

RESOLUTION NO. R-2007-1045

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1993-006
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
FOR PROPERTY PREVIOUSLY GRANTED A CONDITIONAL USE "A" BY
RESOLUTION NO. R-93-650
APPROVING THE PETITION OF SIEMENS & ASSOCIATES, INC.
PETITION NO. 1993-006

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 1993-006 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on June 28, 2007; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1993-006 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. of the Palm Beach County Unified Land Development Code authorizes the Board of County Commissioners to approve development order amendments; 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-93-650 meets current TPS.
4. A new traffic study was not 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 amendment of conditions of approval will restrict development on the property to what currently exists.

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 1993-006, to approve a Development Order Amendment to amend Conditions of Approval of Resolution No. R-93-650, the development order previously granted by the approval of the petition of Siemens & Associates, Inc., Petition No. 1993-006, confirmed by the adoption of Resolution R-93-650, which approved a Conditional Use "A" to allow a medical office, on property legally described in Exhibit A, being located on the southwest corner of Jog Road and Boynton Beach Boulevard, in the General Commercial (CG) Zoning District, is approved subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING: Zoning)

2. Condition No. A.1. of Resolution No. 93-650 which currently states:

Total gross floor area shall be limited to a maximum of 82,000 square feet. (additional square footage may be allowed pursuant to Article 5.4.E.13 (Minor Deviations)

shall be amended to state:

Total gross floor area shall be limited to a maximum of 39,600 square feet. (ONGOING: Zoning)

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:

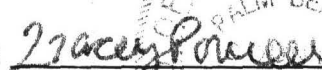
ADDIE L. GREENE, CHAIRPERSON	Aye
JOHN F. KOONS, VICE CHAIR	Aye
KAREN T. MARCUS	Aye
WARREN H. NEWELL	Aye
MARY MCCARTY	Aye
BURT AARONSON	Aye
JESS R. SANTAMARIA	Aye

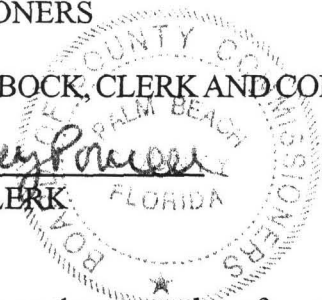
The Chair thereupon declared the resolution was duly passed and adopted this 28th day of June, 2007.

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 28th day of June, 2007.

EXHIBIT A

LEGAL DESCRIPTION

Tract 1, Block 56, Palm Beach Farms Company Plat No. 3 according to the Plat thereof as recorded in Plat Book 2, pages 45 through 54, inclusive, of the public records of Palm Beach County, Florida, less the North 04.40 feet for Lateral Canal No. 24 owned by Lake Worth Drainage District as shown in Chancery Court Case No. 407, and less the right of way for Jog Road as shown on Palm Beach County Engineering Department Right of Way Map No. 3-60-007 sheet 8 of 8; being more particularly described as follows:

Commence at the Northeast Corner of said Tract 1; thence S.00 36'03"E. along the East line of said Tract 1 for 84.40 feet to a point of intersection with the South Right of Way line of said Lateral No. 24, and the East line of said Tract 1, and the Point of Beginning of the following described parcel of land; thence continue S.00 36'03"E along the East line of said Tract 1 for 324.90 feet to a point of intersection with the West Right of Way line of said Jog Road; thence S.00 10'54"W. along said West Right of Way line (said line lying 80.0 feet East of and parallel with the East line of the West 11/2 of Section 27 Township 45 South Range 42 East) for 430.10 feet to a point on the South line of said Tract 1, said point being 5.88 feet West of the Southeast corner of said Tract 1; thence S.89 58'54"W. along the South line of said Tract 1 for 380.76 feet to the Southwest corner of said Tract 1; thence N.00 05'56"W. along the West line of said Tract 1 for 751.37 feet to a point of intersection with the South Right of Way line of Lateral No. 24, thence N.89 26'12"E. along said Right of way line for 380.04 feet to the Point of Beginning,