

RESOLUTION NO. R-99- 207 1.1

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. CR 94-25  
TO AMEND CONDITIONS OF APPROVAL OF  
RESOLUTION NO. Z-R-94-07  
WHICH APPROVED THE SPECIAL EXCEPTION OF  
ANTHONY F. AGRUSA  
PETITION NO. 94-25

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 CR 94-25 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on October 28, 1999; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 94-25 and considered testimony, 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 amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code (ULDC).
2. Condition number 7 of Resolution Z-R-99-01 states that a failure to comply with any of the conditions of approval may result in a requirement "to conform with the standards of the ULDC at the time of finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions."
3. The landscaping called for in Condition 6 of Resolution Z-R-99-01 has not been completely installed.
4. The use limitation of condition number H.1. of Resolution Z-R-94-07 has been repeatedly violated.
5. The amendment of conditions is reasonably related to the failure to comply with existing conditions.
6. The additional conditions are required to ensure compliance with the Unified Land Development Code.

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. CR 94-25, to amend Conditions of Approval of Resolution No. Z-R-94-07, the Special Exception of Anthony F. Agrusa, Petition No. 94-25, which granted a Class B Conditional Use allowing Building Supplies, Retail, on the North 150.00 feet, of the South 200.00 feet, of the East 75.00 feet, of the West 350.00 feet, of the Southeast 1/4, of Section 13, Township 42 South, Range 42 East, Palm Beach County, Florida.

Containing 0.2583 acres, more or less, being located on the north side of Northlake Boulevard, approximately 300 feet east of Military Trail, in the CG-General Commercial Zoning District, is approved, subject to the following conditions:

1. All previous conditions of approval contained in resolutions Z-R-94-07 and Z-R-99-01 continue to apply to the subject property unless expressly modified herein.
2. Hours of business operation shall be restricted to 8:00 a.m. to 5:00 p.m., Monday through Friday only. (ONGOING: CODE ENF)
3. No commercial vehicle parking shall be allowed on site between 6:00 p.m. and 7:30 a.m. or on weekends. (ONGOING: CODE ENF)
4. Commercial vehicles shall be allowed to temporarily (one hour or less) park on site only if actively loading and/or unloading. (ONGOING: CODE ENF)

Commissioner **Marcus** moved for approval of the Resolution.

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

MAUDE FORD LEE, CHAIR	—	Aye
WARREN H. NEWELL, VICE CHAIR	—	Aye
BURT AARONSON	—	Aye
KAREN T. MARCUS	—	Aye
TONY MASILOTTI	—	Absent
MARY MCCARTY	—	Aye
CAROL ROBERTS	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 28 day of October, 1999.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:   
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
DEPUTY CLERK

