

RESOLUTION NO. R-2004- 0967

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1994-13.5
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
FOR PROPERTY PREVIOUSLY GRANTED A ZONING MAP AMENDMENT BY
RESOLUTION NO. R-95-435
APPROVING THE PETITION OF CHIMU, INC.
PETITION NO. 1994-013

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 Unified Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report SR 1994-13.5 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on May 27, 2004; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1994-13.5 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. of the Palm Beach County Unified Land Development Code authorizes the Board of County Commissioners to approve development order amendments; and

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

1. Article 2.E. of the Unified Land Development Code (ULDC) requires staff to determine if previously approved development orders are consistent with the ULDC.
2. Article 15 of the ULDC requires development orders to comply with the Countywide Traffic Performance Standards (TPS).
3. Ordinance 2003-013 amended the Palm Beach County Traffic Performance Standards.
4. Since the adoption of Ordinance 2003-013, a new traffic study is required for staff to determine if Resolution R-95-435 meets the current Traffic Performance Standards.
5. A new traffic study was submitted to Palm Beach County.
6. Article 2.E. only permits the approval of a time extension if a development order is consistent with the ULDC, or can be made consistent by the amendment of conditions of approval.

7. With the amendment of conditions of approval, the project will meet the Countywide Traffic Performance Standards and therefore be consistent with the ULDC.
8. 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 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 1994-13.5, to approve a Development Order Amendment to amend Conditions of Approval of Resolution No. R-95-435 the development order previously granted by the approval of the petition of Chimu, Inc., Petition No. 1994-013, confirmed by the adoption of Resolution R-95-435, which approved a rezoning to the Multiple Use Planned Development District (MUPD) including a Requested Use for a fast food restaurant, on the southwest one-quarter of the southeast one-quarter of the southwest one-quarter of Section 1, Township 45 South, Range 42 East, less the right-of-way conveyed to the County of Palm Beach on October 12, 1959 in Official Records Book 415, page 181, Public Records of Palm Beach County, Florida. Containing 8.94 acres more or less. Subject to easements, restrictions, reservations and rights-of-way of record, being located on the north side of Hypoluxo Rd., approx. 0.25 mile west of Military Trail, is approved subject to the following conditions:

1. All previously approved conditions continue to apply unless expressly modified herein. (ONGOING)
2. Building permits for no more than 31,500 s.f. of General Retail, 4500 s.f. of Fast Food Restaurant, and 16,000 s.f. of General Office (or the equivalent of 474 new external PM peak hour trips as approved by the County Engineer) shall be issued until the contract is awarded for the construction of Hypoluxo Road from Jog Road to Military Trail to a 6-lane divided cross section. (BLDG PERMIT: MONITORING-Eng)
3. No building permits shall be issued after December 31, 2008 unless a time extension has been approved by the County Engineer's Office based upon an approved traffic study which

complies with the mandatory Traffic Performance Standards in place at the time of the request. (DATE/BLDG PERMIT: MONITORING-Eng)

Commissioner Aaronson moved for approval of the Resolution.

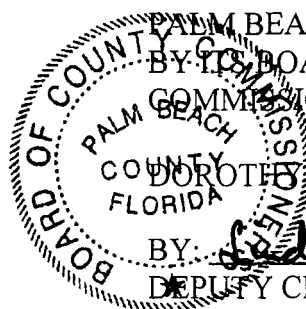
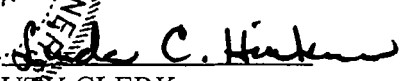
The motion was seconded by Commissioner Greene and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared the resolution was duly passed and adopted this 27 day of May, 2004.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

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

Filed with the Clerk of the Board of County Commissioners on the 22 day of June, 2004.