

RESOLUTION NO. R-2004-0516

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1978-231A.2
TO REVOKE THE CONDITIONAL USE "A" APPROVED BY
RESOLUTION NO. R-98-2034
PETITION NO. 1978-231(A)
THE PETITION OF WASH DEPOT VII, 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 1978-231A.2 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on March 25, 2004; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1978-231A.2 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 the Conditional Use "A"; and

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

1. A recent amendment to the Countywide Traffic Performance Standards (TPS) affects reviews required by Article 2.E. of the Unified Land Development Code.
2. Property owners must submit a new traffic study for staff to be able to determine if a previously approved project meets the Countywide Traffic Performance Standards (TPS).
3. The property owner was notified that a new traffic study was required by February 1, 2004.
4. A traffic study was not submitted, therefore a determination of compliance with the Countywide traffic Performance Standards (TPS) cannot be made.
5. A failure to document compliance with the Countywide Traffic Performance Standards is a failure to document a continuing ability to meet all current concurrency requirements.
6. Without a determination of compliance with TPS and therefore concurrency, a determination of consistency with the Unified Land Development Code also cannot be made.

7. The development order was approved more than five years ago.
8. A two-year time extension was previously approved.
9. Development has not yet commenced.
10. The property owner has not documented any efforts to commence development.
11. The property owner has not documented any circumstances beyond the control of the property owner which has prevented the commencement of development.
12. The revocation of a conditional use is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

WHEREAS, Section 5.3 of the 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 1978-231A.2, to revoke the Conditional Use "A" previously granted by the approval of the petition of Wash Depot VII, Inc., Petition No. 1978-231(A), confirmed by the adoption of Resolution R-98-2034, which approved a Class A Conditional Use (CA) to allow repair and maintenance, general (quick lube), on property legally described as BEING THE WEST THREE HUNDRED FIFTY FEET (350') OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THAT PORTION OF TRACT 6, BLOCK 1, IN THE NORTHEAST ONE-QUARTER (NE ¼) OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, AS PER PLAT OF PALM BEACH PLANTATIONS RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 10, PAGE 20, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL AND THE SOUTHWEST CORNER OF LANG'S ACRES, AS SHOWN IN PLAT BOOK 23, PAGE 104, FOR A POINT OF BEGINNING; RUN THENCE EAST ON THE SOUTH LINE OF LANG'S ACRES, A DISTANCE OF 792 FEET TO A POINT; THENCE RUN IN A SOUTHERLY DIRECTION, A DISTANCE OF 165 FEET TO A POINT; THENCE RUN WEST, PARALLEL TO THE SOUTH LINE OF SAID LANG'S ACRES, A DISTANCE OF 792 FEET TO THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE RUN NORTHERLY ALONG THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL TO THE POINT OF BEGINNING -LESS THE WEST 20 FEET FOR RIGHT-OF-WAY.

ALSO DESCRIBED AS FOLLOWS:

A PART OF TRACT 6, BLOCK 1, PALM BEACH PLANTATIONS AS RECORDED IN PLAT BOOK 10, PAGE 20 OF THE PUBLIC RECORDS OF PALM BEACH, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 21 OF LANG'S ACRES AS RECORDED IN PLAT BOOK 23, PAGE 104 OF THE PUBLIC RECORDS OF PALM BEACH, FLORIDA. THENCE N 89°53'31" E, ALONG THE SOUTH BOUNDARY OF SAID LANG'S ACRES, A DISTANCE OF 20.02 FEET TO THE POINT OF BEGINNING. SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF MILITARY TRAIL; THENCE CONTINUE N 89°53'31" E, ALONG SAID SOUTHERLY BOUNDARY LINE, A DISTANCE OF 350.16 FEET; THENCE, DEPARTING SAID SOUTHERLY BOUNDARY LINE, S 2°45'59" E A DISTANCE OF 164.65 FEET; THENCE IN 90°00'00"W A DISTANCE OF 350.19 FEET TO THE SAID EASTERLY RIGHT OF WAY LINE OF MILITARY TRAIL; THENCE N 2°45'59" W, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 163.98 FEET TO THE POINT OF BEGINNING.

LESS THAT CERTAIN RIGHT-OF-WAY DESCRIBED IN OFFICIAL RECORDS BOOK 3002, PAGE 1770, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, being located on the east side of Military Tr., approximately 1550 ft. north of Forest Hill Boulevard, in the CG-General

Commercial Zoning District, is approved.

Commissioner McCarty moved for approval of the Resolution.

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

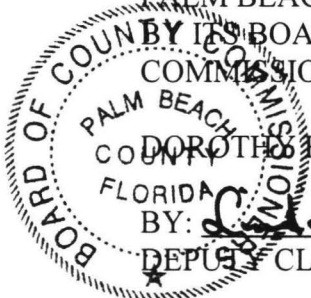
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|-------------------------------|---|--------|
| KAREN T. MARCUS, CHAIR | — | Absent |
| TONY MASILOTTI, VICE CHAIRMAN | — | Aye |
| JEFF KOONS | — | Absent |
| WARREN H. NEWELL | — | Aye |
| MARY MCCARTY | — | Aye |
| BURT AARONSON | — | Aye |
| ADDIE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

The Chair thereupon declared the resolution was duly passed and adopted this 25 day of March, 2004.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: [Signature]
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY COMMISSIONERS
 DOROTHY H. WILKEN, CLERK
 BY: [Signature]
 DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 14 day of April, 2004.