

RESOLUTION NO. R-2005-0385

RESOLUTION CORRECTING RESOLUTION NO. R-2004-0720
WHICH APPROVED RECOMMENDATION OF STATUS REPORT CR 2002-027/E10
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-2003-0103
FOR THE PREVIOUS PETITION OF LANCE UHLEY, TRUSTEE
PETITION NO. 2002-027

WHEREAS, the Board of County Commissioners on April 22, 2004, conducted a public hearing for Status Report CR 2002-027/E10; and

WHEREAS, Resolution NO. R-2004-0720 adopted on April 22, 2004, inadvertently contained an error in condition number 2; and

WHEREAS, condition number 2 of Resolution NO. R-2004-0720 should have read as follows:

Condition No. E.2. of Resolution No. R-2003-103 which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a.) Building permits shall not be issued for more than 3493 square feet of convenience store, a 12-fueling position gas station, 2143 square feet of fast food restaurant, 2200 square feet of retail, 114345 square feet of self-storage, 1 caretakers unit, 0.3 acres of outdoor storage, a 3-bay oil change facility, a 1-bay automatic car wash, and a 7710 square feet tire store until construction has commenced for the 4-lane widening of Lyons Road from Lantana Road to Hypoluxo Road. (BLDG PERMIT: MONITORING-Eng)
- b.) The developer shall provide an approved phasing plan prior to DRC approval outlining how the site will comply with the phasing condition "a" above. (DRC APPROVAL: ENG)
- c.) No Building Permits for the site may be issued after December 31, 2004. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng)

Acceptable surety required for the Lyons Road widening improvements as outlined in the Condition above shall be posted with the Office of the Land Development Division on or before July 23, 2003. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. (TPS - Maximum 6 month time extension) (DATE: MONITORING-Eng)

Is hereby amended to state:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a.) Building permits shall not be issued for more than 3493 square feet of convenience store, a 12-fueling position gas station, 2143 square feet of fast food restaurant, 2200 square feet of retail, 114345 square feet of self-storage,

1 caretakers unit, 0.3 acres of outdoor storage, a 3-bay oil change facility, a 1-bay automatic car wash, and a 7710 square feet tire store until construction has commenced for the 4-lane widening of Lyons Road from Lantana Road to Hypoluxo Road. (BLDG PERMIT: MONITORING-Eng)

- b) The developer shall provide an approved phasing plan prior to DRC approval outlining how the site will comply with the phasing condition "a" above. (DRC APPROVAL: ENG)
- c) No Building Permits for the site may be issued after December 31, 2004. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

- 1. The foregoing recitals are hereby affirmed and ratified.
- 2. Condition number 2 of Resolution R-2004-0720 is hereby corrected.

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:

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

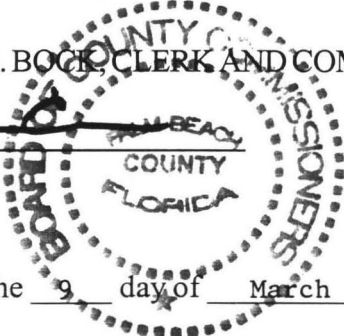
The Chair thereupon declared the resolution was duly passed and adopted this 24 day of February, 2005.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

BY: [Signature]
COUNTY ATTORNEY

SHARON R. BOGUE, CLERK AND COMPTROLLER

BY: [Signature]


Filed with the Clerk of the Board of County Commissioners on the 9 day of March, 2005.