

RESOLUTION NO. R-2009- 0495

RESOLUTION APPROVING ZONING APPLICATION ABN/Z-2008-01682
(CONTROL NO. 1973-00157)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
APPLICATION OF Palm Beach County
BY Kilday & Associates, Inc., Palm Beach County, AGENT
(Cherry Road Complex 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 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 ABN/Z-2008-01682 was presented to the Board of County Commissioners at a public hearing conducted on February 25, 2009 and March 30, 2009; 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 ABN/Z-2008-01682, the application of Palm Beach County, by Kilday & Associates, Inc., Palm Beach County, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Multi-family Residential (RM) Zoning District to the Public Ownership (PO) 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 March 30, 2009.

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	-	Aye

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 THE SOUTHEAST ONE-QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF PLAT No.5 OF GOLFPVIEW HEIGHTS, RECORDED IN PLAT BOOK 24, PAGE 8, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE ALONG THE WEST BOUNDARY OF SAID PLAT, S01°24'24"W FOR 660.45 FEET TO

THE NORTH RIGHT-OF-WAY OF CHERRY ROAD, RECORDED IN OFFICIAL RECORD BOOK 6694,

PAGE 934 OF SAID PUBLIC RECORDS;

THENCE ALONG SAID RIGHT-OF-WAY FOR THE FOLLOWING COURSES:

THENCE N88°40'06 "W FOR 5.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 320.00 FEET;

THENCE WESTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 10°00'00" FOR 55.85 FEET TO A POINT OF TANGENCY;

THENCE S81°19'54"W FOR 30.92 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 290.00 FEET;

THENCE WESTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 9°43'19" FOR 49.21 FEET TO A POINT OF TANGENCY;

THENCE N88°56'47"W FOR 444.92 FEET TO THE WEST LINE OF THE EAST ONE-HALF, OF

THE SAID SOUTHEAST QUARTER OF SECTION 25;

THENCE ALONG SAID WEST LINE, S01°24'13"W FOR 10.00 FEET TO THE NORTH RIGHT-OF-WAY OF CHERRY ROAD PER PALM BEACH COUNTY RIGHT-OF-WAY PROCUREMENT MAP, DRAWING No.3-60-025;

THENCE ALONG SAID RIGHT-OF-WAY, N88°56'47"W FOR 672.76 FEET TO THE WEST LINE

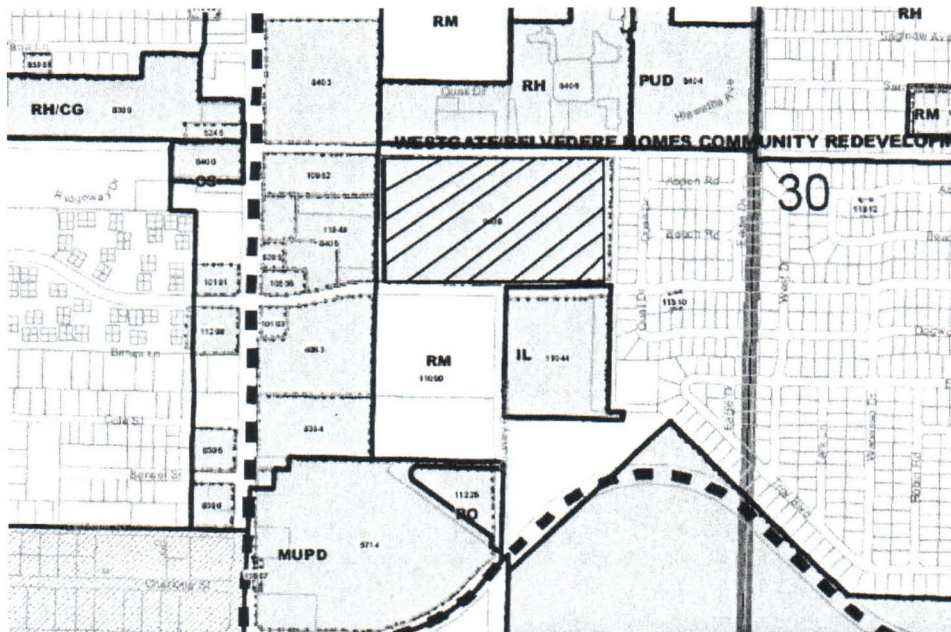
OF THE EAST ONE-HALF, OF THE NORTHWEST ONE-QUARTER, OF THE SAID SOUTHEAST ONE-QUARTER OF SECTION 25;

THENCE ALONG SAID WEST LINE, N01°20'57"E FOR 686.58 FEET TO THE SOUTH LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL L-2, RECORDED IN OFFICIAL RECORD BOOK 6975, PAGE 1773 OF SAID PUBLIC RECORDS;

THENCE ALONG SAID SOUTH LINE, S88°50'49"E FOR 1258.32 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. 2008-1682
Zoning Quad 31



EXHIBIT C
VOLUNTARY COMMITMENTS

ENGINEERING

1. The property owner shall construct a west approach left turn lane on Cherry Rd at the easterly driveway. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - a. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of Building Permits for more than the 32,383 sf PBC Sheriff's Training facility (currently existing as gymnasium) and the 3,072 sf ancillary maintenance building (currently existing as maintenance building). (BLDG PERMIT: MONITORING Eng)
 - b. Construction of the improvement shall be completed prior to the issuance of the first Certificate of Occupancy after the COs have been issued for the 32,383 sf Sheriff's Training Facility and 3,072 sf of maintenance building. (CO: MONITORING Eng)
2. Prior to March 30, 2010 or to the issuance of new building construction permit, whichever shall occur first, the property owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (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 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 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)