

RESOLUTION NO. R-2005-0602

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 2002-020/E7
TO APPROVE A ZONING MAP AMENDMENT
FOR PROPERTY PREVIOUSLY REZONED BY
RESOLUTION NO. R-2003-0561
PETITION NO. 2002-020
THE PETITION OF
GEORGE HAAS & DOROTHY HAAS & EDWARD BERNARD

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 CR 2002-020/E7 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on March 24, 2005; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 2002-020/E7 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. Article 2.E. of the Unified Land Development Code (ULDC) requires staff to determine if previously approved development orders are consistent with the ULDC.
2. Article 15 of the ULDC requires development orders to comply with the Countywide Traffic Performance Standards (TPS).
3. The Countywide Traffic Performance Standards require the submission of a new traffic study for staff to be able to determine if Resolution R-2003-0561 meets current TPS.
4. A new traffic study has not been submitted to Palm Beach County.
5. Staff cannot determine if the development order is consistent with the Traffic Performance Standards because a new traffic study has not been submitted.
6. Staff therefore cannot determine if the development order is consistent with the Unified Land Development Code.

7. Article 2.E. only permits the approval of a time extension if a development order is consistent with the ULDC.
8. A time extension cannot be approved because the property owner did not document compliance with the ULDC.
9. If a time extension cannot be approved, a rezoning must be approved.
10. A rezoning to the RE-Residential Estate Zoning District is consistent with the Palm Beach County Comprehensive Plan and with the ULDC.
11. The RE zoning district is consistent with the zoning districts of the surrounding properties.

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. CR 2002-020/E7, to approve a zoning map amendment to the RE-Residential Estate zoning district for property previously rezoned by the approval of the petition of George Haas & Dorothy Haas & Edward Bernard, Petition No. 2002-020, confirmed by the adoption of Resolution R-2003-0561, which approved a rezoning to the in the Residential Planned Unit Development District Zoning District, on property legally described as:

PARCEL ONE:

The South 260 feet of Tract 21; the South 260 feet of the East one-half (E ½) of Tract 22; the North 140 feet of the East one-half (E 2) of Tract 27; and the North 140 feet of Tract 28, THE PALM BEACH FARMS COMPANY PLAT NO. 3. according to the Plat thereof as recorded in Plat Book 2, page 48, Public Records of Palm Beach County, Florida.

PARCEL TWO:

All of the West one-half of Tract 22, less the North 400 feet thereof, in Block 28 of PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof recorded in Plat Book 2, page 48, of the Public Records of Palm Beach County, Florida.

Together With

THE NORTH 400 FEET OF TRACTS 21 AND 22, ALL OF TRACTS 23 AND 24 AND THE NORTH 2 OF TRACT 25, LESS THE WEST 29 FEET THEREOF, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, 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 2, PAGES 45 THROUGH 54, INCLUSIVE, being

located on the east side of Lyons Road, 1/4 mile south of Lake Worth Road, is approved.

Commissioner Koons moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 24 day of March, 2005.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

SHARON R. BOCK, CLERK AND COMPTROLLER

BY: 
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 20 day of April, 2005.