

RESOLUTION NO. R-2007- 2131

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. CR 2005-422  
TO APPROVE A ZONING MAP AMENDMENT  
FOR PROPERTY PREVIOUSLY REZONED BY  
RESOLUTION NO. R-2006-1548  
CONTROL NO. 2005-422  
THE APPLICATION OF FRANK BUTTERWORTH, G CARDEN,  
HIDDEN CREEK SOUTH LLC, MARTIN ESTRADA,  
PAUL OLIVER, POLO FLORIDA, RONALD MASTROIANNI,  
THOMAS BIDDLE, TLH BOS CORP., TLHC 2 INC.

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 2005-422 was presented to the Board of County Commissioners of Palm Beach County at a public hearings conducted on October 25, 2007, and November 29, 2007; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 2005-422 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.18. of Resolution No. R-2006-1548 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-2006-1548, 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 ULDC now requires Planned Unit Developments to provide workforce housing.

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 2005-422, to approve a zoning map amendment to the RT-Residential Transitional Zoning District for property previously rezoned by the approval of the petition of Frank Butterworth, G Carden, Hidden Creek South LLC, Martin Estrada, Paul Oliver, Polo Florida, Ronald Mastroianni, Thomas Biddle, TLH Bos Corp., A and TLHC 2 Inc., Control No. 2005-422, confirmed by the adoption of Resolution R-2006-1548, which approved a rezoning to the in the Planned Unit Development Zoning District, on property legally described as A PARCEL OF LAND LYING WITHIN BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 2, BLOCK 28, LESS THE NORTH 56.10 FEET PER CHANCERY CASE NO. 407 TO LAKE WORTH DRAINAGE DISTRICT, RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 1957, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACT 4, BLOCK 28, LESS THE NORTH 56.10 FEET PER CHANCERY CASE NO. 407 TO LAKE WORTH DRAINAGE DISTRICT, RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 1957, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE EAST 40 FEET OF TRACT 5, BLOCK 28, LESS THE NORTH 56.10 FEET PER CHANCERY CASE NO. 407 TO LAKE WORTH DRAINAGE DISTRICT, RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 1957, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACT 13, LESS THE WEST 100 FEET OF THE NORTH 50 FEET THEREOF; TRACT 14, LESS THE SOUTH 130 FEET THEREOF; TRACTS 20, 29, 35, 36, 45 AND 46, ALL IN BLOCK 28.

TOGETHER WITH:

THE SOUTH 343.00 FEET OF TRACT 17, LESS RIGHT-OF-WAY FOR FLORIDA'S TURNPIKE, AND THE SOUTH 343.00 FEET OF TRACT 18, LESS THE NORTH 32.40 FEET OF THE WEST 213.86 FEET THEREOF; AND THE NORTH ONE-HALF (N 1/2) OF TRACTS 31 AND 32, LESS THE RIGHT-OF-WAY FOR FLORIDA'S TURNPIKE, ALL IN BLOCK 28.

TOGETHER WITH:

TRACTS 15 AND 16, LESS THE RIGHT-OF-WAY FOR FLORIDA'S TURNPIKE, ALL IN BLOCK 28.

TOGETHER WITH:

TRACT 17, LESS RIGHT-OF-WAY FOR FLORIDA'S TURNPIKE, AND ALSO LESS THE SOUTH 343.00 FEET THEREOF; AND TRACT 18, LESS THE SOUTH 343.00 FEET THEREOF, ALL IN BLOCK 28.

AND THE NORTH 32.40 FEET OF THE SOUTH 343.00 FEET OF THE WEST 213.86 FEET OF TRACT 18, BLOCK 28.

TOGETHER WITH:

THE SOUTH 130 FEET OF TRACT 14, BLOCK 28; ALSO TRACT 19, BLOCK 28, LESS THE FOLLOWING:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 19; THENCE NORTH ALONG THE WEST LINE OF SAID TRACT 19 FOR A DISTANCE OF 79.93 FEET; THENCE NORTH 89°58'58" EAST FOR A DISTANCE OF 659.79 FEET TO THE EAST LINE OF SAID TRACT 19; THENCE SOUTH 00°00'28" WEST ALONG THE EAST LINE OF SAID TRACT 19 FOR A DISTANCE OF 80.17 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 19; THENCE SOUTH 89°59'49" WEST ALONG THE SOUTH LINE OF SAID TRACT 19 FOR A DISTANCE OF 659.78 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 19 AND THE POINT OF BEGINNING.

