

RECEIVED

RESOLUTION NO. R-2007-0005

2007 JAN -3 PM 4: 39

SHARON R. BOCK
CLERK & COMPTROLLER
BCC SERVICES/MINUTES-PBC

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 2001-071
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
FOR PROPERTY PREVIOUSLY GRANTED A REZONING
WITH AN OVERLAY ZONE BY
RESOLUTION NO. R-2002-1645
APPROVING THE PETITION OF TIDAL WAVE INVESTMENTS
PETITION NO. 2001-071

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 2001-071 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on January 4, 2007; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 2001-071 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. A new traffic impact study justified the amendment of conditions of approval.
2. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

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 2001-071, to approve a Development Order Amendment to amend conditions of approval, amending the development order previously granted by the approval of the petition of Tidal Wave Investments, Petition No. 2001-071, confirmed by the adoption of Resolution R-2002-1645, which approved a rezoning to the Light Industrial Zoning District (IL) with a Conditional Overlay Zone, on property legally described as:

PARCEL 1

The North 450 feet of the East 332 feet of Tract 53, Block 5, of THE PALM BEACH FARMS CO. PLAT NO. 3, according to the map or plat thereof as recorded in Plat Book 2, Pages 45 to 54; together with: the East 21 feet of the South 210 feet of said Tract 53, Block 5, of the PALM BEACH

Status Report SR 2001-071
Project Number 5086-000

FARMS CO., PLAT NO. 3, Plat Book 2, Page 45, Public Records of Palm Beach County, Florida.

TOGETHER WITH:

PARCEL 2

The East 15 feet of the West 119 feet of the South 210 feet of Tract 53, Block 5, of THE PALM BEACH FARMS CO. PLAT NO. 3, according to the map or plat thereof as recorded in Plat Book 2, Pages 45 to 54, inclusive, Public Records of Palm Beach County, Florida; consisting of a driveway from Wallis Road to Parcel 139.

ALSO TOGETHER WITH:

PARCEL 3

The West 104 feet of the South 210 feet of Tract 53, Block 5, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the plat or map thereof as recorded in Plat Book 2, Pages 45 to 54, inclusive, Public Records of Palm Beach County, Florida.

ALSO TOGETHER WITH:

PARCEL 4

The South 65 feet of the North 450 feet of the West 112 feet of Tract 53, Block 5, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the map or plat thereof as recorded in Plat Book 2, Pages 45 to 54, inclusive, Public Records of Palm Beach County, Florida.

ALSO TOGETHER WITH:

PARCEL 5

The East 216 feet of the West 328 feet of the North 450 feet of Tract 53, Block 5, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the map or plat thereof as recorded in Plat Book 2, Pages 45 to 54, inclusive, Public Records of Palm Beach County, Florida.

ALSO TOGETHER WITH:

PARCEL 6

The North 360 feet of the West Quarter of Tract 54, Block 5, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the map or plat thereof as recorded in Plat Book 2, Pages 45 to 54, inclusive, Public Records of Palm Beach County, Florida,

Subject to and together with a 35 foot Ingress and Egress easement described as follows: the East 35 feet of the South 300 feet of the West Quarter of Tract 54, Block 5, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the map or plat thereof as recorded in Plat Book 2, Pages 45 to 54, inclusive, Public Records of Palm Beach County, Florida.

ALSO TOGETHER WITH:

PARCEL 7

The East one-half (E1/2) of the West one-half (W1/2) of Tract 54, Block 5, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the map or plat thereof as recorded in Plat Book 2, Pages 45 to 54, inclusive, Public Records of Palm Beach County, Florida.

ALSO TOGETHER WITH:

PARCEL 8

The South 300 feet of the West Quarter of Tract 54, Block 5, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the map or plat thereof as recorded in Plat Book 2, Pages 45 to 54, inclusive, Public Records of Palm Beach County, Florida.

ALSO TOGETHER WITH:

PARCEL 9

The South 210 feet of Tract 53, Block 5, PALM BEACH FARMS CO. PLAT NO. 3, according to the map or plat thereof as recorded in Plat Book 2, Page 45, Public Records of Palm Beach County, Florida, less the West 119 feet thereof and less the East 437 feet thereof described as follows:

Beginning at the Southeast corner of said Tract 53; thence run West along the South line of said Tract 53, 437 feet to a Point of Beginning; Thence North, a distance of 210 feet; Thence West, a distance of 104 feet; Thence South, a distance of 210 feet; Thence East, a distance of 104 feet to the Point of Beginning.

ALSO TOGETHER WITH:

PARCEL 10

The East 332 feet of Tract 53, Block 5, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the map or plat thereof, recorded in Plat Book 2, Page 45;

LESS the West 103 feet of the South 210 feet; also the East 21 feet of the South 210 feet; and less

the North 450 feet thereof, being located approximately 1,700 feet west of Jog Road on the north side of Wallis Road, is approved subject to the following conditions of approval:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition number E.5.b. of Resolution No. R-2002-1645 which currently states:

No Building Permits for the site may be issued after December 31, 2006. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng)

Is hereby amended to state:

No Building Permits for the site may be issued after December 31, 2010. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E. of the Unified Land Development Code. (DATE: MONITORING-Eng)

Commissioner Koons 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:

ADDIE L. GREENE, CHAIRPERSON	___ Aye
JOHN F. KOONS, VICE CHAIR	— Aye
KAREN T. MARCUS	— Aye
WARREN H. NEWELL	— Aye
MARY MCCARTY	— Aye
BURT AARONSON	— Absent
JESS R. SANTAMARIA	— Aye

The Chair thereupon declared the resolution was duly passed and adopted this 4th day of January 4th, 2007.

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 4th day of January, 2007.