

RESOLUTION NO. R-2004-0398

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 1985-084C.3  
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-2002-2200  
WHICH APPROVED THE STATUS REPORT RECOMMENDATION FOR  
SR 1985-084C

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 Unified Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report SR 1985-084C.3 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on February 26, 2004; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1985-084C.3 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 Unified 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. An amendment to the Countywide Traffic Performance Standards (TPS) affects reviews required by Section 5.8 of the Unified Land Development Code (ULDC).
2. The Palm Beach County Traffic Division has determined that with the amendment of conditions of approval, the project will meet the amended TPS.
3. 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 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 1985-084C.3, to approve a Development Order Amendment to amend conditions of approval of Resolution No. R-2002-2200, an amendment of the Special Exception for a church/child day care facility and school for the Berean Baptist Church of West Palm Beach, property being legally described as Tract 14, Block 1, The Palm Beach Farms Co. Plat No. 9, as recorded in Plat Book 5, page 58, public records of Palm Beach County, Florida. Less the east 40 feet and the north 70 feet of Tract 14, Block 1, Palm Beach Farms Co. Plat No. 9, according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 4, page 58, all lying west of the canal right-of-way, being located on the south side of Okeechobee Boulevard, approximately 0.4 mile west of Benoist Farms Road, in the Residential Single Family Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition number 3 of Resolution No. R-2002-2200 which states:

No building permits for development exceeding 1,003 trips per day (the 24,768 square foot church/fellowship hall addition, 121-student school addition, and 7,452 square foot day care addition, or any equivalent combination of land uses as approved by the County Engineer) shall be issued until either the contract is awarded for construction of Okeechobee Boulevard, from Benoist Farms Road to the Florida Turnpike to an 8-lane divided cross-section or this development is determined eligible for inclusion in the Okeechobee CRALLS list of projects. (BLDG PERMIT: MONITORING)

Is hereby amended to state:

Building permits shall be issued only for 28,379 square feet of Phase I Activity/Fellowship Building/Cafeteria/Gym and no increase above the current school enrollment shall occur until a time extension has been approved based upon a traffic study which complies with the mandatory Traffic Performance Standards in place at the time of the request. (BLDG PERMIT: MONITORING - Bldg)

Commissioner Masilotti moved for approval of the Resolution.

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

KAREN T. MARCUS, CHAIR	—	Nay
TONY MASILOTTI, VICE CHAIRMAN	—	Aye
JEFF KOONS	—	Aye
WARREN H. NEWELL	—	Aye
MARY MCCARTY	—	Aye
BURT AARONSON	—	Aye
ADDIE L. GREENE	—	Aye


The Chair thereupon declared the resolution was duly passed and adopted this 26 day of February, 2004.

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



Filed with the Clerk of the Board of County Commissioners on the 29 day of March, 2004.