

RESOLUTION NO. R-2003-1394

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 1998-032.2  
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-98-1131  
WHICH APPROVED THE ZONING MAP AMENDMENT FOR  
HAROLD MURPHY  
PETITION NO. 1998-032

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 1998-032.2 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on September 17, 2003; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1998-032.2 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. Resolution No. R-98-1131 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 project 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 1998-032.2, to amend Conditions of Approval of Resolution No. R-98-1131, the development order of Harold Murphy, Petition No. 1998-032, which rezoned property to the Multiple Use Planned Development District (MUPD) with Air Curtain Incinerator, Permanent (requested use), property being legally described as THE WEST ½ OF TRACT 51, BLOCK 5, PALM BEACH FARMS COMPANY, PLAT #3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS IN PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 134 FEET THEREOF. CONTAINS 3.985 ACRES,

PLUS OR MINUS

TOGETHER WITH

THE EAST 1/2 OF TRACT 51, BLOCK 5, PALM BEACH FARMS COMPANY, PLAT #3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS IN PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 15 FEET THEREOF FOR ROAD R/W. CONTAINS 4.886 ACRES, PLUS OR MINUS, being located on the northeast corner of Cleary Road and Wallis Road, 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 Aaronson moved for approval of the Resolution.

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

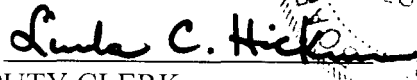
|                               |     |        |
|-------------------------------|-----|--------|
| KAREN T. MARCUS, CHAIR        | ___ | Aye    |
| TONY MASILOTTI, VICE CHAIRMAN | ___ | Aye    |
| JEFF KOONS                    | ___ | Aye    |
| WARREN H. NEWELL              | ___ | Absent |
| MARY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

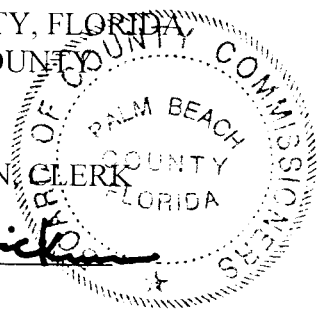
The Chair thereupon declared the resolution was duly passed and adopted this 17 day of September, 2003.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY:   
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK  
BY:   
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 3 day of November, 2003.