TOGETHER WITH:

TRACT 43 AND THE SOUTH 329.91 FEET OF TRACT 38, LESS THAT PORTION OF TRACT 38 CONVEYED IN OFFICIAL RECORD BOOK 8960, PAGE 167, ALL IN BLOCK 28, OF PALM BEACH FARMS COMPANY 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:

THE SOUTH ONE QUARTER (S 1/4) OF THE FOLLOWING DESCRIBED PARCEL:

TRACT 44 AND THE SOUTH 461.95 FEET OF TRACT 37, ALL IN BLOCK 28.

TOGETHER WITH:

THE SOUTH 330 FEET OF TRACT 39, BLOCK 28.

TOGETHER WITH:

TRACTS 42 AND 41, LESS THE WEST 70 FEET OF TRACT 41, BLOCK 28.

TOGETHER WITH:

TRACT 30, BLOCK 28, AND THE FOLLOWING PORTION OF TRACT 19, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, AT PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TO WIT:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 19; THENCE NORTH ALONG THE WEST LINE OF SAID TRACT 19 FOR A DISTANCE OF 79.93 FEET; THENCE NORTH 89°58'58" EAST FOR A DISTANCE OF 659.79 FEET TO THE EAST LINE OF SAID TRACT 19; THENCE SOUTH 00°00'28" WEST ALONG THE EAST LINE OF SAID TRACT 19 FOR A DISTANCE OF 80.17 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 19;

THENCE SOUTH 89°59'49" WEST ALONG THE SOUTH LINE OF SAID TRACT 19 FOR A DISTANCE OF 659.78 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 19 AND THE POINT OF BEGINNING.

TOGETHER WITH:

THAT PORTION OF THE 30 FOOT PALM BEACH FARMS COMPANY PLAT NO. 3 (PLAT BOOK 2, PAGES 45-54) RIGHT-OF-WAY LYING EAST OF AND CONTIGUOUS WITH THE EAST LINE OF THE FOLLOWING DESCRIBED PARCEL OF LAND, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH ONE QUARTER (S 1/4) OF THE FOLLOWING DESCRIBED PARCEL:

TRACT 44 AND THE SOUTH 461.95 FEET OF TRACT 37, ALL IN BLOCK 28.

TOGETHER WITH:

THAT PORTION OF THE 30 FOOT PALM BEACH FARMS COMPANY PLAT NO. 3 (PLAT BOOK 2, PAGES 45-54) RIGHT-OF-WAY LYING BETWEEN TRACTS 29-30 AND 35-36, BLOCK 28.

TOGETHER WITH:

THAT PORTION OF THE 30 FOOT PALM BEACH FARMS COMPANY PLAT NO. 3 (PLAT BOOK 2, PAGES 45-54) RIGHT-OF-WAY LYING BETWEEN TRACTS 13, 14, 15, 16, AND TRACTS 17, 18, 19, 20, BLOCK 28, LESS THE RIGHT-OF-WAY FOR FLORIDA'S TURNPIKE.

CONTAINING 201.968 ACRES, MORE OR LESS, being located on the east side of Lyons Rd., approx. 3/4 m south of Lake Worth Rd., 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:

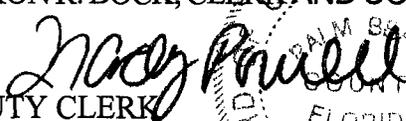
ADDIE L. GREENE, CHAIRPERSON	Absent
JOHN F. KOONS, VICE CHAIR	Aye
KAREN T. MARCUS	Aye
ROBERT J. KANJIAN	Aye
MARY MCCARTY	Aye
BURT AARONSON	Aye
JESS R. SANTAMARIA	Aye

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.

Status Report CR 2005-422  
Project Number 0963-000