

RESOLUTION NO. R-2004- 2020.1

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 1997-045.4  
TO APPROVE A ZONING MAP AMENDMENT  
FOR PROPERTY PREVIOUSLY REZONED BY  
RESOLUTION NO. R-97-968  
PETITION NO. 1997-045  
THE PETITION OF NISIZE REALTY, INC.

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 1997-045.4 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on September 30, 2004; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1997-045.4 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 approve a zoning map amendment; 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 when there is a development order review pursuant to Article 2.E. of 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-97-968 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. If a time extension cannot be approved, a rezoning must be approved.
8. After time extensions totaling six years, the property owner has not complied with voluntary commitment E.2. of Resolution No. R-97-968 which required the conveyance of right-of-way
9. A rezoning to the CN-Neighborhood Commercial Zoning District 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 1997-045.4, to approve a zoning map amendment to the CN-Neighborhood Commercial zoning district for property previously rezoned by the approval of the petition of Nisize Realty, Inc., Petition No. 1997-045, confirmed by the adoption of Resolution R-97-968, which approved a rezoning to the CG-General Commercial Zoning District, for property legally described as a tract of land, situated lying and being in Palm Beach County, Florida and more particularly described as follows, to wit:

A parcel of land lying and being in Tract 106 MODEL LAND COMPANY SUBDIVISION of Section 20, Township 44 South, Range 43 East as recorded in Plat Book 5 at Page 79 of the public records of Palm Beach County, Florida, said parcel of land being specifically described as follows:

From the Southwest corner of said Section 20 run Easterly along the South line of said Section 20, a distance of 838.10 feet; thence turn an angle of 91 05'45" from East to North and 90 Northerly a distance of 40 feet to the Point of Beginning.

Thence continue Northerly along the last described course a distance of 251.83 feet; thence turn an angle of 90 59'25" from South to West and run Westerly a distance of 161.1 feet more or less to the West line of said Tract 106; thence run Southerly along the West line of said Tract 106 to a line that is 40 feet Northerly of the Section line and parallel to the South line of said Section 20; thence run Easterly along said South line a distance of 165 feet more or less to the Point of Beginning.

(From Warranty Deed recorded in ORB 1010 Page 108 of the Palm Beach County public records)

and

Lots 20 through 26 inclusive, BELLEVUE PARK, according to the plat thereof on file in the office of the clerk of the circuit court in and for Palm Beach County, Florida recorded in Plat Book 13 Page 67 and that certain strip of land 5.00 feet in width and being part of an alley as shown on BELLEVUE PARK, a subdivision of Section 20, Township 44 South, Range 43 East, Palm Beach County, Florida, bounded as follows:

Bounded on the West by the East line of Lots 22,23, 23, 25, and 26 of said BELLEVUE PARK; bounded on the South by the Northerly right-of-way line of Lake Worth Road; bounded on the East by the Easterly boundary line of said BELLEVUE PARK, said line being 5.00 feet Easterly of and parallel with the West line of said Lots 22-26; and bounded on the North by the Easterly prolongation of the North line of said Lot 26;

Containing 1,258 Square Feet or 0.0289 Acres, being located on the northeast corner of the intersection of Bellevue Avenue and Lake Worth Road, is approved.

Commissioner **MASILOTTI** 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:

KAREN T. MARCUS, CHAIR	—	<b>NAY</b>
TONY MASILOTTI, VICE CHAIRMAN	—	<b>AYE</b>
JEFF KOONS	—	<b>AYE</b>
WARREN H. NEWELL	—	<b>AYE</b>
MARY MCCARTY	—	<b>AYE</b>
BURT AARONSON	—	<b>AYE</b>
ADDIE L. GREENE	—	<b>AYE</b>

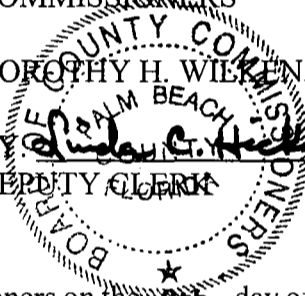
The Chair thereupon declared the resolution was duly passed and adopted this 30th day of SEPTEMBER, 2004.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

BY: [Signature]  
COUNTY ATTORNEY

DOROTHY H. WILKIN, CLERK  
BY: [Signature]  
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 9th day of NOVEMBER, 2004.