

RESOLUTION NO. R-95-434

RESOLUTION DENYING, IN PART, ZONING PETITION **EAC83-161(B)**
DEVELOPMENT ORDER AMENDMENT
PETITION OF RICHARD E. & MARY LEE BASTIN

25 1 95

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC83-161(B) was presented to the Board of County Commissioners at a public hearing conducted on March 30, 1995; and.

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

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

1. This Development Order Amendment is inconsistent with **the** intent and purpose **of** the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment does not comply with the intent and purpose of the relevant and appropriate portions of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment would decrease the compatibility and consistency **of** the previously approved use with the uses and character **of** the land surrounding and in the vicinity **of** the land proposed for amendment.
4. This Development Order Amendment would decrease **the** standards imposed on it for use, layout, function, and general development characteristics.
5. This Development Order Amendment does not meet applicable local land development policies.
6. This Development Order Amendment could result in increased adverse effects, including visual impact and intensity of the proposed use, on adjacent lands.
7. This Development Order Amendment does not minimize environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
8. This Development Order Amendment does not result in a logical, timely and orderly development pattern.

WHEREAS, Article 5 of the Palm Beach County Unified 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 Zoning Petition EAC83-161(B), the petition of Richard E. & Mary Lee Bastion for a Development Order Amendment/Expedited Application Consideration (EAC) to amend Condition 0.1. of Resolution R-91-1633 (Median Landscaping), previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was denied, in part, and approved, in part, on March 30, 1995, as indicated in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for approval of the Resolution.


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

Ken Foster, Chair	--	Aye
Burt Aaronson	--	Absent
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

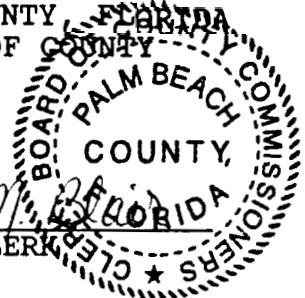
The Chair thereupon declared the resolution was duly passed and adopted this 30th day of March, 1995.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



file:g:\common\wpdata\prod\reso\83-161b.dny

EXHIBIT A

LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL A:

Parcel 1: The South 200 feet of the North 215 feet' of the East Quarter of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida; subject, however, to an easement along the East 15 feet thereof, which is expressly reserved for rights of ingress and egress to adjoining lands; LESS the North 10 feet thereof as conveyed in Official Record Book 4386, Page 1557.

Parcel 2: The South 200 feet of the North 215 feet of the West Half of the East Half of the East Half of the Northeast Quarter of the Northeast Quarter of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida; subject to an easement along the West 15 feet thereof, which is expressly reserved for rights of ingress and egress to adjoining lands; LESS the North 10 feet thereof as conveyed in Official Record Book 4386, Page 1557.

PARCEL B: The East 1/8th of the Northeast Quarter of Northeast Quarter of Section 25, Township 43 South, Range 42 East, LESS the North 215 feet thereof and LESS the South 660 feet thereof in Palm Beach County, Florida.

PARCEL C: The West Half of the East Quarter of the Northeast Quarter of the Northeast Quarter, LESS the South 660 feet thereof and LESS the North 215 feet thereof, all in Section 25, Township 43 South, Range 42 East.

PARCEL D: The West Half of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 25, Township 43 South, Range 42 East, Palm Beach County., Florida, LESS the West 200 feet, also LESS the North 15 feet; EXCEPTING THEREFROM that certain parcel of land previously conveyed by the party of the first part to *The Firestone Tire and Rubber Company*, an Ohio corporation, by date of May 10, 1972, and recorded in Official Records Book 2013, Page 654, Public Records of Palm Beach County, and further excepting the West 10 feet thereof as conveyed in Official Records Book 4386, Page 1559.

