

RESOLUTION NO. R-2004-1636

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1975-151C
TO REVOKE THE DEVELOPMENT ORDER AMENDMENT APPROVED BY
RESOLUTION NO. R-2001-0149
PETITION NO. 1975-151C
THE PETITION OF LANDCO, 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 1975-151C was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on July 22, 2004; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1975-151C 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 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-2001-0149 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 1975-151C, to revoke the Development Order Amendment previously granted by the approval of the petition of LandCo, Inc., Petition No. 1975-151C, confirmed by the adoption of Resolution R-2001-0149, which allows a type III, congregate living facility, on Tract A., Plat No. 1, Delray Villas, 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 37, Page 4, being located on the southeast corner of Via Flora and Lake Ida Road 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

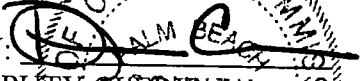
The Chair thereupon declared the resolution was duly passed and adopted this 22 day of July, 2004.

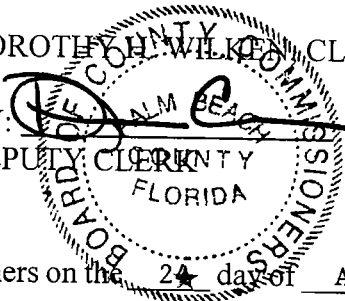
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKES, CLERK

BY: 
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 24 day of August, 2004.