

RESOLUTION NO. R-2006- 1535

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1997-096.3
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
FOR PROPERTY PREVIOUSLY GRANTED A CONDITIONAL USE "A" BY
RESOLUTION NO. R-98-424
APPROVING THE PETITION OF THEODORE AND GERTRUDE WINSBERG
PETITION NO. 1997-096

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 Unified Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report SR 1997-096.3 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on August 23, 2006; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1997-096.3 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. of the Palm Beach County Unified Land Development Code authorizes the Board of County Commissioners to approve development order amendments; 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.
2. Article 15 of the ULDC requires development orders to comply with the Countywide Traffic Performance Standards (TPS).
3. The approval will be consistent with the Unified Land Development Code with the amendment of conditions of approval.
4. 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 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 1997-096.3, to approve a Development Order Amendment to amend Conditions of Approval of Resolution No. R-98-424 the development order previously granted by the approval of the petition of Theodore and Gertrude Winsberg, Petition No. 1997-096, confirmed by the adoption

of Resolution R-98-424, which approved a rezoning to the Multiple Use Planned Development District (MUPD), on a parcel of land lying within Section 3, Township 46 south, Range 42 east, Palm Beach County, Florida, more particularly described as follows:

BEGINNING at the point of intersection of the southerly right-of-way line of the Lake Worth Drainage District right-of-way for the Canal L-29, in accordance to that right-of-way width referred to in the Chancery No. 407, recorded in Official Records Book 6495, Page 761, Public Records of Palm Beach County, Florida and the westerly right-of-way line of Jog Road, in accordance to those lands described in Official Records Book 5867, Page 561, through 563, Public Records of Palm Beach County, Florida; thence S 00°33' 45" E, along said westerly right-of-way line of Jog Road, a distance of 621.56 feet; thence S 00° 42' 29" W, a distance of 370.34 feet; thence S 06°57' 03" W, a distance of 101.62 feet; thence S 00 ° 33' 45" E, a distance of 280.00 feet; thence S 54°31' 44" W, a distance of 66.38 feet; thence N 70 ° 23' 51" W a distance of 316.95 feet; thence N 71 ° 18' 51" W, a distance of 127.77 feet (the previous three courses and distances are along the northerly right-of-way line of "Flavor Pict Road", as shown on Palm Beach County Drawing No. 88539);thence N 00 ° 30' 34" W, a distance of 1259.60 feet to a point of intersection with said southerly right-of-way line of the Lake Worth Drainage District right-of-way for the Canal L-29; thence N 89 ° 29' 26" E along said southerly right-of-way line, a distance of 492.89 feet to the POINT OF BEGINNING.

Said lands situate in Palm Beach County, Florida.

Containing 15.00 acres, more or less.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD, being located approximately 2.5 miles north of West Atlantic Avenue on the west side of Jog Road,, is approved subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:

No building permits for the site shall be issued after January 1, 2008. A time extension for this condition may be approved by the County Engineer based on an approved Traffic Study which complies with the mandatory Traffic Performance

Standards in place at the time of the request. (DATE: MONITORING - Eng)

Commissioner Koons moved for approval of the Resolution.

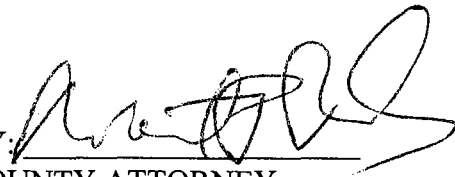
The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

TONY MASILOTTI, CHAIRMAN	—	Aye
ADDIE L. GREENE, VICE CHAIRPERSON	—	Aye
JEFF KOONS	—	Aye
WARREN H. NEWELL	—	Aye
MARY MCCARTY	—	Absent
BURT AARONSON	—	Aye
KAREN T. MARCUS	—	Aye

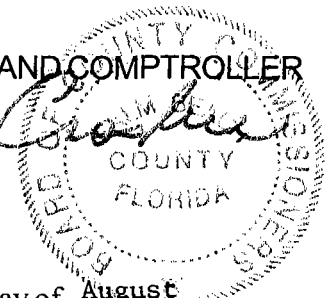
The Chair thereupon declared the resolution was duly passed and adopted this 23rd day of August, 2006.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

SHARON R. BOCK, CLERK AND COMPTROLLER
BY: 
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 23rd day of August, 2006.