

RESOLUTION NO. R-2007- 0087

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 2003-100/E2
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-2004-2424
WHICH APPROVED THE CONDITIONAL USE "A" OF
FIVE SMOOTH STONES, INC.
CONTROL NO. 2003-100

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.

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 2003-100/E2 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on January 25, 2007; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 2003-100/E2 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 add or modify conditions of approval; 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 Unified Land Development Code.
2. The conditional use has not yet been utilized.
3. With no new traffic, the turn lane is not yet needed.
4. The amendment of condition E.2. will ensure the property owner complies with it prior to the need for the turn lane.
5. The Palm Beach County Traffic Division recommends approval of the amendment of condition number E.2.

WHEREAS, Section 5.3 of the Palm Beach County 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 2003-100/E2, to amend Conditions of Approval of Resolution No. R-2004-2424, the

Conditional Use "A" of Five Smooth Stones, Inc., Control No. 2003-100, which approved a Class A Conditional Use to allow a Type IIIA Excavation on property legally described as UNIT NOS. 1 THROUGH 13, INCLUSIVE, AND 40 THROUGH 52, INCLUSIVE, OF TRACTS G, H, I, AND J, OSCEOLA GROVES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 20, PAGE 30, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH A 30 FOOT WIDE STRIP OF LAND BEING ALL THAT PORTION OF THE UNNAMED 30 FOOT ROAD LYING BETWEEN THE SOUTH LINE OF UNITS 1 THROUGH 13, INCLUSIVE, TRACT J AND THE NORTH LINE OF UNITS 40 THROUGH 52, INCLUSIVE, TRACT I, OSCEOLA GROVES, ACCORDING TO THE PLAT THEREOF, AS RECORDED ON PLAT BOOK 20, PAGE 30, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

ALSO TOGETHER WITH A 30 FOOT WIDE STRIP OF LAND BEING ALL THAT PORTION OF THE UNNAMED 30 FOOT ROAD LYING BETWEEN THE SOUTH LINE OF UNITS 1 THROUGH 13, INCLUSIVE, TRACT I AND THE NORTH LINE OF UNITS 40 THROUGH 52, INCLUSIVE, TRACT H, OSCEOLA GROVES, ACCORDING TO THE PLAT THEREOF, AS RECORDED ON PLAT BOOK 20, PAGE 30, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

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TOTAL CONTAINING: 121.113 ACRES, MORE OR LESS, being located approximately two miles south of SR 76 and one mile east of S R 441 in the Agricultural Production 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 No. E.2. of Resolution No. R-2004-2424 which currently states:

The Property owner shall construct a left turn lane north approach on SR 98/ US 441 at the Projects Entrance. This construction shall be completed prior to May 1, 2005. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. (DATE/BLDG PERMIT: MONITORING - Eng)

Is hereby amended to state:

When submitted for approval, the site plan shall include a time certain condition of approval which states the property owner shall comply with the following condition of approval by a date which is four months from the date of site plan certification:

The Property owner shall construct a left turn lane north approach on SR 98/ US 441 at the Projects Entrance. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include,

but are not limited to, utility relocations and acquisition of any additional required right-of-way. (DRO: ENG

Commissioner Marcus 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:

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

The Chair thereupon declared the resolution was duly passed and adopted this 25th day of January, 2007.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: [Signature]
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

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



Filed with the Clerk of the Board of County Commissioners on the 25th day of January, 2007.