

RESOLUTION NO. R-2005-0145

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. CR 1997-017  
TO APPROVE A DEVELOPMENT ORDER AMENDMENT  
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-2002-1011  
WHICH APPROVED THE DEVELOPMENT ORDER AMENDMENT OF  
PETITION NO. 1997-017/STATUS REPORT SR 1997-017

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 in Article 2.E. of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report CR 1997-017 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on January 27, 2005; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 1997-017 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 add or modify conditions of approval; and

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

1. The Palm Beach County Department of Environmental Resources Management has determined that conditions 2 and 3 of Resolution No. R-2002-1011 are not consistent with ERM's current regulatory process.
2. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and 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. CR 1997-017, to approve a Development Order Amendment to amend conditions of approval of Resolution No. R-2002-1011, the Development Order Amendment of Palm Beach County, Petition No. 1997-017/SR 1997-017, which amended conditions of approval for property zoned Special Agriculture with a Conditional Use A for Type III Excavation, on THE WEST ONE-HALF OF SECTION 5 AND ALL OF SECTIONS 6 AND 7, AND THE WEST ONE-HALF OF SECTION 8, IN TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE RIGHT-OF-WAY OF CANAL C-18 (A WORKS OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD

CONTROL DISTRICT, NOW KNOWN AS THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.)

LESS PARCEL "A" DESCRIBED AS FOLLOWS:

A PORTION OF THE WEST ONE-HALF OF SECTION 5, AND A PORTION OF SECTION 6, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION; THENCE SOUTH 03°10'07" WEST, ALONG THE EAST LINE OF THE WEST ONE-HALF OF SAID SECTION 5, A DISTANCE OF 200.37 FEET, TO A POINT ON THE SOUTH LINE OF THE C-18 CANAL ACCORDING TO DEED BOOK 1097, PAGE 261 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL "A":

THENCE SOUTH 89°42'33" WEST, ALONG SAID SOUTH LINE OF THE C-18 CANAL, A DISTANCE OF 2634.59 FEET; THENCE SOUTH 89°57'02" WEST, CONTINUING ALONG SAID SOUTH LINE OF THE C-18 CANAL, A DISTANCE OF 719.74 FEET; THENCE NORTH 00°10'35" WEST, A DISTANCE OF 3871.82 FEET; THENCE NORTH 89°45'39" EAST, A DISTANCE OF 3128.05 FEET, TO A POINT ON THE EAST LINE OF THE WEST ONE-HALF OF SAID SECTION 5; THENCE NORTH 03°10'07" EAST, ALONG SAID EAST LINE OF THE WEST ONE-HALF OF SAID SECTION 5, A DISTANCE OF 3878.67 FEET, TO THE POINT OF BEGINNING.

CONTAINING 71,053,317 SQ. FT, OR 1,631.1597 ACRES MORE OR LESS, being located on the east side of Seminole Pratt Whitney Road., approximately 0.7 mile north of Northlake Boulevard, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition number 2. of Resolution No. R- 2002-1011 which currently states:

On or before May 15 of each year, the property owner shall provide to the Palm Beach County Zoning Department an annual Excavation Activity Monitoring Report which shall contain a current aerial photograph of the site clearly outlining the areas of current and completed excavation. The acreage of each area shall be provided. Additional information may be required by the Development Review Committee (DRC). (DATE: MONITORING-Zoning)

Is hereby deleted.

3. Condition number 3. of Resolution No. R- 2002-1011 which currently states:

The Maintenance and Monitoring Report of Reclaimed Areas required by Section 7.6.H.5.b. of the ULDC shall be submitted bi-annually on May 15 and November 15 every calendar year. (DATE: MONITORING-Zoning)

Is hereby deleted.

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

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

KAREN T. MARCUS	—	<b>AYE</b>
TONY MASILOTTI,	—	<b>ABSENT</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>


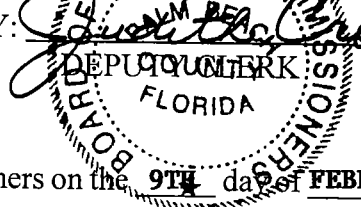
The Chair thereupon declared the resolution was duly passed and adopted this 27TH day of JANUARY, 2005.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY

SHARON  CLERK AND COMPTROLLER

BY:   
DEPUTY CLERK  
FLORIDA  


Filed with the Clerk of the Board of County Commissioners on the 9TH day of FEBRUARY, 2005.