

RESOLUTION NO. R-2002- 1647

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1981-024A
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-1999-1215
WHICH APPROVED THE REZONING WITH A CONDITIONAL OVERLAY ZONE
OF FLORIDA GARDENS LAND DEVELOPMENT CO.
PETITION NO. 1981-024A

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.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report SR 1981-024A was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on September 26, 2002; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1981-024A and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

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

1. The Conditional Overlay Zone is not consistent with the Unified Land Development Code because it has not been reviewed for consistency with Section 6.6.E. "Architectural Guidelines" of the Unified Land Development Code.
2. With the new condition of approval requiring the project to be certified for compliance with Section 6.6.E. of the Palm Beach County Unified Land Development Code, the Conditional Overlay Zone will be consistent with the Unified Land Development Code.
3. 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 Palm Beach County 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 1981-024A, to amend Conditions of Approval of Resolution No. R-1999-1215, the petition of Florida Gardens Land Development Co., Petition No. 1981-024A, which rezoned property to the Community Commercial Zoning District with a Conditional Overlay Zone, property legally described as follows: SECTION 28, TOWNSHIP 44, RANGE 42, LOTS 49, 50 AND 51 OF THE UNRECORDED PLAT OF FLORIDA GARDENS NO. 3, BEING DESCRIBED AS FOLLOWS: THE SOUTH 300 FEET OF THE NORTH 330.20 FEET OF TRACT 9, BLOCK 29, LESS THE EAST 40 FEET THEREOF, TOGETHER WITH THE SOUTH 300 FEET OF THE

NORTH 330.20 FEET OF THE EAST 10 FEET OF TRACT 10, BLOCK 29, OF PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK NO. 2, PAGES 45-54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE RIGHT-OF-WAY FOR LAKE WORTH ROAD AS RECORDED IN ROAD PLATBOOK NO. 5, PAGES 125-138, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, being located on the southwest corner of Lake Worth Road and Ohio Road, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. Prior to the issuance of a building permit, the property owner shall submit an application to the Development Review Committee for review and certification that the project is in compliance with Section 6.6.E. of the Palm Beach County Unified Land Development Code, "Architectural Guidelines." (BLDG PERMIT: MONITORING - Zoning)

Commissioner **Roberts** moved for approval of the Resolution.

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

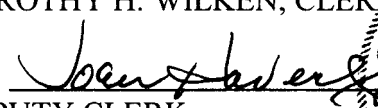
WARREN H. NEWELL, CHAIRMAN	—	Aye
CAROL A. ROBERTS, VICE CHAIR	—	Aye
BURT AARONSON	—	Absent
ADDIE L. GREENE	—	Absent
KAREN T. MARCUS	—	Absent
TONY MASILOTTI	—	Aye
MARY MCCARTY	—	Aye

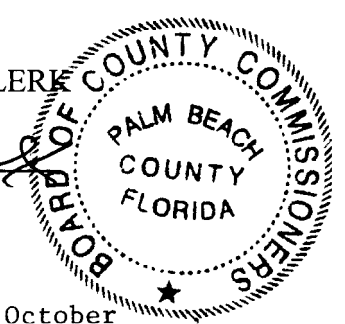
The Chair thereupon declared the resolution was duly passed and adopted this 26 day of September, 2002.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: 
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 29 day of October 2002.