

RESOLUTION NO. R-2006-1207

RESOLUTION APPROVING ZONING APPLICATION Z2004-496
(CONTROL NO. 2004-348)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
APPLICATION OF SEMINOLE IMPROVEMENT DISTRICT
BY KILDAY & ASSOCIATES, INC., AGENT
(SEMINOLE IMPROVEMENT DISTRICT)

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 public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), as amended, have been satisfied; and

WHEREAS, Zoning Application Z2004-496 was presented to the Board of County Commissioners at a public hearing conducted on June 22, 2006; 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 has considered the findings in the staff report and 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) 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) 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) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY - Adequate Public Facilities Standards) of the Palm Beach County Unified Land Development Code; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 2.K.3.b (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 Application Z2004-496, the application of Seminole Improvement District, by Kilday & Associates, Inc., agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential Zoning District to the Public Ownership Zoning District 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 June 22, 2006.

Commissioner Koons moved for the approval of the Resolution.

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

Tony Masilotti, Chair	-	Absent
Addie L. Greene, Vice Chairperson	-	Aye
Karen T. Marcus	-	Nay
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye

The Chairman thereupon declared that the resolution was duly passed and adopted on June 22, 2006.

Filed with the Clerk of the Board of County Commissioners on 11th day of July, 2006.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

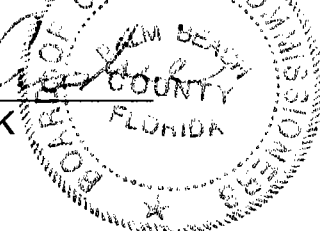


EXHIBIT A

LEGAL DESCRIPTION

WASTE WATER TREATMENT PLANT

A PARCEL OF LAND LYING IN THE NORTHWEST ONE-QUARTER OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 6 AT A RECORDED COUNTY CONCRETE MONUMENT (N 884,462,5484, E 729,898,4140) RUN SOUTH 01°33'04" WEST, ALONG THE WEST SECTION LINE, AND RANGE LINE, 1556.66 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE F-2 CANAL;

THENCE SOUTH 89°46'43" EAST A DISTANCE OF 58.16 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE SOUTH 89°46'43" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF THE F-2 CANAL A DISTANCE OF 1582.59 FEET;

THENCE SOUTH 01°43'30" WEST A DISTANCE OF 1109.30 FEET TO THE NORTH RIGHT-OF-WAY LINE OF THE F-3 CANAL;

THENCE NORTH 89°12'16" WEST ALONG THE SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 1582.25 FEET;

THENCE NORTH 01°43'40" EAST A DISTANCE OF 1093.44 FEET TO THE POINT OF BEGINNING;

ALL THE ABOVE SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 40.00 ACRES, MORE OR LESS

