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RESOLUTION NO. R-2008- 1388

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1998-077.3
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
FOR PROPERTY PREVIOUSLY REZONED BY
RESOLUTION NO. R-1999-0527
APPROVING THE PETITION OF HERBERT AND KARL KAHLERT
AS AMENDED BY RESOLUTION NO. R-2007-0222
CONTROL NO. 1998-077

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 1998-077.3 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on August 28, 2008; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1998-077.3 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. 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. The project can only meet the Countywide Traffic Performance Standards with the amendment of conditions of approval.
2. 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 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 1998-077.3, to approve a Development Order Amendment to amend conditions of approval, amending the development order previously granted by the approval of the application of Herbert and Karl Kahlert, Control No. 1998-077, confirmed by the adoption of Resolution R-1999-0527, which approved a rezoning to the MUPD - Multiple Use Planned Development District with a convenience store with gas sales as amended by Resolution No. R-2007-0222, on TRACTS 56 AND 57 OF BLOCK 24 OF PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45-54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SUBJECT TO THE RIGHTS OF WAY FOR LYONS ROAD AND LAKE WORTH ROAD:

CONTAINING: 17.94 ACRES MORE OR LESS, being located on the northeast corner of Lake

Worth Rd. and Lyons Rd., is approved subject to the following conditions of approval:

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. Condition 2 of Resolution R-2002-0222, Control No. 1998-077, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. Building permits for no more than the existing development (3000 sf convenience store with 12 fueling positions and car wash) and 26,000 sf of retail area – the equivalent of 241 PM peak hour trips, may be issued until the contract for construction is let for the proposed southbound Florida Turnpike interchange and corresponding intersection improvements at Lake Worth Road. (BLDG PERMIT: MONITORING – Eng)
- b. Building permits for no more than the existing development (3000 sf convenience store with 12 fueling positions and car wash) and 27,000 sf of retail area , the equivalent of 244 PM peak hour trips, may be issued until the contract for construction is let for an additional westbound left turn lane (for dual lefts) at the intersection of Lantana Road and Lyons Road. (BLDG PERMIT: MONITORING – Eng)
- c. No building permits for the site shall be issued after December 31, 2007. A time extension for this condition may be approved by the County Engineer based on an approved Traffic Study which complies with the mandatory Traffic Performance Standards in place at the time of the request. (DATE: MONITORING – Eng)
- d. The Property owner shall construct:
 - 1) right turn lane east approach on Lake Worth Road at the project's entrance road.
 - 2) right turn lanes at south approach on Lyons Road at both of the project's entrances
 - 3) Construction shall be completed prior to the issuance of the Certificate of Occupancy for the additional retail developments. (CO: MONITORING-Eng)

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. Building permits for no more than the existing development (3000 sf convenience store with 12 fueling positions and 1 car wash) - (the equivalent of 125 AM peak hour trips) may be issued until the contract for construction is let for the construction of the proposed southbound Florida Turnpike interchange and corresponding intersection improvements at Lake Worth Road. (BLDG PERMIT: MONITORING – Eng)
- b. No building permits for the site shall be issued after December 31, 2011. A time extension for this condition may be approved by the County Engineer based on an approved Traffic Study which complies with the mandatory Traffic Performance Standards in place at the time of the request. (DATE: MONITORING – Eng)

The foregoing Resolution was offered by Commissioner **Marcus** who moved
its adoption. The motion was seconded by Commissioner **Jeff** and, upon being
put to a vote, the vote was as follows: **Jeff Koons**

Commissioner Addie L. Greene, Chairperson	Aye	—
Commissioner John F. Koons, Vice Chair	Aye	—
Commissioner Karen T. Marcus	Aye	—
Commissioner Robert J. Kanjian	Aye	—
Commissioner Mary McCarty	Absent	—
Commissioner Burt Aaronson	Aye	—
Commissioner Jess R. Santamaria		—

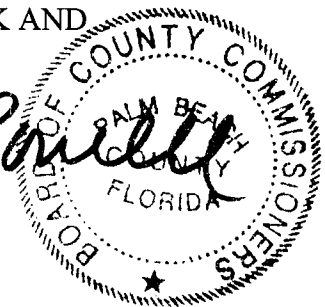
The Chair thereupon declared the resolution duly passed and adopted this 2nd day of September, 2008.

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

COMPTROLLER

SHARON R. BOCK, CLERK AND

By: *Nancy Powell*
Deputy Clerk



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: *[Signature]*
Assistant County Attorney

Filed with the Clerk of the Board of County Commissioners on the 2nd day of September, 2008.