

RESOLUTION NO. R-2002- 0613

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 1995-106  
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-96-1355  
WHICH APPROVED THE REZONING PETITION OF  
CALLERY-JUDGE GROVES  
PETITION NO. 1995-106

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 1995-106 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on April 25, 2002; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1995-106 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 project does not meet the Countywide Traffic Performance Standards.
2. With the amendment of conditions of approval, the project will meet Traffic Performance Standards.
3. 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. SR 1995-106, to amend Conditions of Approval of Resolution No. R-96-1355, Petition No. 1995-106, the petition of Callery-Judge Groves, which approved a rezoning to the Multiple Use Planned

Development (MUPD) Zoning District on a parcel situated in Section 1, Township 43 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at the intersection of the South right-of-way line on Canal "M" Road (Record Book 6, page 141) and the East right-of-way line of Seminole Pratt-Whitney Road (record Book 4, page 40), (N. 88404.7678, E. 7261 14.0098, Palm Beach County, Florida Coordinate System) run South 01d42'54" West along said East right-of-way, 3461.15 feet; thence leaving said right-of-way, run South 88d17'06" East, 10.00 feet to the Point of Beginning.

From the Point of Beginning, continue South 88d17'06" East, 371.55 feet; thence South 43d17'06" East 374.78 feet; thence South 01d42'54" West, 477.98 feet; thence North 88d17'06" West, 556.56 feet; thence North 43d17'19" West, 113.13 feet to a point which is 10.00 feet East of the Seminole Pratt-Whitney Road right-of-way; thence North 01d42'54" East, parallel with and 10.00 feet East of said right-of-way, 663.00 feet to the Point of Beginning.

LESS AND EXCEPT parcel conveyed in the Official Records Book 1854, page 1803, of the public records of Palm Beach County, Florida.

All the above situate in Palm Beach County, Florida, being located on the northeast corner of Seminole Pratt-Whitney Road and Persimmon Street, is approved, subject to the following conditions:

- I. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. Condition number E.4. of Resolution No, R-97-523 which currently states:

**In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:**

- a) **No building permits for the site may be issued after January 1, 1999. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (Previously Condition E.4 of Resolution R-96-1355, Petition 95-106) (DATE: MONITORING - Eng)**

Is hereby amended to state:

No building permits shall be issued until a new traffic study addressing a buildout time extension is submitted for approval by the County Engineer. The study shall comply with

Mandatory Traffic Performance Standards in place at the time of the request and utilize current traffic volumes. (BLDG PERMIT: MONITORING - Eng)

Commissioner Aaronson 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	—	Aye
ADDIE L. GREENE	—	Aye
KAREN T. MARCUS	—	Aye
TONY MASILOTTI	—	Aye
MARY MCCARTY		..

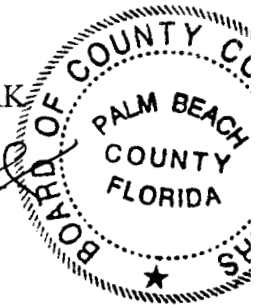
The Chair thereupon declared the resolution was duly passed and adopted this 25 day of April, 2002.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

BY: [Signature]  
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK  
BY: [Signature]  
DEPUTY CLERK



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