EXHIBIT B
VICINITY SKETCH

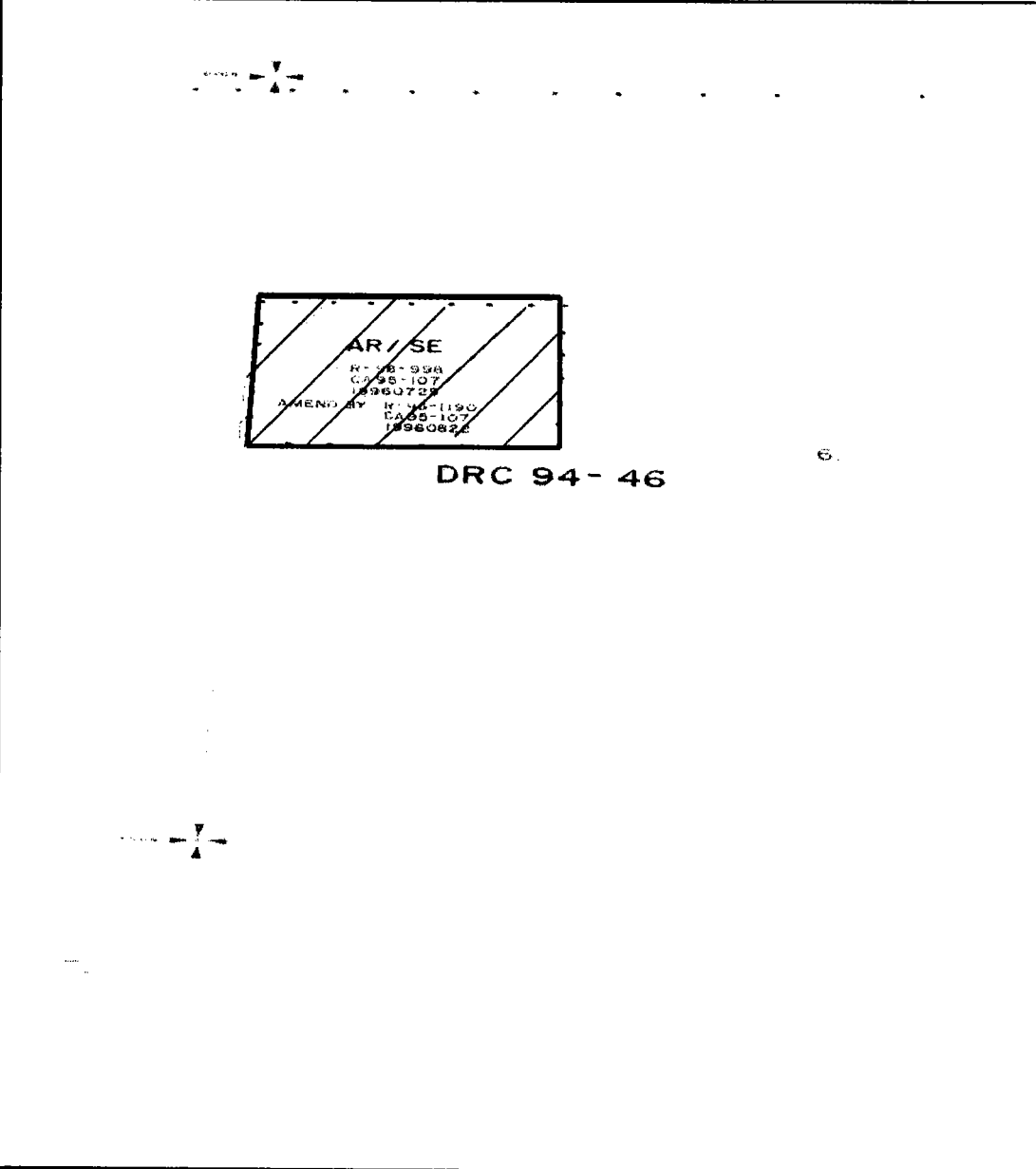


EXHIBIT B		
PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH		
		
	Application # <u>Z2004-496</u>	Control # <u>2004-348</u>
	Zoning Quad Page <u>75</u>	
	Date <u>November 22, 2004</u>	NORTH

EXHIBIT C

VOLUNTARY COMMITMENTS

ZONING - LANDSCAPE

1. Prior to issuance of a Building Permit, the property owner shall submit an Alternative Landscape Plan for all of the buffers required for the site. This Plan shall indicate how new native vegetation will be incorporated into the site and into all perimeter buffers. Credit may be given for existing or relocated trees and native understory provided they meet current ULDC standards pursuant to Section 7.3.E. All new landscaping shall be native. (BLDG PERMIT: LANDSCAPE- Planning)

SIGNS

1. Signage for the project is limited the site to one (1) monument style only off-site directional sign on Seminole Pratt Whitney Road to be designed in accordance with Rural Design requirements. (BLDG PERMIT: BLDG -Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner 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 voluntary commitments of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the voluntary commitments 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 voluntary commitments; 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 Code Enforcement Special Master 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any voluntary commitments 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. (ONGOING: MONITORING - Zoning)