

RESOLUTION NO. R-2003- 1287

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1999-082
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-2000-1093
WHICH APPROVED THE REZONING AND CONDITIONAL OVERLAY ZONE OF
D&P DEVELOPMENT
PETITION NO. 1999-082

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 1999-082 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on August 28, 2003; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1999-082 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. Condition number E.1. of Resolution No. R-2000-1093 required the conveyance of right-of-way, but did not specify a deadline for compliance.
2. The amendment of condition number E.1. will provide a deadline for compliance.
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 1999-082, to amend Conditions of Approval of Resolution No. R-2000-1093, the rezoning with a Conditional Overlay Zone, of D&P Development, Petition No. 1999-082, which rezoned property to the Residential High Density zoning district and approved a Conditional Overlay Zone (COZ) and waiver of the minimum comprehensive density requirement, property being legally described as "THE NORTH ONE-HALF OF THE FOLLOWING PROPERTY; COMMENCE AT THE NORTHEAST

CORNER OF RADER SUBDIVISION NO. 2, AS IN PALM BEACH COUNTY FLORIDA, PLAT BOOK 20, PAGE 34; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SUBDIVISION FOR A DISTANCE OF 427.8 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHERLY ALONG A PROJECTION OF THE EAST LINE OF SAID SUBDIVISION FOR A DISTANCE OF 871.20 FEET; THENCE EASTERLY FOR A DISTANCE OF 180 FEET ALONG A LINE THAT IS PARALLEL TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80; THENCE NORTHERLY PARALLEL TO THE EAST LINE OF SAID SUBDIVISION FOR A DISTANCE OF 871.20 FEET; THENCE WESTERLY 180 FEET MORE OR LESS ALONG A LINE PARALLEL TO THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80 TO THE POINT OF BEGINNING, SUBJECT TO A PERPETUAL EASEMENT OVER, IN AND UPON THE WEST 30 FEET OF THAT REAL PROPERTY FOR USE AS STREET AND UTILITY EASEMENT, SUBJECT TO ALL APPLICABLE RESTRICTIONS RESERVATIONS AND EASEMENT OF RECORDS.”
AND

“THE SOUTH ONE HALF OF THE FOLLOWING DESCRIBED PROPERTY:
COMMENCE AT THE NORTHEAST CORNER OF RADER SUBDIVISION NO.2, AS IN PALM BEACH COUNTY, FLORIDA, PLAT BOOK 20, PAGE 34; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SUBDIVISION FOR A DISTANCE OF 427.8 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHERLY ALONG A PROJECTION OF THE EAST LINE OF SAID SUBDIVISION FOR A DISTANCE OF 871.20 FEET; THENCE EASTERLY FOR A DISTANCE OF 180 FEET ALONG A LINE THAT IS PARALLEL TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80; THENCE NORTHERLY PARALLEL TO THE EAST LINE OF SAID SUBDIVISION FOR A DISTANCE OF 871.20 FEET; THENCE WESTERLY 180 FEET MORE OR LESS ALONG A LINE PARALLEL TO THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80 TO THE POINT OF BEGINNING.”, being located approximately 400 feet south of SR 80 on the east side of First Street, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition number E.1. of Resolution No. R-2000-1093 which currently states:

The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for First Street, 30 feet from centerline. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLD PERMIT: MONITORING-Eng)

Is hereby amended to state:

Prior to the issuance of a building permit, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for First Street, 30 feet from centerline. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where

appropriate as determined by the County Engineer. (BLD PERMIT: MONITORING-Eng)

Commissioner Masilotti moved for approval of the Resolution.

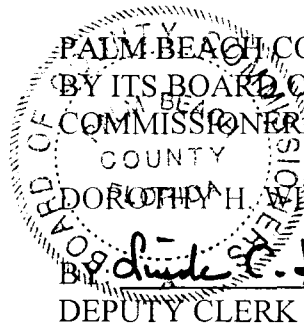

The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared the resolution was duly passed and adopted this 28 day of August, 2003.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY


 PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY
 COMMISSIONERS
 COUNTY
 DOROTHY H. WILKEN, CLERK
 BY: 
 DEPUTY CLERK

Filed with the Clerk of the Board of County Commissioners on the 6 day of October, 2003.

PALM BEACH COUNTY

STATUS REPORT SR 1999-082
(For Zoning Petition 1999-082)Staff Recommendation

Staff recommends the approval of a two-year time extension, from July 27, 2003, to July 27, 2005, to record a plat, and the amendment of conditions of approval as follows:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition number E.1. of Resolution No. R-2000-1093 which currently states:

The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for First Street, 30 feet from centerline. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)

Is hereby amended to state:

Prior to the issuance of a building permit, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for First Street, 30 feet from centerline. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (BLDG PERMIT: MONITORING-Eng)

This recommendation is based on the following:

1. The approval is consistent with the land use designation of the Palm Beach County Comprehensive Plan and the Unified Land Development Code.
2. The project meets the Countywide Traffic Performance Standards.
3. Condition number E.1. of Resolution No. R-2000-1093 required the conveyance of right-of-way, but did not specify a deadline for compliance.
4. The amendment of condition number E.1. will provide a deadline for compliance.
5. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code.

