

RESOLUTION NO. R-2007- 2132

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 2005-595
TO APPROVE A ZONING MAP AMENDMENT
FOR PROPERTY PREVIOUSLY REZONED BY
RESOLUTION NO. R-2006-1550
CONTROL NO. 2005-595 (APPLICATION NO. 2005-1718)
THE APPLICATION OF GULFSTREAM LAND INVESTMENT CORP.

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 2005-595 was presented to the Board of County Commissioners of Palm Beach County at public hearings conducted on October 25, 2007, and November 29, 2007; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 2005-595 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. Condition number E.5. of Resolution No. R-2006-1550 required the posting of performance surety by February 23, 2007.
2. The property owners subsequently applied for and received a six-month time extension until August 23, 2007.
3. Unified Land Development Code Article 2.E.2.D.9.a. permits a maximum of 12 months from the date the development order was approved to comply with this type of condition.
4. The development order, Resolution No. R-2006-1550, was approved on August 23, 2006.
5. More than one year has elapsed since the approval of the development order.
6. Required surety was not posted.
7. Unified Land Development Code Article 2.E.2.D.9.c. now requires this property to be rezoned to the lowest zoning district consistent with the property's future land use designation.

8. The future land use designation is Low Residential 2.
9. The lowest zoning district for the Low Residential land use designation is RT-Residential Transitional.
10. The property owners did not comply with time certain conditions E.6., E.8., and E.10. by their deadlines.

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 2005-595, to approve a zoning map amendment to the RT-Residential Transitional zoning district for property previously rezoned by the approval of the petition of Gulfstream Land Investment Corp., Petition No. 2005-595 (application #2005-1718), confirmed by the adoption of Resolution R-2006-1550, which approved a rezoning to the Planned Unit Development Zoning District, on property legally described as THE NORTH 400 FEET OF TRACTS 21 AND 22, ALL OF TRACTS 23 AND 24, AND THE NORTH ONE-HALF 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 PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

ROMFH

THE SOUTH 520 FEET OF EAST ONE-HALF (E ½) OF TRACT 27, AND THE SOUTH 520 FEET OF TRACT 28, BLOCK 28, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGE 48

LESS:

THE WEST 125.65 FEET OF THE SOUTH 520.00 FEET OF THE EAST ONE-HALF (E ½) OF TRACT 27, BLOCK 28, ACCORDING TO THE PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGE 48, IN AND FOR THE PUBLIC RECORDS OF PALM BEACH COUNTRY, FLORIDA.

TOGETHER WITH:

TLH-BOS(BERNARD)

PARCEL ONE:

THE SOUTH 260 FEET OF TRACT 21; THE SOUTH 260 FEET OF THE EAST ½ OF TRACT 22; THE NORTH 140 FEET OF THE EAST ½ OF TRACT 27; AND THE NORTH 140 FEET OF TRACT 28, BLOCK 28, THE 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.

PARCEL TWO:

ALL OF THE WEST ½ OF TRACT 22, LESS THE NORTH 400 FEET THEREOF, IN BLOCK 28, 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.

TOGETHER WITH:

MUSTO

PARCEL 1:

THE WEST 125.65 FEET OF THE SOUTH 520.00 FEET OF THE EAST ONE-HALF (E ½) OF TRACT 27, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

THE WEST ONE-HALF (W ½) OF TRACT 27, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS PURPOSES OVER, ALONG, UPON AND ACROSS THE FOLLOWING DESCRIBED LAND SITUATE IN PALM BEACH COUNTY, FLORIDA, TOWIT:

THE WEST 30.00 FEET OF THE EAST 70.00 FEET OF TRACT 5, LESS THE NORTH 27 FEET THEREOF, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

FISCHER

THE EAST ONE-HALF (E ½) OF TRACT 26, BLOCK 28, PALM BEACH 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, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE.

TOGETHER WITH:

SHIREY

THE WEST HALF (W ½) OF TRACT 26, BLOCK 28, PALM BEACH FARMS COMPANY 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, PAGE 45. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY: THE NORTH 20 FEET OF THE SOUTH 45 FEET OF THE EAST 35 FEET OF TRACT 26, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3 AND THE WEST 20 FEET OF THE EAST 35 FEET OF THE SOUTH 45 FEET OF TRACT 26, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3 AND THE SOUTH 20 FEET OF THE EAST HALF (E ½) OF TRACT 26, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, LESS AND EXCEPTING THEREFROM THE EAST 35 FEET THEREOF. SUBJECT TO: AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE SOUTH 20 FEET OF THE WEST HALF (W ½) OF TRACT 26, BLOCK 28, PALM BEACH FARMS COMPANY, PLAT NO. 3, being

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

Commissioner McCarty 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:


ADDIE L. GREENE, CHAIRPERSON	-Absent
JOHN F. KOONS, VICE CHAIR	-Aye
KAREN T. MARCUS	-Aye
ROBERT J. KANJIAN	-Aye
MARY MCCARTY	-Aye
BURT AARONSON	-Aye
JESS R. SANTAMARIA	-Aye

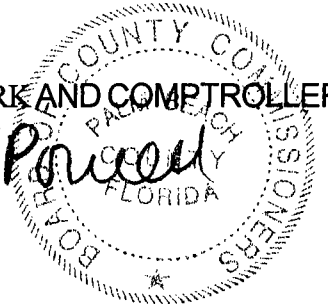
The Chair thereupon declared the resolution was duly passed and adopted this 29th day of November, 2007.

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 29th day of November, 2007.