

RESOLUTION NO. R-2004- 0720

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 2002-027/E10
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-2003-0103
WHICH APPROVED THE REZONING FOR
LANCE UHLEY, TRUSTEE
PETITION NO. 2002-027

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 2.E. of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 2.E., Status Report CR 2002-027/E10 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on April 22, 2004; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 2002-027/E10 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Section 2.E. 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 site plan has been amended to reduce the project square footage to a number for which surety is not required.
2. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and 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. CR 2002-027/E10, to approve a Development Order Amendment to amend Conditions of Approval of Resolution No. R-2003-0103, the rezoning for Lance Uhley, Trustee, Petition No. 2002-027, which approved a rezoning to the Multiple Use Planned Development Zoning District, on TRACTS 25 AND 26 LESS NORTH 242.99 FEET THEREOF, AND TRACT 32, BLOCK 35, PALM BEACH FARMS COMPANY PLAT NUMBER 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE RIGHT-OF-WAY OF STATE ROAD 7, AS RECORDED IN DEED BOOK 640, PAGE 322 AND OFFICIAL RECORDS BOOK 9169, PAGE 192.

AND LESS AND EXCEPT THAT PORTION OF TRACT 32 DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 44

SOUTH, RANGE 41 EAST; THENCE NORTH 88 DEGREES 33 MINUTES 15 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 222.99 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO.7, (U.S. NO. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 93210-2525; THENCE NORTH 01 DEGREES 28 MINUTES 15 SECONDS EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 25 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 32 AND THE POINT OF BEGINNING; THENCE NORTH 88 DEGREES 33 MINUTES 18 SECONDS WEST ALONG SAID SOUTH LINE OF SAID TRACT 32, A DISTANCE OF 270.00 FEET; THENCE NORTH 01 DEGREES 28 MINUTES 04 SECONDS EAST A DISTANCE OF 432.00 FEET; THENCE SOUTH 88 DEGREES 33 MINUTES 15 SECONDS EAST A DISTANCE OF 270.00 FEET TO A POINT ON SAID WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7; THENCE SOUTH 01 DEGREES 28 MINUTES 15 SECONDS WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 432.00 FEET TO THE POINT OF BEGINNING, being located on the west side of SR 7/US441, 400 feet north of Lantana Road, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition No. E.10. of Resolution No. R-2003-013 which currently states:

Acceptable surety required for the Lyons Road widening improvements as outlined in the Condition above shall be posted with the Office of the Land Development Division on or before July 23, 2003. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. (TPS - Maximum 6 month time extension) (DATE: MONITORING-Eng)

Is hereby deleted.

Commissioner Newell moved for approval of the Resolution.

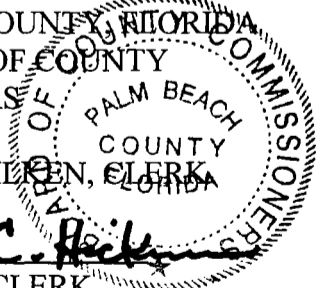

The motion was seconded by Commissioner McCarty and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared the resolution was duly passed and adopted this 22 day of April, 2004.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKINSON, CLERK
BY: 
DEPUTY CLERK

Filed with the Clerk of the Board of County Commissioners on the 17 day of May, 2004.