

RESOLUTION NO. R-2009-0485

RESOLUTION APPROVING ZONING APPLICATION Z-2008-01745  
(CONTROL NO. 2003-00062)  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
APPLICATION OF Habitat for Humanity of Palm Beach Count  
BY Land Design South, Inc., AGENT  
(Habitat for Humanity - Kennedy Estates II)

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 Z-2008-01745 was presented to the Board of County Commissioners at a public hearing conducted on March 30, 2009; 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 Z-2008-01745 the application of Habitat for Humanity of Palm Beach Count by Land Design South, Inc., agent, for an Official Zoning Map Amendment from the Residential High Density (RH) Zoning District to the Multi-family Residential (RM) 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 March 30, 2009, 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 Burt Aaronson and, upon being put to a vote, the vote was as follows:

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	

The Chairperson thereupon declared that the resolution was duly passed and adopted on March 30, 2009.

Filed with the Clerk of the Board of County Commissioners on April 2, 2009.

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

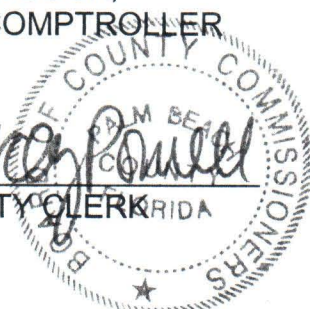


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND IN SECTION 3, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. BEING THE SOUTH 408 FEET OF THE NORTH 424.5 FEET OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 41 SOUTH, RANGE 42 EAST, LESS THE NORTH 32.5 FEET THEREOF TAKEN BY PALM BEACH COUNTY FOR ROAD RIGHT-OF-WAY PURPOSES, LESS ALSO THAT PORTION LYING EAST OF A LINE 660.0 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 3.

ALSO DESCRIBED AS:

A PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

FROM THE NORTHWEST CORNER OF SAID EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, PROCEED SOUTHERLY ALONG THE WEST LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER 60.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG SAID WEST LINE 364.5 FEET; THENCE EASTERLY PARALLEL TO THE NORTH LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER 306.43 FEET TO A LINE 660.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 3; THENCE NORTHERLY ALONG SAID PARALLEL LINE 364.5 FEET TO A LINE 60.00 FEET SOUTH OF AND PARALLEL TO SAID NORTH LINE; THENCE WESTERLY PARALLEL TO SAID NORTH LINE 309.50 FEET TO THE POINT OF BEGINNING.

AND

THAT PORTION OF THE EAST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 41 SOUTH, RANGE 42 EAST; LESS HOWEVER, THE NORTH 424.5 FEET; ALSO LESS THAT PORTION OF SAID EAST 1/2 LYING SOUTH OF THE FOLLOWING DESCRIBED LINE:

FROM THE SOUTHWEST CORNER OF SAID SECTION 3, BEAR S 88°54'17" E ALONG THE SOUTH LINE OF SAID SECTION 3 A DISTANCE OF 958.64 FEET; THENCE N 01°05'57" E, ALONG THE WEST LINE OF THE EAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 3, A DISTANCE OF 16.50 FEET; THENCE CONTINUE N 01°05'57" E, ALONG SAID WEST LINE, A DISTANCE OF 1155.41 FEET; THENCE S 89°09'04" E, A DISTANCE OF 322.87 FEET TO A POINT IN THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 3; THENCE N 01°15'40" E, ALONG SAID EAST LINE, A DISTANCE OF 106.50 FEET TO A POINT IN THE SOUTH LINE OF A 60.00 FEET RIGHT-OF-WAY, AS RECORDED IN O.R. BOOK 3485, PAGE 1142, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE S 89°09'44" E, ALONG THE SOUTH LINE OF SAID 60.00 FOOT RIGHT-OF-WAY, (A PORTION OF WHICH IS RECORDED IN O.R. BOOK 3485, PAGE 1144, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA), A DISTANCE OF 323.17 FEET TO A POINT IN THE EAST LINE OF THE WEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 3; THENCE S 01°25'22" W, ALONG SAID EAST LINE, A DISTANCE OF 506.82 FEET, FOR A POINT OF BEGINNING OF THE AFOREMENTIONED LINE; S 88°54'17" E A DISTANCE OF 321.73 FEET MORE OR LESS TO A POINT IN THE EAST LINE OF SAID EAST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 TO A POINT BEING THE END OF SAID LINE.

TOGETHER WITH:

AN INGRESS AND EGRESS EASEMENT SAID EASEMENT BEING THE NORTH 449.5 FEET OF A 15 FOOT WIDE STRIP OF LAND LYING EASTERLY OF ADJACENT AND CONTIGUOUS TO EAST LINE OF THE EAST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; LESS THE NORTH 60.00 FEET THEREOF.

CONTAINING: 3.64 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.

EXHIBIT B  
VICINITY SKETCH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. Z-2008-1745  
Zoning Quad 26



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved Preliminary Site plan is dated December 15, 2008. Replacement of a use by another use listed as permitted by right or permitted subject to approval by the Development Review Officer (DRO) pursuant to Table 4.4.A.3-A.1 may be allowed subject to the approval by the DRO. All other 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. (DRO: ZONING - Zoning)

#### ENGINEERING

1. Prior to final site plan approval by the Development Review Officer, the property owner shall submit and have approved by the County Engineer, a stormwater design which complies with County drainage design criteria and provides legal positive outfall to the site. (DRO:ENGINEERING-Eng)

2. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a. No building permits for the site shall be issued after December 31, 2011. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING Eng)

3. Prior to final approval of the Site Plan by the Development Review Officer, the Property owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels. The subdivision's stormwater management system shall then be designed to accept this historical drainage. Required Drainage easements shall then be provided to the adjacent parcel(s) and shall be shown on the plat of the subdivision. (DRO: ENGINEERING-Eng)

#### SCHOOL BOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

#### "NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD)

#### 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. (ONGOING: MONITORING - Zoning)