

RESOLUTION NO. R-2009- 0717

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 1992-007.9  
TO REVOKE THE SPECIAL EXCEPTION APPROVED BY  
RESOLUTION NO. R-1993-516  
CONTROL NO. 1992-007  
THE PETITION OF SHIRLEY K. BERNSTEIN AND ANN K. SCHULMAN

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 1992-007.9 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on April 23, 2009; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1992-007.9 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 revoke a Special Exception; and

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

1. Resolution No. R-1993-516 was approved more than fifteen years ago;
2. Time extensions totaling ten years have previously been approved;
3. Development has not commenced since the development order was approved;
4. The site plan was certified January 24, 1996 and no building permits have been issued; and
5. The revocation of a resolution to approve a Special Exception is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

WHEREAS, Article 2.K.3.b (Action by the 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 1992-007.9, to revoke the Special Exception previously granted by the approval of the application of Shirley K. Bernstein and Ann K. Schulman, Control No. 1992-007, confirmed by the adoption of Resolution R-1993-516, on in the southwest 1/4 of the southwest 1/4 of the southeast 1/4 of Section 1, Township 45 south, Range 42 east, less the right-of-way of Military Trail and less the right-of-way of Hypoluxo Road, being located on the northeast corner of the intersection of Hypoluxo Rd. and Military Trail, in the CC-Community Commercial zoning

district with a Special Exception for a Planned General Commercial Development, including a fast food restaurant with drive-thru window, auto service station (automatic) and financial institution with 3 drive-up tellers Zoning District, is approved.

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

Commissioner John F. Koons, Chairman	—	Aye
Commissioner Burt Aaronson, Vice Chairman	—	Aye
Commissioner Karen T. Marcus	—	Aye
Commissioner Shelley Vana	—	Aye
Commissioner Steven L. Abrams	—	Aye
Commissioner Jess R. Santamaria	—	Aye
Commissioner Addie L. Greene	—	Aye

The Chair thereupon declared the resolution duly passed and adopted this 23rd day of April, 2009.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: [Signature]  
Assistant County Attorney

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

SHARON R. BOCK,  
CLERK AND COMPTROLLER  
By: [Signature]  
Deputy Clerk



Filed with the Clerk of the Board of County Commissioners on the 14th day of May, 2009. This resolution is effective when filed with the Clerk of the Board of County Commissioners.