

RESOLUTION NO. R-2006- 0021

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1978-040A.3
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
FOR PROPERTY PREVIOUSLY GRANTED A CONDITIONAL USE "A" BY
RESOLUTION NO. R-1999-104
APPROVING THE PETITION OF NICHOLAS & JOAN WELLMAN
PETITION NO. 1978-040(A)

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 Unified Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report SR 1978-040A.3 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on January 5, 2006; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1978-040A.3 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. authorizes the Board of County Commissioners to approve Development Oder Amendments; and

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

1. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code.
2. The original approval for the project on this property was granted in 1978.
3. The property owner has had more than 27 years to commence development of the 2,800 square feet, but has not done so.

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 1978-040A.3, to approve a Development Order Amendment to amend conditions of approval, amending the development order previously granted by the approval of the petition of Wellman Care, Inc., Petition No. 1978-040(B), confirmed by the adoption of Resolution R-2003-0092, which approved a Development Order Amendment to redesignate land uses, to modify/delete conditions and to add a second general daycare, on property legally described as all of TRACTS "A", "B", AND "C", as shown on that PLAT entitled Commercial Subdivision Plat of Melaleuca Trail, being a parcel of land lying in Section 25, Township 44 South, Range 42 east, as recorded in plat book 82, pages 157, public records of Palm Beach County, FL., being located on the northwest corner of Melaleuca Lane and Military Trail, in the CG-General Commercial zoning district, is

approved subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition Number 2 of Resolution No. R-2003-0092 which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated December 2, 2002. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING-Zoning)

Is hereby amended to state:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners less the 2,800 square foot retail building. The approved site plan is dated December 2, 2002. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING-Zoning)..

Commissioner Marcus moved for approval of the Resolution.

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

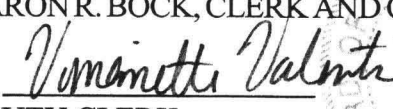
TONY MASILOTTI, CHAIRMAN	—	Aye
ADDIE L. GREENE, VICE CHAIRPERSON	—	Aye
JEFF KOONS	—	Absent
WARREN H. NEWELL	—	Aye
MARY MCCARTY	—	Aye
BURT AARONSON	—	Aye
KAREN T. MARCUS	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 5th day of January, 2006.

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 5th day of January, 2006.