

RESOLUTION NO. R-2006-1537

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 2002-034  
TO REVOKE THE CONDITIONAL USE "A" APPROVED BY  
RESOLUTION NO. R-2002-1964  
PETITION NO. 2002-034  
THE PETITION OF LAWRENCE FISHER

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 2002-034 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on August 23, 2006; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 2002-034 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-2002-1964 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. Condition number E.3. prohibits the issuance of building permits after December 31, 2004.

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 2002-034, to revoke the Conditional Use "A" previously granted by the approval of the petition of Lawrence Fisher, Petition No. 2002-034, confirmed by the adoption of Resolution R-2002-1964, which allows a general daycare, on A PORTION OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST ONE-QUARTER (NW ¼); THENCE SOUTH 89° 15' 59" WEST ALONG THE NORTH LINE OF SAID NORTHWEST ONE-QUARTER (NW ¼), A DISTANCE OF 91.32 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON THE WEST RIGHT-OF-WAY LINE OF JOG ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 6314, PAGE 958 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAME BEING THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 1577.02 FEET ( A RADIAL LINE TO SAID POINT BEARS NORTH 74° 33'23" EAST): THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND SAID WEST RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 13° 28' 15", AN ARC DISTANCE OF 370.77 FEET TO A POINT OF NON-TANGENCY: THENCE SOUTH 89° 12' 47" WEST, 104.78 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 231.70 FEET; THENCE WESTERLY, NORTHWESTERLY, AND NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90° 03' 12", AN ARC DISTANCE OF 364.17 FEET; THENCE NORTH 00° 44' 01" WEST, 134.74 FEET TO THE NORTH LINE OF AFORESAID NORTHWEST ONE-QUARTER (NW ¼); THENCE NORTH 89° 15' 59" EAST, 285.38 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING 2.414 ACRES, MORE OR LESS, being located approximately 1,000 feet south of Lantana Road on the west side

of Jog Road, in the Residential Transitional Urban(RTU) 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:

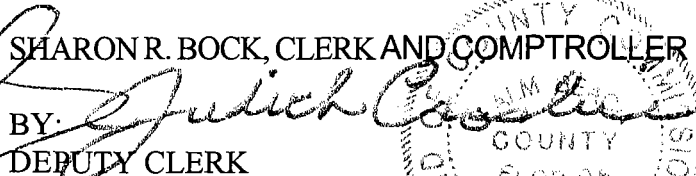
TONY MASILOTTI, CHAIRMAN	---	Aye
ADDIE L. GREENE, VICE CHAIRPERSON	---	Aye
JEFF KOONS	---	Aye
WARREN H. NEWELL	---	Aye
MARY MCCARTY	---	Absent
BURT AARONSON	---	Aye
KAREN T. MARCUS	---	Aye

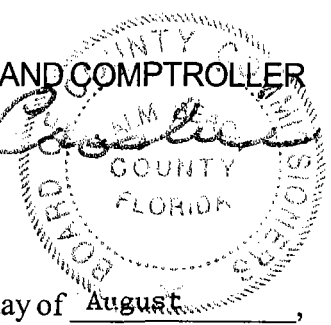
The Chair thereupon declared the resolution was duly passed and adopted this 23rd day of August, 2006.

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.