

RESOLUTION NO. R- 2000-1093

RESOLUTION APPROVING ZONING PETITION Z99-082  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
PETITION OF D&P DEVELOPMENT  
BY ALFONSO POWELL, AGENT  
(D&P DEVELOPMENT)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition Z99-082 was presented to the Board of County Commissioners at a public hearing conducted on July 27, 2000; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20, as amended; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified 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 Zoning Petition Z99-082, the petition of D&P Development by Alfonso Powell, agent, for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Residential High Density (RH) zoning district in the Glades Area Economic Overlay (GA-O) District with a Conditional Overlay Zone (COZ) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on July 27, 2000, subject to the conditions of the Conditional Overlay Zone (COZ) described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Maude Ford Lee, Chair		Aye
Warren Newell, Vice Chair	-	Aye
Karen T. Marcus		Aye
Carol A. Roberts		Aye
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Absent

The Chairthereupon declared that the resolution was duly passed and adopted on July 27, 2000.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Dorothy H. Wilken*  
COUNTY ATTORNEY

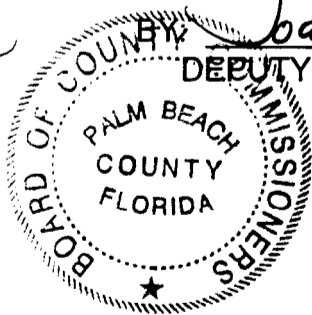
*Joan D. Javelle*  
DEPUTY CLERK  


EXHIBIT A

LEGAL DESCRIPTION

“THE NORTH ONE-HALF OF THE FOLLOWING PROPERTY;  
COMMENCE AT THE NORTHEAST CORNER OF RADER SUBDIVISION NO. 2, AS IN  
PALM BEACH COUNTY FLORIDA, PLAT BOOK 20, PAGE 34; THENCE SOUTHERLY  
ALONG THE EAST LINE OF SAID SUBDIVISION FOR A DISTANCE OF 427.8 FEET TO  
THE POINT OF BEGINNING; THENCE CONTINUE SOUTHERLY ALONG A PROJECTION  
OF THE EAST LINE OF SAID SUBDIVISION FOR A DISTANCE OF 871.20 FEET; THENCE  
EASTERLY FOR A DISTANCE OF 180 FEET ALONG A LINE THAT IS PARALLEL TO THE  
SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80; THENCE NORTHERLY PARALLEL  
TO THE EAST LINE OF SAID SUBDIVISION FOR A DISTANCE OF 871.20 FEET;  
THENCE WESTERLY 180 FEET MORE OR LESS ALONG A LINE PARALLEL TO THE  
SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80 TO THE POINT OF BEGINNING,  
SUBJECT TO A PERPETUAL EASEMENT OVER, IN AND UPON THE WEST 30 FEET OF  
THAT REAL PROPERTY FOR USE AS STREET AND UTILITY EASEMENT, SUBJECT TO  
ALL APPLICABLE RESTRICTIONS RESERVATIONS AND EASEMENT OF RECORDS.”  
AND

“THE SOUTH ONE HALF OF THE FOLLOWING DESCRIBED PROPERTY:  
COMMENCE AT THE NORTHEAST CORNER OF RADER SUBDIVISION NO. 2, AS IN  
PALM BEACH COUNTY, FLORIDA, PLAT BOOK 20, PAGE 34; THENCE SOUTHERLY  
ALONG THE EAST LINE OF SAID SUBDIVISION FOR A DISTANCE OF 427.8 FEET TO  
THE POINT OF BEGINNING; THENCE CONTINUE SOUTHERLY ALONG A PROJECTION  
OF THE EAST LINE OF SAID SUBDIVISION FOR A DISTANCE OF 871.20 FEET; THENCE  
EASTERLY FOR A DISTANCE OF 180 FEET ALONG A LINE THAT IS PARALLEL TO THE  
SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80; THENCE NORTHERLY PARALLEL  
TO THE EAST LINE OF SAID SUBDIVISION FOR A DISTANCE OF 871.20 FEET;  
THENCE WESTERLY 180 FEET MORE OR LESS ALONG A LINE PARALLEL TO THE  
SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80 TO THE POINT OF BEGINNING.”

