

RESOLUTION NO. R-2004-2257

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1999-077
TO APPROVE A ZONING MAP AMENDMENT
FOR PROPERTY PREVIOUSLY REZONED BY
RESOLUTION NO. R-2000-1234
PETITION NO. 1999-077
THE PETITION OF
ARTHUR LEIBOVIT/HELEN GODFRIEND/IRVING DENMARK

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; and

WHEREAS, the notice and hearing requirements as provided for in Article 2.E. of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report SR 1999-077 was presented to the Board of County Commissioners of Palm Beach County at public hearings conducted on July 22, 2004, and October 28, 2004; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1999-077 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to approve a zoning map amendment; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. An amendment to the Countywide Traffic Performance Standards (TPS) affects reviews required by Section 5.8 of the Unified Land Development Code.
2. Property owners must submit a new traffic study for staff to be able to determine if a previously approved project meets the Countywide Traffic Performance Standards (TPS).
3. The property owner submitted a new traffic study
4. The study did not document consistency with the Countywide Traffic Performance Standards
5. The RS-Single Family Residential zoning district is consistent with the land use designation of the Palm Beach County Comprehensive Plan.
6. The rezoning is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.
7. The property owner has not complied with condition number E.2. which required the conveyance of a road drainage easement (originally due January 1, 2001).

WHEREAS, Section 5.3 of the 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 1999-077, to approve a zoning map amendment to the RS-Single Family Residential zoning district, for property previously rezoned by the approval of the petition of Arthur Leibovit/Helen Godfriend/Irving Denmark, Petition No. 1999-077, confirmed by the adoption of Resolution R-2000-1234, which approved a rezoning to the Residential Planned Unit Development (PUD) Zoning District, on property legally described as TRACTS 2 AND 3 OF BLOCK 1, PALM BEACH FARMS COMPANY, PLAT NO. 9, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OR THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 5, AT PAGE 58, LESS THE NORTH 70 FEET THEREOF, being located approximately 375 feet east of SR 7/US441 on the south side of Okeechobee Boulevard, is approved.

Commissioner Masilotti 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:

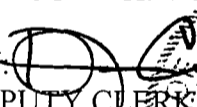
KAREN T. MARCUS, CHAIR	—	Aye
TONY MASILOTTI, VICE CHAIRMAN	—	Aye
JEFF KOONS	—	Aye
WARREN H. NEWELL	—	Aye
MARY MCCARTY	—	Aye
BURT AARONSON	—	Aye
ADDIE L. GREENE	—	Aye

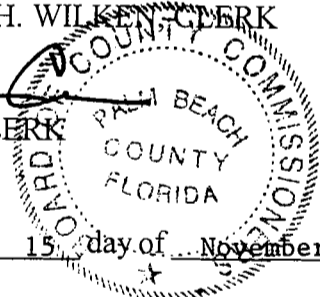
The Chair thereupon declared the resolution was duly passed and adopted this 28 day of October, 2004.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: 
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 15 day of November, 2004.