

RESOLUTION NO. R-2004- 1637

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 2000-090
TO REVOKE THE CONDITIONAL USE "A" APPROVED BY
RESOLUTION NO. R-2001-0819
PETITION NO. 2000-090
THE PETITION OF KAREN PADYJASEK

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 2000-090 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 2000-090 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-2001-0819 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.

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 2000-090, to revoke the Conditional Use "A" previously granted by the approval of the petition of Karen Padyjasek, Petition No. 2000-090, confirmed by the adoption of Resolution R-2001-0819, which approved a Class A Conditional Use to allow a motion picture production studio, an outdoor entertainment use, a boarding and rooming house and a campground, on LOTS 21, 22, 25, 26, 29, 30, 32 THRU 37 INCLUSIVE, LOTS 55 THRU 73 INCLUSIVE, TOGETHER WITH SW 17th STREET 50 FOOT RIGHT OF WAY AND A PORTION OF BELL AVENUE 50 FOOT RIGHT OF WAY, VICTOR L. GEIGER'S SECOND ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 21, PAGE 71, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE WEST 40.00 FEET THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PLAT; THENCE SOUTH 90°00'00" WEST ALONG THE SOUTH LINE OF SAID PLAT, 420.93 FEET TO A LINE BEING 40.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID PLAT, SAID LINE ALSO BEING THE EASTERLY LINE OF THE 40.00 FOOT RIGHT OF WAY FOR THE LAKE OKEECHOBEE LEVEE, HOOVER DIKE, AS RECORDED IN OFFICIAL RECORD BOOK 840, PAGE 834, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 03°28'15" EAST ALONG SAID PARALLEL LINE AND SAID EASTERLY RIGHT OF WAY LINE, 868.44 FEET TO THE NORTH LINE OF SAID LOT 55; THENCE SOUTH 90°00'00" EAST ALONG SAID NORTH LINE, 84.93 FEET TO THE NORTHEAST CORNER OF SAID LOT 55, SAME BEING THE WESTERLY RIGHT OF WAY LINE OF SAID BELL AVENUE; THENCE SOUTH 03°28'15" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE, 260.02 FEET TO A LINE BEING 10.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 60; THENCE SOUTH 90°00'00" EAST ALONG SAID PARALLEL LINE, 50.09 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID BELL AVENUE, SAME BEING A LINE 10.00 FOOT SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 21; THENCE NORTH 03°28'15" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, 10.02 FEET TO THE NORTHWEST CORNER OF SAID LOT 21; THENCE SOUTH 90°00'00" EAST ALONG THE NORTH LINE OF SAID LOT 21, 100.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 21; THENCE SOUTH 03°28'15" WEST ALONG THE EASTERLY LINE OF SAID LOTS 21, 22, 25, 26, 29 AND 30, A DISTANCE OF 300.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 30; THENCE SOUTH 90°00'00" EAST ALONG THE NORTH LINE OF SAID LOT 32, A DISTANCE OF 140.38 FEET TO THE NORTHEAST CORNER OF SAID LOT 32, SAME BEING THE EAST LINE OF SAID PLAT AND THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD (AIRPORT ROAD) AS RECORDED IN PLAT BOOK 23, PAGE 39, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 04°43'15" EAST ALONG SAID EASTERLY LINE AND SAID WESTERLY LINE, 318.94 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING 4.996 ACRES

(217,627 SQUARE FEET) MORE OR LESS., being located on the north side of Pahokee Airport, in the Residential High (RH) Zoning District, is approved.

Commissioner Masiotti 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

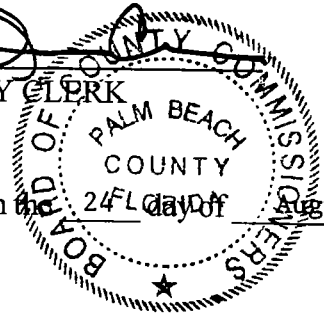
The Chair thereupon declared the resolution was duly passed and adopted this 22 day of July, 2004.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

BY: 
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: 
DEPUTY CLERK



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