

RESOLUTION NO. R-2008- 1382

RESOLUTION APPROVING ZONING APPLICATION Z2008-00610
(CONTROL NO. 2004-00340)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
APPLICATION OF LUIS RODRIGUES
(RODRIGUES REZONING)

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 applications relating to zoning; and

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

WHEREAS, Zoning Application Z2008-00610 was presented to the Board of County Commissioners at a public hearing conducted on August 28, 2008; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring) 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 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 stated purpose, intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations;
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment;
5. 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;
6. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern; and,
7. This official zoning map amendment is consistent with applicable Neighborhood Plans.

8. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY - Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Z2008-00610 the application of Luis Rodrigues for an Official Zoning Map Amendment from the Agriculture Residential Zoning District to the Residential Single Family Zoning District with a CONDITIONAL OVERLAY ZONE 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 August 28, 2008, subject to the conditions of the CONDITIONAL OVERLAY ZONE described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus 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:

Addie L. Greene, Chairperson	- Aye
Jeff Koons, Vice Chair	- Aye
Karen T. Marcus	- Aye
Robert J. Kanjian	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Absent
Jess R. Santamaria	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on August 28, 2008.

Filed with the Clerk of the Board of County Commissioners on September 2, 2008.

This resolution was filed with the Clerk of the Board of County Commissioners on _____.

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

Lots 6, 7, 8,9,10,11,12,13, and 14, Inclusive, of REPLAT OF PLAT NO.1 OF DELRAY GARDEN ESTATES, according to the Plat thereof as recorded in Plat Book 23, Page 51, of the Public Records of Palm Beach County, Florida, LESS THE FOLLOWING: A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES BEING ALL THAT PORTION OF LOTS 6-14 INCLUSIVE OF THE REPLAT OF PLAT NO. 1 OF DELRAY GARDEN ESTATES LYING IN SECTION 11, TOWNSHIP 46 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 23, PAGE 51 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR THE PURPOSE OF THIS DESCRIPTION THE CENTERLINE RIGHT- OF-WAY OF MILITARY TRAIL, (STATE ROAD 809) AS SHOWN ON THR RIGHT-OF-WAY MAP OF MILITARY TRAIL (FROM STATE ROAD 806 NORTH TO STEINER ROAD) NOW IN THE FILES OF THE LAND ACQUISITION DEPARTMENT OF PALM BEACH COUNTY UNDER PROJECT NUMBER 86-112, IS ASSUMED TO BEAR NORTH 00°17'50" WEST, AND ALL BEARINGS RECITED HEREIN ARE RELATED THERETO.

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF PINE TREE DRIVE (A 50.00 FOOT IN WIDTH RIGHT-OF-WAY) AS SHOWN ON SAID REPLAT OF PLAT NO. 1 OF DELRAY GARDEN ESTATES, WITH THE WEST RIGHT-OF-WAY LINE OF SAID MILITARY TRAIL BEING A LINE 50.00 FEET WEST OF AND PARALLEL WITH THE CENTERLINE RIGHT-OF-WAY OF SAID MILITARY TRAIL, AS SAID INTERSECTION IS SHOWN ON SAID RIGHT-OF-WAY MAP OF MILITARY TRAIL; THENCE SOUTH 00° 17'50" WEST ALONG SAID WEST RIGHT-OF-WAY A DISTANCE OF 240.70 FEET TO THE SOUTH LINE OF SAID LOT 14; THENCE SOUTH 89° 29'55" WEST ALONG SAID SOUTH LINE A DISTANCE OF 10.00 FEET TO A LINE 60.00 FEET WEST OF AND PARALLEL WITH THE CENTERLINE RIGHT-OF-WAY OF SAID MILITARY TRAIL; THENCE, NORTH 00° 17'50" WEST ALONG SAID PARALLEL LINE A DISTANCE OF 215.01 FEET; THENCE NORTH 45°23'57" WEST A DISTANCE OF 35.42 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID PINE TREE DRIVE; THENCE NORTH 89°29'55" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 35.09 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