Development Approval Being Reviewed: Zoning Petition 1999-082 was approved by the adoption of Resolutions R-2000-1093 and R-2000-1094 on July 27, 2000. The resolutions rezoned property to the Residential High Density (RH) zoning district with a Conditional Overlay Zone (COZ) and approved a waiver of the minimum comprehensive density requirement. The zoning action is now being reviewed pursuant to Section 5.8 of the Palm Beach County Unified Land Development Code, "Compliance with Time Limitations," for failure to record a plat.

Property Description: The property is approximately 3.6 acres and is approximately 400 feet south of SR 80 on the east side of First Street.

Property Owners: Alfonso Powell and Joe D. Benjamin.

Required Action: Section 5.8 of the Unified Land Development Code requires that the Board of County Commissioners take one or more of the following actions: 1) grant a time extension of up to two years; 2) rezone the property and/or revoke the special exception/conditional use; 3) impose entitlement density/intensity; 4) add or modify conditions of approval, 5) permit the property owner to file a petition to add or modify conditions of approval; 6) direct staff to cite the property owner for Code violation; and/or 7) deny or revoke a building permit, issue a stop work order, revoke any concurrency, deny a Certificate of Occupancy, deny or revoke any permit or approval.

REVIEW FACTORS

Consistency with Land Use Plan and Unified Land Development Code

The land use category for the property is High Residential 12. The number of units approved could only be consistent with the land use designation of the Comprehensive Plan with an approved waiver of minimum density requirements. The waiver was able to be approved because the property is in the Glades Area Economic Development Overlay District (GA-O). The project is therefore consistent with the Palm Beach County Comprehensive Plan.

Performance Standards

This is an insignificant project and therefore meets the Countywide Traffic Performance Standards.

Supplemental Information

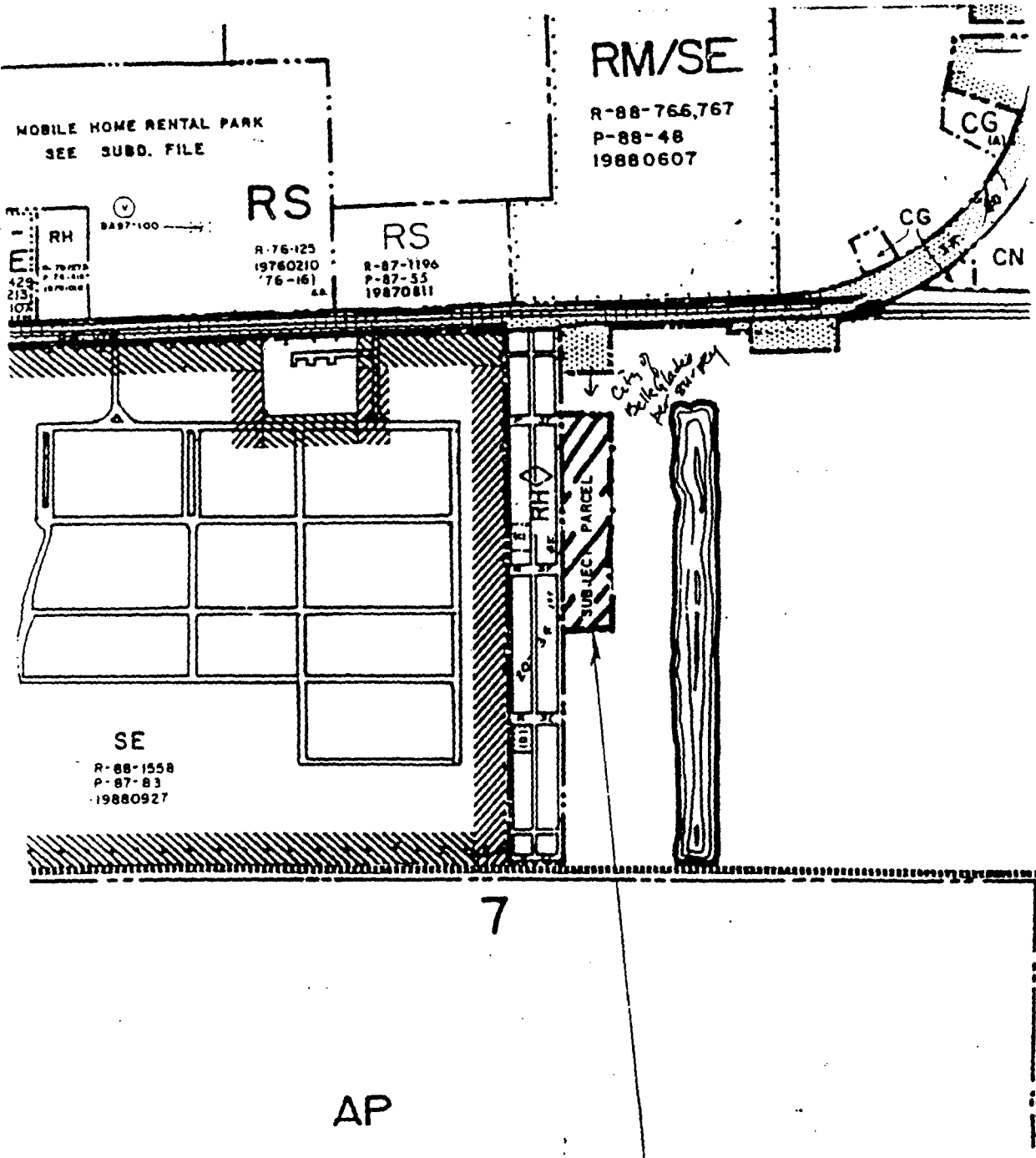
An engineer for the property owner has stated that he is working on a plat for future recordation.

