

RESOLUTION NO. R-2005- 1409

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 2001-017
TO APPROVE A ZONING MAP AMENDMENT
FOR PROPERTY PREVIOUSLY REZONED BY
RESOLUTION NO. R-2002-0509
PETITION NO. 2001-017
THE PETITION OF BP AMOCO

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 2001-017 was presented to the Board of County Commissioners of Palm Beach County at public hearings conducted on June 15, 2005, and July 28, 2005; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 2001-017 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-2002-0509 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, or can be made consistent by the amendment of conditions of approval.
8. If the property were to be rezoned to a commercial district, non-residential uses would be permitted without a Conditional Overlay Zone (COZ), thereby negating the

County's ability to impose commitments to mitigate any negative impacts.

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 2001-017, to approve a zoning map amendment to the RS-Single Family zoning district for property previously rezoned by the approval of the petition of BP Amoco, Petition No. 2001-017, confirmed by the adoption of Resolution R-2002-0509, which approved a rezoning to the General Commercial Zoning District, on property legally described in Exhibit A , being located on the southwest corner of Boutwell Avenue and 10th Avenue North, is approved.

Commissioner **MARCUS** moved for approval of the Resolution.

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

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

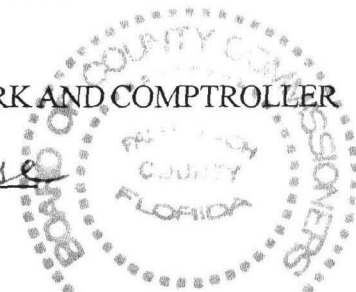
The Chair thereupon declared the resolution was duly passed and adopted this 28TH day of JULY, 2005.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

BY: [Signature]
COUNTY ATTORNEY

SHARON R. BOCK, CLERK AND COMPTROLLER
BY: [Signature]
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 24TH day of AUGUST, 2005.

EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1:

THE WEST 100 FEET OF THE EAST 125 FEET OF THE SOUTH 112.5 FEET OF THE NORTH 227.5 FEET OF TRACT 34, OF MODEL LAND COMPANY'S SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 79, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

THE NORTH 100 FEET OF THE EAST 135 FEET OF TRACT 34, MODEL LAND COMPANY'S SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, LESS THE EAST 25 FEET THEREOF, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5 PAGE 79, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA.

LESS THE SOUTH 10 FEET OF THE NORTH 25 FEET OF THE WEST 110 FEET OF THE EAST 135 FEET OF TRACT 34, MODEL LAND COMPANY'S SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, AND LESS THAT PART OF SAID TRACT 34 WHICH IS INCLUDED IN THE EXTERNAL AREA FORMED BY A 15 FOOT RADIUS ARC TANGENT TO A LINE 25 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID TRACT 34 AND TANGENT TO A LINE 25 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID TRACT 34, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5 PAGE 79, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA.

PARCEL 3:

THE NORTH 227.5 FEET OF THE EAST 265.4 FEET OF TRACT 34 OF THE MODEL LAND COMPANY'S SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, LESS AND NOT INCLUDING THE EAST 25 FEET FOR ROAD RIGHT OF WAY, BOUTWELL ROAD, THE NORTH 100 FEET OF THE WEST 110 FEET OF THE EAST 135 FEET, THE WEST 100 FEET OF THE EAST 125 FEET OF THE SOUTH 112.5 FEET AND RIGHT OF WAY FOR TENTH AVENUE NORTH; AND TOGETHER WITH THE EAST 5 FEET OF ABANDONED BY ROY MEDIA LANE IN DEED BOOK 582, PAGE 2, LYING WEST OF AND ADJACENT TO SAID PROPERTY, PALM BEACH COUNTY, FLORIDA.

TOTAL SITE AREA 49,647.62 SQUARE FEET OR 1.139 ACRES MORE OR LESS.

PARCEL 1: SITE AREA 11,250.35 SQUARE FEET OR 0.258 ACRES MORE OR LESS.

PARCEL 2: SITE AREA 8,202.84 SQUARE FEET OR 0.188 ACRES MORE OR LESS.

PARCEL 3: SITE AREA 30,194.43 SQUARE FEET OR 0.693 ACRES MORE OR LESS.