

RESOLUTION NO. R-2006- 0280

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 1998-078C  
TO APPROVE A DEVELOPMENT ORDER AMENDMENT  
FOR PROPERTY PREVIOUSLY GRANTED A DEVELOPMENT ORDER AMENDMENT  
BY RESOLUTION NO. R-2002-1255  
APPROVING THE PETITION OF HERBERT F. KAHLERT AND KARL A. KAHLERT  
PETITION NO. 1998-078C

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 Unified Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report SR 1998-078C was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on February 23, 2006; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1998-078C and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. authorizes the Board of County Commissioners to approve Development Oder Amendments; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. Article 15 of the ULDC requires development orders to comply with the Countywide Traffic Performance Standards (TPS).
2. A new traffic study was submitted to Palm Beach County.
3. The traffic study documented that the project can meet TPS with the amendment of conditions of approval.
4. 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.
5. The approval of a development order amendment to amend conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code

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 1998-078C, to approve a Development Order Amendment to amend conditions of approval, amending the development order previously granted by the approval of the petition of

Herbert F. Kahlert and Karl A. Kahlert, Petition No. 1998-078C, confirmed by the adoption of Resolution R-2002-1255, which approved a Development Order Amendment (DOA) to reconfigure master plan; add square footage and to allow a convenience store with gas sales, a carwash and a fast food restaurant, on Tracts 49 through 51, 61 and 62, inclusive, less the west 10 feet of the north 375 feet of tract 51 and less the west 92 feet of the south 284 feet of tract 51 and less the west 440 feet of tract 61, and less the right of way for Jog Road, said lands lying entirely within block 56, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, Pages 45 to 54, inclusive, Palm Beach County Records, being located on the northwest corner of Jog Road and Woolbright Road, in the Multiple Use Planned Development (MUPD) Zoning District. The amended conditions of approval are as follows:

1. All previously approved conditions of approval continue to apply.
2. In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:
  - a. Building permits for no more than 65,000 s.f. of retail area (the equivalent of 266 net new PM peak hour trips) shall be issued until the contract for construction is let on Jog Road from Lake Ida Road to Atlantic Avenue as a 6-lane section (BLDG PERMIT: MONITORING - Eng)
  - b. No building permits for the site shall be issued after January 1, 2007. A time extension for this condition may be approved by the County Engineer based on an approved Traffic Study, which complies with the mandatory Traffic Performance Standards in place at the time of the request. (DATE: MONITORING - Eng)

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner McCarty 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	—	Aye
BURT AARONSON	—	Absent
KAREN T. MARCUS	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 23rd day of February, 2006.

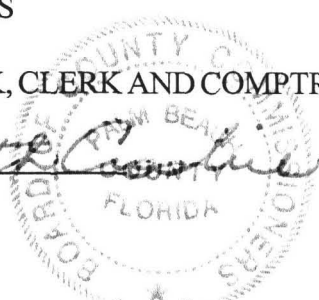
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY

SHARON R. BOCK, CLERK AND COMPTROLLER

BY:   
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 23rd day of February, 2006.