

RESOLUTION NO. R-2001- 1208

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 88-65.9  
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-89- 1070  
WHICH APPROVED THE SPECIAL EXCEPTION OF  
HOWARD DARDASHTI  
PETITION NO. 88-65

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 SR 88-65.9 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on July 26, 2001; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 88-65.9 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. The project does not meet the Countywide Traffic Performance Standards.
2. When a time extension was approved in July 2000, the project met the Countywide Traffic Performance Standards by qualifying for one-fifth of five (5) percent additional traffic available to new development on already overcapacity roads (Congress Avenue from Lake Worth Road to Sixth Avenue South).
3. If this project were to keep the one-fifth of five (5) percent additional traffic available to new development on already overcapacity roads, there would be no additional traffic capacity for any new project which attempted to obtain a concurrency reservation.
4. The property owner was notified in July 2000 that the project might not meet the Countywide Traffic Performance Standards when the time extension expired, and that if development did not commence prior to the expiration of the time extension, an additional time extension might not be recommended by staff in the next status report.
5. The Traffic Division recommends the amendment of conditions of approval.
6. With the amendment of conditions of approval, the project will meet the Countywide Traffic Performance Standards.

7. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.
8. The property owner has not commenced development since the rezoning and special exception were approved more than twelve (12) years ago.

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. SR 88-65.9, to amend Conditions of Approval of Resolution No. R-89- 1070, the Special Exception of Howard Dardashti, Petition No. 88-65, which granted a Special Exception to permit a Planned Commercial Development (PCD) on a parcel of land lying on Lot E, Block 1, Palm Beach Farms Co. Plat No. 7, in Section 30, Township 44 South, Range 43 East, as recorded in Plat Book 5, Page 72. Less, the South 35 feet thereof for Canal Right-of-way., being located on the west side of Congress Ave., approx. 0.1 mile south of Lake Worth Rd. in the CG-General Commercial Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Prior to the issuance of any building permits, the contract shall be let for the construction of Congress Avenue as a six lane cross section from Lake Worth Road to Sixth Avenue South.

Commissioner Roberts moved for approval of the Resolution.

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

WARREN H. NEWELL, CHAIRMAN	—	Aye
CAROL A. ROBERTS, VICE CHAIR	—	Aye
BURT AARONSON	—	Aye
ADDIE L. GREENE	—	Aye
KAREN T. MARCUS	—	Absent
TONY MASILOTTI	—	Aye
MARY MCCARTY	—	Absent

The Chair thereupon declared the resolution was duly passed and adopted this 26 day of July, 2001.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY: [Signature]  
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK  
BY: [Signature]  
DEPUTY CLERK

