

RESOLUTION NO. R-2009-0001

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 2005-237  
TO APPROVE A DEVELOPMENT ORDER AMENDMENT  
FOR PROPERTY PREVIOUSLY REZONED BY  
RESOLUTION NO. R-2006-023  
CONTROL NO. 2005-237 (2005-0778)  
THE APPLICATION OF MICHAEL FALK AND WF DEVELOPMENT VENTURES, INC.

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 Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report SR 2005-237 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on January 8, 2009; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 2005-237 and considered testimony, and the recommendations of the various county review agencies; and

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

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

1. A development order must be consistent with the Unified Land Development Code (ULDC) for a time extension to be approved.
2. To be consistent with the ULDC, the project must meet the Countywide Traffic Performance Standards (TPS).
3. The amendment of conditions of approval will cause the development order to meet TPS, and therefore be consistent with the ULDC.
4. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and Unified Land Development Code.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified 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 2005-237, to approve a Development Order Amendment to amend conditions of approval of Resolution No. R-2006-023, amending the development order previously granted by the approval of the application of Michael Falk and WF Development Ventures, Inc., Control No. 2005-237 (2005-0778), confirmed by the adoption of Resolution

R-2006-023, which approved a rezoning to the Multiple Use Planned Development (MUPD) District Zoning District, on property legally described as The North 200 feet of the South 400 feet of Tract 25, Block 55, THE PALM BEACH FARMS COMPANY, PLAT NO. 3, LESS the West 25 feet thereof, as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records of PALM BEACH COUNTY, FLORIDA.

AND

Tract 25, Less the West 25 feet thereof for road right-of-way and less the South 400 feet thereof, Block 55, THE PALM BEACH FARMS COMPANY, PLAT NO. 3, PALM BEACH FLORIDA, 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 2, Page 50, being located on the 500 feet south of Boynton Beach Boulevard on the east side of Hagen Ranch Road, is approved subject to the following conditions.

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. Engineering Condition 1 of R-2006-023 which currently states:

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

No Building Permits for the site may be issued after January 1, 2008. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the ULDC. (DATE: MONITORING - Eng)

Is hereby amended to read:

Engineering Condition 1.

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

1. Building permits for no more than 14,858 sf of Medical Office (the equivalent of 48 net PM peak hour trips) may be issued until construction commences on an additional southbound through lane at the intersection of Boynton Beach Blvd and Hagen Ranch Rd. (BLDG PERMIT: MONITORING - Eng)
2. No building permits for the site shall be issued after December 31, 2010. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING - Eng)

B. Acceptable surety for the design, right of way acquisition, and the Construction Engineering and Inspection Costs as well as the construction for the offsite road improvements as outlined in Engineering Condition No. 1.A.1 above shall be posted with the Land Development Division within 6 months of the Development Order. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. At any time during the duration of the surety the County Engineer shall have the authority to determine that sufficient progress has not been made for any and all required work. In the event such a determination is made, Palm Beach County shall have the right to request funds be drawn for the surety (surety drawn) and Palm Beach County may then complete all required work.

(DATE: MONITORING-Eng)

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

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

The Chair thereupon declared the resolution duly passed and adopted this 18th day of January, 2009.

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

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

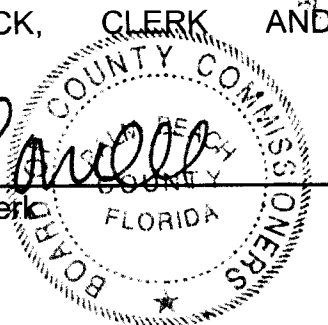
SHARON R. BOCK, CLERK AND  
COMPTROLLER

By: \_\_\_\_\_

Assistant County Attorney

By: \_\_\_\_\_

Deputy Clerk



Filed with the Clerk of the Board of County Commissioners on the 5th day of February, 2009.