

RESOLUTION NO. R-2004- 1376

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1984-173C.3
TO REVOKE THE DEVELOPMENT ORDER AMENDMENT APPROVED BY
RESOLUTION NO. R-2002-0834
PETITION NO. 1984-173C
THE PETITION OF MEDINA L.L.C.

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 1984-173C.3 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on June 16, 2004; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1984-173C.3 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. 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-2002-0834 meets the current Traffic Performance Standards.
5. A new traffic study has not been submitted to Palm Beach County.
6. Staff cannot determine if the development order is consistent with the Traffic Performance Standards because a new traffic study has not been submitted.
7. Staff therefore cannot determine if the development order is consistent with the Unified Land Development Code.
8. 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.

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 1984-173C.3, to revoke the Development Order Amendment previously granted by the approval of the petition of Medina L.L.C. Petition No. 1984-173C, confirmed by the adoption of Resolution R-2002-0834, which modified the site plan of a Planned Commercial Development (vehicle sales and rental service and an auto service station with major repairs), to add square footage and to allow an auto paint and body shop, on a parcel of land lying on lots 20 and 21, LESS the North 75.00 feet thereof, lots 11 thru 19, 41 thru 43 and 46 thru 50, Block 33, West Gate Estates (Northern Section), Plat Book 8, Page 38, Section 30, Township 43 South, Range 43 East, being located on the south side of Westgate Avenue, bound on the south by Nokomis Avenue, approximately 0.1 mile east of Tallahassee Drive, in the CG-General Commercial zoning district, is approved.

Commissioner Masilotti moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 16 day of June, 2004.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

BY: [Signature]
COUNTY ATTORNEY



BY: [Signature] H. WILKEN, CLERK

DEPUTY CLERK

Filed with the Clerk of the Board of County Commissioners on the 13 day of July, 2004.