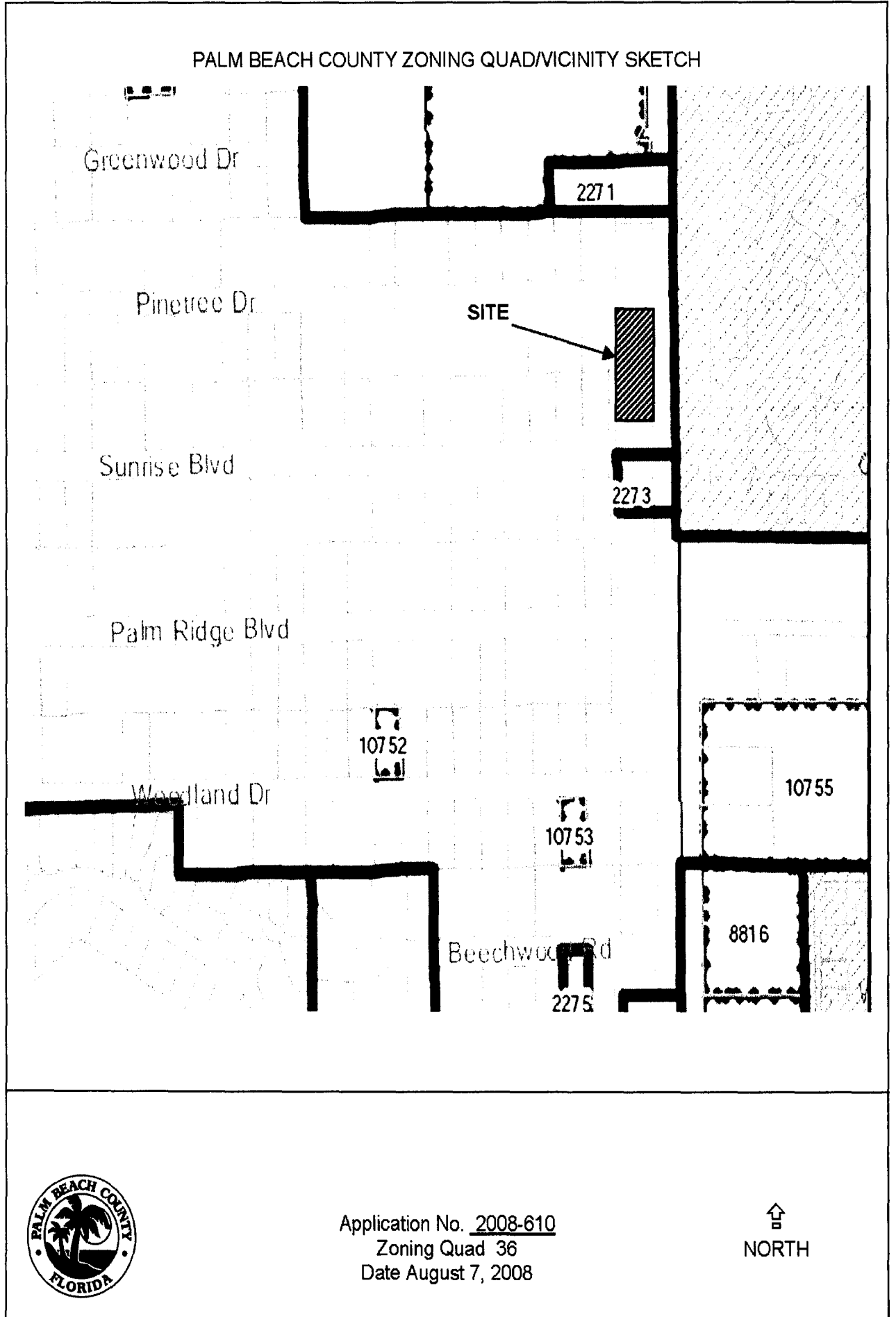


EXHIBIT C

CONDITIONS OF APPROVAL

ENGINEERING

1. Prior to issuance of a building permit a Plat Waiver or replat will be required to be recorded to combine the existing lots into one legal lot of record. (BLDG PERMIT:ENGINEERING-Eng)

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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)