

RESOLUTION NO. R-2008- 1394

RESOLUTION APPROVING ZONING APPLICATION Z2008-00294
(CONTROL NO. 1995-00044)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
APPLICATION OF FLORIDA SEVASHRAM SANGHA INC.
BY JON E. SCHMIDT & ASSOCIATES, AGENT
(FLORIDA SEVASHRAM SANGHA)

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), have been satisfied; and

WHEREAS, Zoning Application Z2008-00294 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 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 stated purpose and 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.
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) 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 Z2008-00294, the application of Florida Sevashram Sangha Inc, by Jon E Schmidt & Associates, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Residential Transitional Urban Zoning District to the Residential Single Family 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 August 28, 2008, subject to the conditions of approval 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 Santamaria 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 September 2, 2008.

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

THE SOUTH 240.35 FEET OF THE WEST 299.69 FEET OF TRACT 109, BLOCK 32, THE PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 45. SAID SOUTH 240.35 FEET OF THE WEST 299.69 FEET OF TRACT 109 LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF LANTANA ROAD AS SAID NORTHERLY RIGHT-OF-WAY LINE IS DESCRIBED IN INSTRUMENTS RECORDED IN OFFICIAL RECORD BOOK 5298, PAGE 742, OF SAID PUBLIC RECORDS.

LESS THE FOLLOWING DESCRIBED PARCEL:

A PORTION OF TRACT 109, BLOCK 32, THE PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 45, LYING WITHIN THE SOUTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 33; THENCE SOUTH 88 DEGREES 31'48" EAST, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 848.78 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF BENTBROOK BOULEVARD AS SHOWN ON COUNTRYWOOD PLAT NO. 1, ACCORDING TO THE PLAT THEREOF A RECORDED IN PLAT BOOK 40, PAGE 31, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01 DEGREES 00'43" WEST, ALONG SAID SOUTHERLY EXTENSION, A DISTANCE OF 54.05 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF LANTANA ROAD, AS DESCRIBED IN OFFICIAL RECORD BOOK 5298, PAGE 742, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE NORTH 01 DEGREES 00'43" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 24.71 FEET; THENCE SOUTH 50 DEGREES 48'27" EAST, A DISTANCE OF 40.36 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 30.85 FEET TO THE POINT OF BEGINNING.

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING WITH THE SOUTH LINE OF SECTION 33, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, WHICH BEARS SOUTH 88 DEGREES 08'06" EAST, ALL BEARINGS ARE RELATIVE THERETO. SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 71716.87 SQ FT OR 1.646 ACRES

EXHIBIT C

CONDITIONS OF APPROVAL

ENGINEERING

1. CORRIDOR CONVEYANCE OF ROAD RIGHT OF WAY

The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for Lantana Road 55 feet from centerline.

All right of way deed(s) and associated documents shall be provided and approved prior to March 1, 2009 or prior to the issuance of a Building Permit whichever shall first occur.

Right of way conveyance shall be free of all encroachments and encumbrances. Property owner 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. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate provisions for Expanded Intersection Details and "Corner Clips." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE/BLDG. PERMIT: MONITORING-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)