

RESOLUTION NO. R-2005- 1123

RESOLUTION APPROVING ZONING APPLICATION R2004-293
(CONTROL NO. 199413)
REQUESTED USE
APPLICATION OF CHIMU INC
BY DAVID L. CARPENTER & ASSOC. - DAVID CARPENTER, AGENT
(CHIMU SHOPPING CENTER)

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 Board of County Commissioners, pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067) is authorized and empowered to consider, approve, approve with conditions or deny Requested Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application R2004-293 was presented to the Board of County Commissioners at a public hearing conducted on June 15, 2005; 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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Requested Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Requested Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Requested Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Requested Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Requested Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.

6. This Requested Use meets applicable local land development regulations.
7. This Requested Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Requested Use has a concurrency determination and complies with Article 2.F, Concurrency of the ULDC.
9. This Requested Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Requested Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 2 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 Application R2004-293, the application of Chimu Inc, by David L. Carpenter & Assoc. - David Carpenter, agent, for a Requested Use to allow a financial institution in the MUPD Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on June 15, 2005, subject to the conditions of approval described in EXHIBIT C of DOA2004-293.

Commissioner AARONSON moved for the approval of the Resolution.

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

Tony Masilotti, Chairman	- AYE
Addie L. Greene, Vice Chairperson	- AYE
Karen T. Marcus	- ABSENT
Jeff Koons	- AYE
Warren H. Newell	- AYE
Mary McCarty	- ABSENT
Burt Aaronson	- AYE

The Chairman thereupon declared that the resolution was duly passed and adopted on June 15, 2005.

Filed with the Clerk of the Board of County Commissioners on 20th day of JULY, 2005.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK, PALM BEACH
CLERK & COMPTROLLER

BY:


DEPUTY CLERK

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EXHIBIT A

LEGAL DESCRIPTION

The Southwest one-quarter of the Southeast one-quarter of the Southwest one-quarter of Section 1, Township 45 South, Range 42 East, LESS the right-of-way as conveyed to the County of Palm Beach on October 12, 1959 in Official Record Book 415, page 181, Public Records of Palm Beach County, Florida.

Legal Description of the Right of Way Dedication of Hypoluxo Road recorded in Official Record Book 415, at Page 181:

That portion of:

The West ½ of the SE ¼ of the SW ¼ of Section 1, Twp. 45 S., Rge. 42 E.,

which lies South of the following described North right-of-way line of Hypoluxo Road, to-wit:

As a point of reference start at the South Quarter corner of Section 1, Twp. 45 S., Rge. 42 E., run northerly along the East line of the SW ¼ of said Section 1 for a distance of 104.05 feet; thence run North 88 deg. 59 min. 33 sec. West for a distance of 56.32 feet to Point of Beginning of said North right-of-way description. Thence continue North 88 deg. 59 min. 33 sec. West, for a distance of 3030.60 feet to the beginning of a curve concave to the northerly and having a radius of 5679.65 feet; thence run in a westerly direction along the arc of said curve for a distance of 48.85 feet to the end of curve; thence run North 88 deg. 29 min. a 59 sec. West, for a distance of 4767.04 feet to the beginning of a curve concave to the southerly and having a radius of 5779.65 feet; thence run in a westerly direction along the arc of said curve for a distance of 75.72 feet to a point of the West line of Section 2, Twp. 45 S., Rge. 42 E., said point being 84.00 feet North of the SW corner of said Section 2.

Also Less and Excepting:

Legal Description of the Right of Way Dedication of Hypoluxo Road recorded in Official Record Book 6661, at Page 1788.

A portion of a parcel of land described in Official Record Book 4353, Page 1356 of the public records of Palm Beach County, Florida, also lying within the Southwest one-quarter of the Southeast one-quarter of the Southwest one-quarter of Section 1, the Township 45 South, Range 42 East, Palm Beach County, Florida and being more particularly described as follows:

Commence at the Southeast corner of the Southwest one-quarter of said Section 1, thence North 88°50'22" West along the South line of said Section 1, a distance of 663.20 feet; thence North 00°13'51" West along the East Line of the Southwest one-quarter of the Southeast one-quarter of the Southwest one-quarter of said Section 1, a distance of 97.64 feet to POINT OF BEGINNING; thence North 89°23'36" West along the North Right-of-Way line of Hypoluxo Road and described in official record book 415, page 181 of the Public Records of Palm Beach County, Florida, a distance of 663.13 feet; thence North 00°16'06" West along the West line of the Southwest one-quarter of the Southeast one-quarter of the Southwest one-quarter of said Section 1, a distance of 43.19 feet; thence South 44°33'14" East, a distance of 34.91 feet to a point on a line 110.0 feet North of (as measured at right angles_ and parallel with the South line of the Southwest one-quarter of said Section 1; thence South 88°50'22" East along said parallel line a distance of 566.24 feet; thence South 89°45'22" East, a distance of 72.63 feet; thence South 00°13'51" East along the previously described East line of the Southwest one-quarter of the Southeast one-quarter of the Southwest one-quarter of said Section 1, a distance of 13.55 feet to the POINT OF BEGINNING.

Containing 380,872 Square Feet or 8.74 acres more or less.

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EXHIBIT B
VICINITY SKETCH

