

RESOLUTION NO. R-2002- 1649

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1997-045
TO AMEND VOLUNTARY COMMITMENTS OF RESOLUTION NO. R-97-968
WHICH APPROVED THE REZONING OF
NISIZE REALTY, INC.
PETITION NO. 1997-045

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 1997-045 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on September 26, 2002; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1997-045 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 approval is consistent with the Unified Land Development Code, except for the Countywide Traffic Performance Standards
2. With the amendment of voluntary commitments, the development order will meet the Countywide Traffic Performance Standards, and therefore be consistent with the Unified Land Development Code.
3. The amendment of voluntary commitments 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 1997-045, to amend Voluntary Commitments of Resolution No. R-97-968, the petition

of Nisize Realty, Inc., Petition No. 1997-045, which rezoned property to the CG-General Commercial zoning district, for property legally described as follows: a tract of land, situated lying and being in Palm Beach County, Florida and more particularly described as follows, to wit: a parcel of land lying and being in Tract 106 MODEL LAND COMPANY SUBDIVISION of Section 20, Township 44 South, Range 43 East as recorded in Plat Book 5 at Page 79 of the public records of Palm Beach County, Florida, said parcel of land being specifically described as follows:

From the Southwest corner of said Section 20 run Easterly along the South line of said Section 20, a distance of 838.10 feet; thence turn an angle of 91 05'45" from East to North and 90 Northerly a distance of 40 feet to the Point of Beginning.

Thence continue Northerly along the last described course a distance of 251.83 feet; thence turn an angle of 90 59'25" from South to West and run Westerly a distance of 161.1 feet more or less to the West line of said Tract 106; thence run Southerly along the West line of said Tract 106 to a line that is 40 feet Northerly of the Section line and parallel to the South line of said Section 20; thence run Easterly along said South line a distance of 165 feet more or less to the Point of Beginning, and Lots 20 through 26 inclusive, BELLEVUE PARK, according to the plat thereof on file in the office of the clerk of the circuit court in and for Palm Beach County, Florida recorded in Plat Book 13 Page 67 and that certain strip of land 5.00 feet in width and being part of an alley as shown on BELLEVUE PARK, a subdivision of Section 20, Township 44 South, Range 43 East, Palm Beach County, Florida, bounded as follows:

Bounded on the West by the East line of Lots 22, 23, 25, and 26 of said BELLEVUE PARK; bounded on the South by the Northerly right-of-way line of Lake Worth Road; bounded on the East by the Easterly boundary line of said BELLEVUE PARK, said line being 5.00 feet Easterly of and parallel with the West line of said Lots 22-26; and bounded on the North by the Easterly prolongation of the North line of said Lot 26;

Containing 1,258 Square Feet or 0.0289 Acres, being located on the NE corner of the intersection of Bellevue Avenue and Lake Worth Road, is approved, subject to the following conditions:

1. All previously approved voluntary commitments continue to apply unless expressly modified herein. (ONGOING)
2. Building permits for no more than an additional 1,800 square feet shall be issued until the contract is awarded for construction of Congress Avenue from Lake Worth Road to Melaleuca Lane to a

6-lane cross section. (BLDO PERMIT: MONITORING - Eng)

Commissioner **Roberts** 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	—	Absent
ADDIE L. GREENE	—	Absent
KAREN T. MARCUS	—	Absent
TONY MASILOTTI	—	Aye
MARY MCCARTY	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 26 day of September, 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 October, 2002.