

RESOLUTION NO. R-2005-0811

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 1977-168A  
TO REVOKE THE CONDITIONAL USE "A" APPROVED BY  
RESOLUTION NO. R-2001-1864  
PETITION NO. 1977-168A  
THE PETITION OF COPART OF CONNECTICUT

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 1977-168A was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on April 28, 2005; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1977-168A 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. The Countywide Traffic Performance Standards require the submission of a new traffic study for staff to be able to determine if Resolution R-2001-1864 meets current TPS.
4. A new traffic study has not been submitted to Palm Beach County.
5. Staff cannot determine if the development order is consistent with the Traffic Performance Standards because a new traffic study has not been submitted.
6. Staff therefore cannot determine if the development order is consistent with the Unified Land Development Code.
7. 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.
8. The approval of a development order revocation is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

9. The property owner requested the revocation of the conditional use.

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 1977-168A, to revoke the Conditional Use "A" previously granted by the approval of the petition of Copart of Connecticut, Petition No. 1977-168A, confirmed by the adoption of Resolution R-2001-1864, which approved a Class A conditional Use to allow a salvage yard, on the easterly 238.75 feet of Tract 6, Block 6, of the Palm Beach Farms Co. Plat No. 3, according to the plat thereof, recorded in Plat Book 2, Page 45, Public Records of Palm Beach County, Florida, less the northerly 38 feet thereof, described as follows:

Less-out the northerly 38 feet to the easterly 238.75 feet of Tract 6, Block 6, The Palm Beach Farms Co. Plat No. 3, according to the plat thereof, recorded in Plat Book 2, Page 45 of the Public Records of Palm Beach County, Florida.

Together with the West 166.31 feet of the east 405.06 feet of the south 92.00 feet of the north 130.00 feet of Tract 6, block 6, of The Palm Beach Farms Company Plat No. 3, according to the plat thereof, recorded in Plat Book 2, page 45 of the Public Records of Palm Beach County, Florida, being located approximately 700 feet east of Benoist Farms Road on the south side of Belvedere Road, in the General Industrial Zoning District, is approved.

Commissioner Marcus moved for approval of the Resolution.

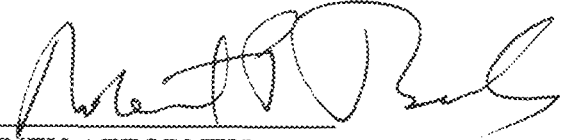
The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

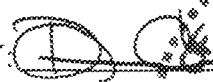
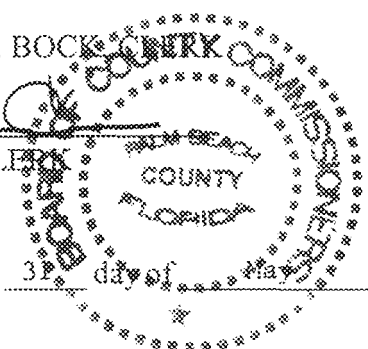
TONY MASILOTTI, CHAIRMAN	---	Aye
ADDIE L. GREENE, VICE CHAIRPERSON	----	Aye
JEFF KOONS	---	Aye
WARREN H. NEWELL	---	Absent
MARY MCCARTY	---	Absent
BURT AARONSON	----	Aye
KAREN T. MARCUS	----	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 28 day of April, 2005.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

BY:   
COUNTY ATTORNEY

SHARON R. BOCK  
BY:   
DEPUTY CLERK  


Filed with the Clerk of the Board of County Commissioners on the 31 day of May, 2005.