

RESOLUTION NO. R-2002- 0840

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 97-96.2
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-98-424
WHICH APPROVED THE REZONING PETITION OF
THEODORE & GERTRUDE WINSBERG
PETITION NO. 97-96

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 97-96.2 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on May 23, 2002; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 97-96.2 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 Multiple Use Planned Development (MUPD) is not consistent with the Unified Land Development Code because it has not been reviewed for consistency with Section 6.6.E. "Architectural Guidelines" of the Unified Land Development Code.
2. With the new condition of approval requiring the project to be certified for compliance with Section 6.6.E. of the Palm Beach County Unified Land Development Code, the MUPD will be consistent with the Unified Land Development Code.
3. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with 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 97-96.2, to amend Conditions of Approval of Resolution No. R-98-424, a rezoning to the Multiple Use Planned Development (MUPD) Zoning District, Petition No. 97-96, petition of Theodore & Gertrude Winsberg, for property legally described in Exhibit A, being located on the west side of Jog Road, approximately 2.5 miles north of West Atlantic Avenue, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. Prior to the issuance of a building permit, the property owner shall submit an application to the Development Review Committee for review and certification that the project is in compliance with Section 6.6.E. of the Palm Beach County Unified Land Development Code, "Architectural Guidelines." (BLDG PERMIT: MONITORING - Zoning)

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

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

WARREN H. NEWELL, CHAIRMAN	---	Aye
CAROL A. ROBERTS, VICE CHAIR	---	Absent
BURT AARONSON	---	Aye
ADDIE L. GREENE	---	Aye
KAREN T. MARCUS	---	Aye
TONY MASILOTTI	---	Aye
MARY MCCARTY	---	Aye

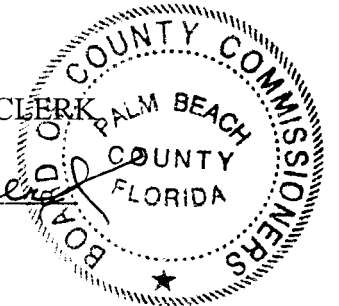
The Chair thereupon declared the resolution was duly passed and adopted this 23 day of May, 2002.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: *Robert P. [Signature]*
COUNTY ATTORNEY

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



Filed with the Clerk of the Board of County Commissioners on the 10 day of June, 2002.

EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION: (COMMERCIAL PARCEL)

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.