Condition number E.1. requires the conveyance of right-of-way for First Street, but does not say when the property owner is to comply with it. Staff has recommended the amendment of this condition to require that it be satisfied prior to the issuance of building permit.

There were no time certain conditions of approval.

August 2003

EXHIBIT B
VICINITY SKETCH

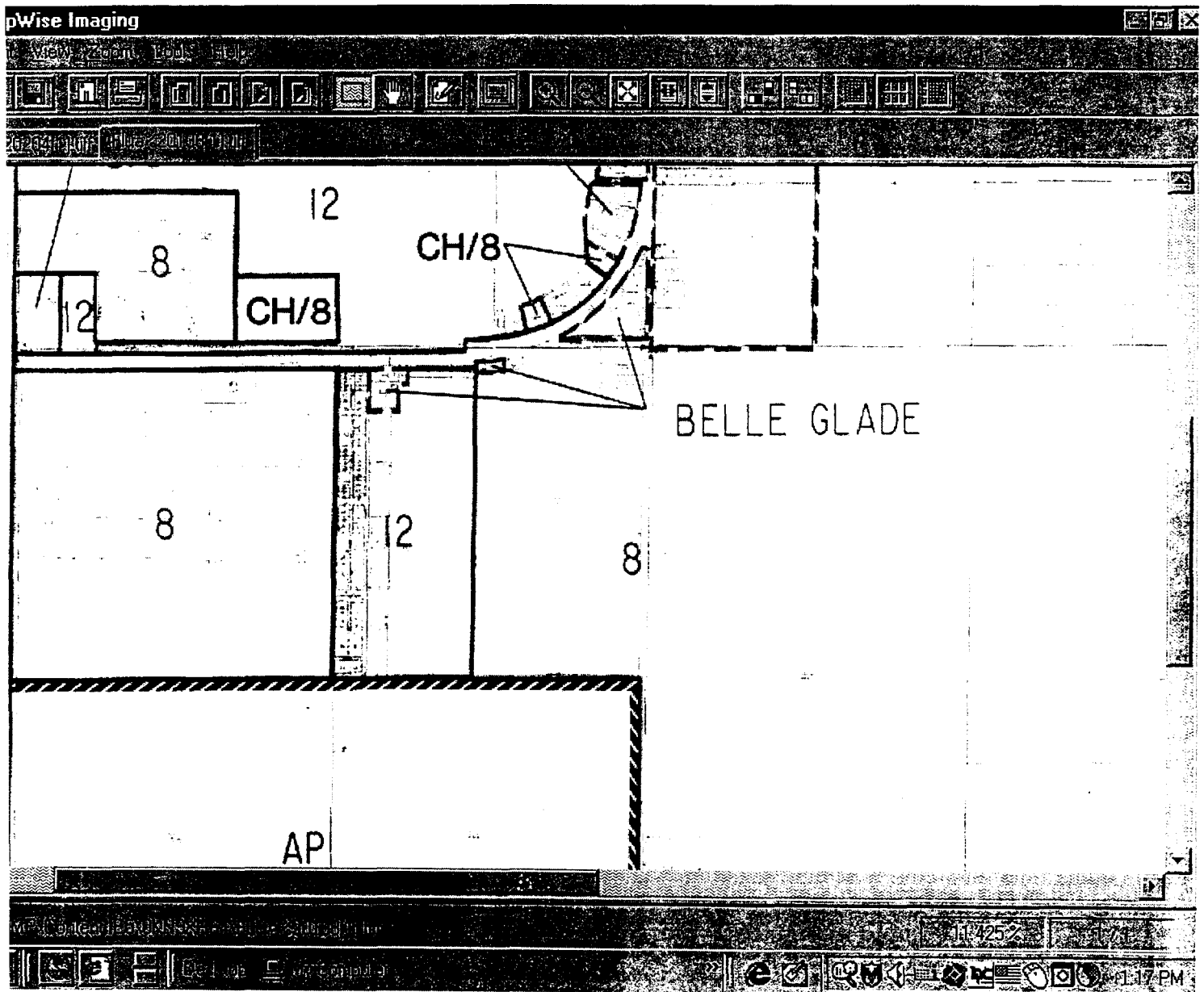


SITE LOCATION & LAND USE

Sec. 7 Twn. 44 Rge. 37

PETITION NO. 1999-082

FLUA.TIF MAP NO. 138



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