EXHIBIT B

VICINITY SKETCH

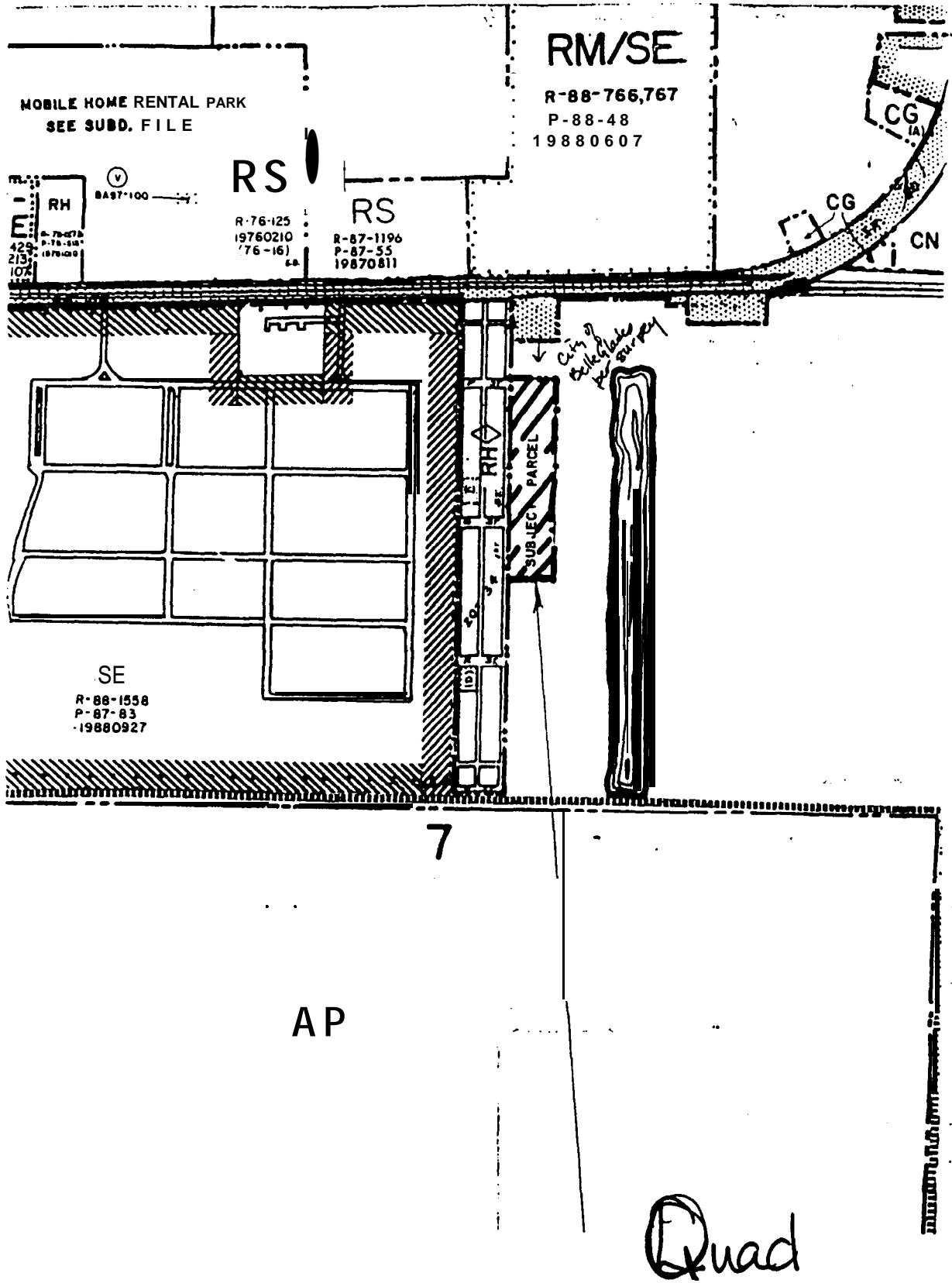


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: There are no D conditions

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. 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)

B. BUILDING AND SITE DESIGN

1. Each lot in the subdivision shall be a minimum of seventy-five (75) feet in width. (DRC: ZONING)

C. HEALTH DEPARTMENT

1. The Palm Beach County Health Department prior to final site plan review must approve application and engineering plans to construct water and wastewater main extensions. (DRC: HEALTH)

There are no D conditions.

E. ENGINEERING

1. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for First Street, 30 feet from centerline. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)
2. Prior to the issuance of a building permit the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

F. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of **PZ&B** or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of **Adjustment** or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)