

RESOLUTION NO. R-2006-1534

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1989-132.10
TO REVOKE THE SPECIAL EXCEPTION APPROVED BY
RESOLUTION NO. R-1990-859, AND
TO REVOKE THE DEVELOPMENT ORDER AMENDMENT APPROVED BY
RESOLUTION NO. R-2002-1240
PETITION NO. 1989-132
THE PETITIONS OF SAMI, RONI, AND ROZANNE SEHAYIK AND
PALM BEACH COUNTY

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 1989-132.10 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on July 23, 2006; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1989-132.10 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 Special Exception; 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 No. R-1990-859 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.

8. If a time extension cannot be approved, a revocation must be approved
9. The approval of a revocation of development order 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 1989-132.10, 1) to revoke the Special Exception previously granted by the approval of the petition of Sami, Roni, and Rozanne Sehayik, Petition No. 1989-132, confirmed by the adoption of Resolution R-1990-859, which approved a Special Exception to permit a Planned Office Business Park, including a restaurant and lounge; and 2) to revoke the Development Order Amendment which amended conditions of approval which was approved by the adoption of Resolution No. 2002-1240, on Lots 43, 44, 45 and 46 Kelsey Acres Plat No. 2, Plat Book 24, Page 47, Section 17, Township 42 South, Range 43 East, being located on the NE corner of the intersection of S.R. A1A and Richard Rd., in the CS-Specialized Commercial Zoning District and granted a Special Exception to permit a Planned Office Business Park, including a restaurant and lounge Zoning District, is approved.

Commissioner Koons moved for approval of the Resolution.

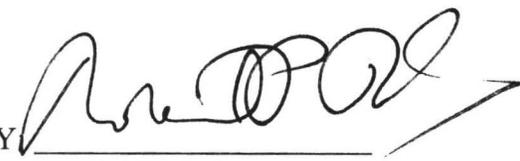
The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

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

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