EXHIBIT B
VICINITY SKETCH

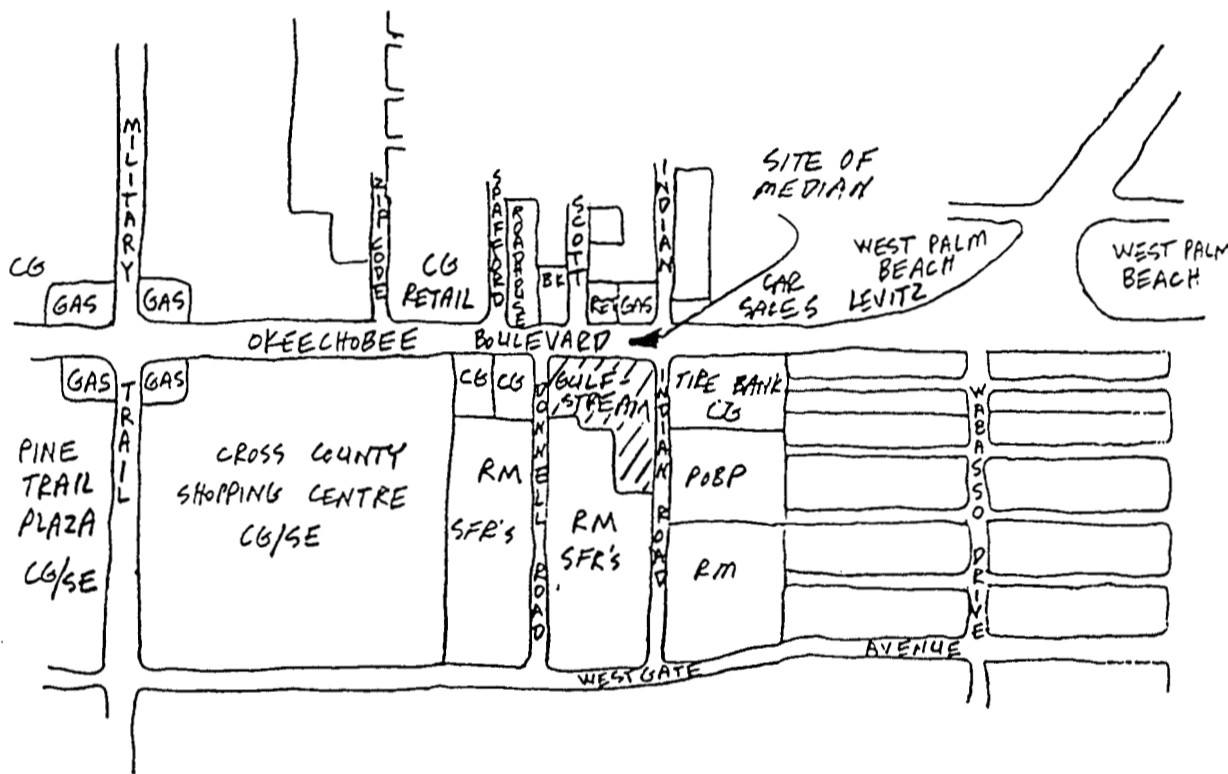


EXHIBIT C

DEVELOPMENT ORDER AMENDMENT

0. LANDSCAPE WITHIN MEDIAN

Condition 0.1. of Resolution No. 91-1633, Petition 83-161(A), which currently states:

If permitted by the Florida State Department of Transportation (FDOT) or the County Engineer, the petitioner shall landscape the median of all abutting rights-of-way. This landscaping shall consist of one twelve (12) foot tall native canopy tree for each thirty (30) linear feet of the adjacent median, appropriate ground cover and irrigation. Trees may be planted singly or in clusters, with a maximum spacing of sixty (60) feet on center. All landscape material shall be selected, maintained and installed according to xeriscape principles. This landscaping shall be the perpetual maintenance obligation of the property owner and shall be installed prior to June 1, 1993.

Is hereby amended to state:

If permitted by the Florida State Department of Transportation (FDOT) or the County Engineer, the petitioner shall landscape the median of all abutting rights-of-way. This landscaping shall consist of one twelve (12) foot tall native canopy tree for each thirty (30) linear feet of the adjacent median, appropriate ground cover and irrigation. Trees may be planted singly or in clusters, with a maximum spacing of sixty (60) feet on center. All landscape material shall be selected, maintained. and installed according to xeriscape principles. This landscaping shall be the perpetual maintenance obligation of the property owner and shall be installed prior to August 1, 1995. (MONITORING-Engineering)