

RESOLUTION NO. R-94- 118

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. CR 91-16  
TO REZONE PROPERTY PREVIOUSLY REZONED BY  
RESOLUTION NO. R-91-1434  
APPROVING THE PETITION OF  
COREPOINT CORPORATION, A FLORIDA CORPORATION AND ALBERTO VADIA,  
JR., TRUSTEE ("**DEVELOPER**"); AND JEAN MCARTHUR DAVIS, INDIVIDUALLY;  
JEAN MCARTHUR DAVIS AS TRUSTEE FOR JOHN RODES; JEAN MCARTHUR DAVIS  
AS TRUSTEE FOR NANCY JEAN DAVIS; JEAN MCARTHUR DAVIS AS TRUSTEE FOR  
LINDA DAVIS **LASKIN**; JAMES DOYNE YORK, INDIVIDUALLY AND AS TRUSTEE  
FOR THE JAMES DOYNE YORK TRUST; JAMES DENNIS YORK, INDIVIDUALLY;  
AND JAMES DOYNE YORK AS ATTORNEY IN FACT FOR NANCY JEANNE YORK  
PETITION NO. 91-16

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 Section 5.8 of the Palm Beach County Land Development Code have been satisfied: and

WHEREAS, pursuant to Section 5.8, Status Report CR 91-16 was presented to the Board of County Commissioners of Palm Beach **County** at a public hearing conducted on January 27, 1994; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 91-16 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Condition Number B.14. of the Development Order, Resolution R-91-1434, permits Palm Beach County to down zone and/or reduce the density or intensity of the property which is the subject of the Development Order by demonstrating that substantial changes in the conditions underlying the approval of the Development Order have occurred: and

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

1. The Development of Regional Impact and TND-Traditional Neighborhood Development District are not consistent with the Palm Beach County Comprehensive Plan.
2. The AR-Agricultural Residential Zoning District is consistent with the Comprehensive Plan.
3. The Development of Regional Impact does not comply with the Adequate Public Facilities Ordinance.
4. The property owner has not complied with the following conditions of approval which have expired due dates: **1.A.5., 9.C.82., 9.F.91., 10.D.103.** and 11.B.110 of Resolution **R-91-1434.**
5. The Development Agreement was revoked on March 25, 1993. There are substantial changes to the conditions underlying the approval of this Development Order.
6. In the absence of concurrency for the project, no development can occur on site, and none of the conditions of the development can be fulfilled.

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. CR 91-16, to revoke the Development of Regional Impact and to rezone the property to the AR-Agricultural Residential District, which was previously approved for a Development of Regional Impact (Town of Wellington), and rezoned to the TND-Traditional Neighborhood Development District, by the approval of the petition of Corepoint Corporation, a Florida Corporation and **Alberto Vadia, Jr.**, Trustee ("Developer"); and Jean McArthur Davis, Individually: Jean McArthur Davis as Trustee for John Rodes; Jean McArthur Davis as Trustee for Nancy Jean Davis: Jean McArthur Davis as Trustee for Linda Davis Laskin; James Doyne York, Individually and as Trustee for the James Doyne York Trust; James Dennis York, Individually: and James Doyne York as Attorney in Fact for Nancy Jeanne York, Petition No. 91-16, confirmed by the adoption of Resolution R-91-1434; and R-91-1646 which corrected **scrivener's** errors in Resolution R-91-1434, on that part of Section 36, Township 43 South, Range 40 East, Palm Beach County, Florida, lying South of the Southerly right-of-way line of the West Palm Beach Canal. Less the easterly 50 feet to Palm Beach County, Florida. And less that westerly part, as described in O.R.B. 1011, Page 94, Public Records of Palm Beach County, Florida.

Together with Hiatus Lot #1, Township 43 $\frac{1}{2}$  South, Range 40 East, Palm Beach County, Florida. Less the Easterly 50 feet to Palm Beach County, Florida for road purposes, as described in Deed Book 1157, Page 404, Public Records of Palm Beach County, Florida. And less that Westerly part, as described in O.R.B. 1011, Page 94, Public Records of Palm Beach County, Florida.

Also together with Section 1, Township 44 South, Range 40 East, Palm Beach County, Florida. Less the Easterly 50 feet to Palm Beach County, Florida, for road purposes, as described in Deed Book 1157, Page 404, Public Records of Palm Beach County, Florida. And less that Westerly part, as described in O.R.B. 1011, Page 94, Public Records of Palm Beach County, Florida.

Also together with that part of Section 2, Township 44 South, Range **40** East, Palm Beach County, Florida, as described in O.R.B. 1011, Page 92, Public Records of Palm Beach County, Florida.

Containing: 830.25 net acres, more or less.

Also including Section 12, Township 44 South, Range 40 East, Palm Beach County, Florida. Less the Easterly **50'** to Palm Beach County, Florida, for road purposes, as recorded in Deed Book 1157, Page 404, Public Records of Palm Beach County, Florida.

Containing: 632.91 net acres, more or less.

Subject to easements to Florida Power and Light Company, as recorded in O.R.B. 2020, Page 708 and O.R.B. 1027, Pages 426 through 428, Public Records of Palm Beach County, Florida. Also subject to an easement to Southern Bell, as recorded in Deed Book 905, Page 275, Public Records of Palm Beach County, Florida. Further subject to a 30 foot road easement, as recorded in Chancery Orders 329, Page 272, Public Records of Palm Beach County, Florida,

being located on the southwest corner of the intersection of Flying Cow Ranch Road and S.R.80 (Southern Boulevard), is approved,

Commissioner Marcus moved for approval of the Resolution.

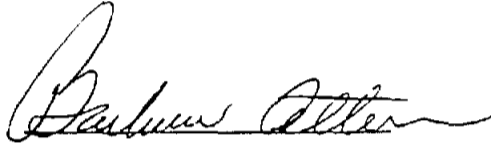
The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

MARY MCCARTY, CHAIR	--	Absent
BURT AARONSON	--	Aye
KEN FOSTER	--	Aye
MAUDE FORD LEE	--	Aye
KAREN T. MARCUS	--	Aye
WARREN H. NEWELL	--	Absent
CAROL ROBERTS	--	Aye

The Chair thereupon declared the resolution was *duly* passed and adopted this 27th day of January, 1994.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:



PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

  
DEPUTY CLERK

