

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 1994-13.7  
TO APPROVE A DEVELOPMENT ORDER AMENDMENT  
FOR PROPERTY PREVIOUSLY GRANTED A DEVELOPMENT ORDER AMENDMENT  
BY RESOLUTION NO. R-2005-1122  
APPROVING THE APPLICATION OF CHIMU, INC.  
CONTROL NO. 1994-013

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 1994-13.7 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on September 29, 2008; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1994-13.7 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 Order Amendments; and

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

1. The project can only meet the Countywide Traffic Performance Standards with the amendment of conditions of approval.
2. The amendment of 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 1994-13.7, to approve a Development Order Amendment to amend conditions of approval, amending the development order previously granted by the approval of the application of Chimu, Inc., Control No. 1994-013, confirmed by the adoption of Resolution R-2005-1122, which approved a Development Order Amendment, on the southwest one-quarter of the southeast one-quarter of the southwest one-quarter of Section 1, Township 45 South, Range 42 East, less the right-of-way conveyed to the County of Palm Beach on October 12, 1959 in Official Records Book 415, page 181, Public Records of Palm Beach County, Florida. Containing 8.94 acres more or less. Subject to easements, restrictions, reservations and rights-of-way of record, being located on the north side of Hypoluxo Rd., approximately 0.25 mile west of Military Trail, in the Multiple Use Planned Development District, is approved subject to the following conditions of approval:

1. All previously approved conditions continue to apply unless expressly modified herein. (ONGOING)
2. Condition E.6 of Resolution R-2005-1122, Control No. 1994-013, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a) No Building Permits for the site may be issued after January 1, 2009. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING - Eng)

b) Building Permits for more than:  
- 31,500 square feet of general retail;  
- 16,000 square feet general office;  
- 4,500 square foot fast food restaurant;

shall not be issued until construction has begun for the 6 laning Hypoluxo Road from Jog Road to Military Trail plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a) No Building Permits for the site may be issued after December 31, 2010. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING - Eng)

b) Building Permits for no more than 2,800 square feet of retail and 4,000 square feet of office (the equivalent of 47 PM peak hour trips) shall be issued until contract has been issued for the widening of Hypoluxo Road from Jog Road to Military Trail as a 6-lane divided section. The mix of allowable uses (Retail, Office, Drive-in Bank, and Fast Food Restaurant), as permitted by the Zoning Division, may be adjusted by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (BLDG PERMIT: MONITORING-Eng)



The foregoing Resolution was offered by Commissioner **Marcus Aaronson** who moved its adoption. The motion was seconded by Commissioner **Marcus Aaronson** and, upon being put to a vote, the vote was as follows:

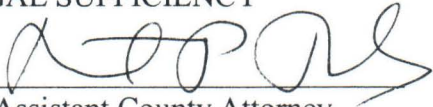
Commissioner Addie L. Greene, Chairperson	— Aye
Commissioner John F. Koons, Vice Chair	— Absent
Commissioner Karen T. Marcus	— Aye
Commissioner Robert J. Kanjian	— Aye
Commissioner Mary McCarty	— Absent
Commissioner Burt Aaronson	— Aye
Commissioner Jess R. Santamaria	— Aye

The Chair thereupon declared the resolution duly passed and adopted this 29th day of September, 2008.

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK AND COMPTROLLER

By:   
Deputy Clerk 

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY  
By:   
Assistant County Attorney

Filed with the Clerk of the Board of County Commissioners on the 6th day of October, 2008.