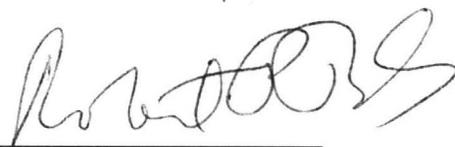
The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

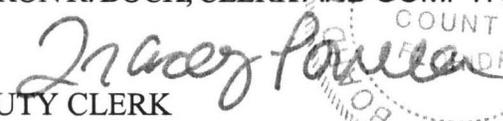
ADDIE L. GREENE, CHAIRPERSON	—	Aye
JOHN F. KOONS, VICE CHAIR	—	Aye
KAREN T. MARCUS	—	Aye
WARREN H. NEWELL	—	Aye
MARY MCCARTY	—	Aye
BURT AARONSON	—	Aye
JESS R. SANTAMARIA	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of November, 2006.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

SHARON R. BOCK, CLERK AND COMPTROLLER
BY: 
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 27th day of November, 2006.