

RESOLUTION NO. R-2009- 0497

RESOLUTION APPROVING ZONING APPLICATION ZV/Z/DOA-2008-00456
(CONTROL NUMBER 1988-00059)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF Palm Beach County
BY JPR Planning Services, Inc., AGENT
(PBC Water Treatment Plant No. 9)

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, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public 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 ZV/Z/DOA-2008-00456 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 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 Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.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 ZV/Z/DOA-2008-00456, the application of Palm Beach County, by JPR Planning Services, Inc., agent, for a Development Order Amendment to to legislatively abandon Resolution #R-89-942 on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown 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 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 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

BY: 
COUNTY ATTORNEY

SHARON BOCK, CLERK &
COMPTROLLER
BY: 
DEPUTY CLERK

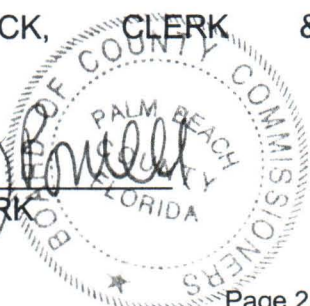


EXHIBIT A

LEGAL DESCRIPTION

PORTIONS OF LOTS 38, 39, 46, 47 AND 48, BLOCK 81, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THAT CERTAIN 30 FOOT PLATTED ROAD RESERVATIONS LYING SOUTH OF AND ADJACENT TO SAID LOTS 46 AND 47, AND BEING ALL MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF TRACT 20 OF SAID BLOCK 81, THE PALM BEACH FARMS CO. PLAT NO. 3, AND THE CENTERLINE OF THAT CERTAIN 30 FOOT ROAD RESERVATION LYING SOUTH OF AND ADJACENT TO SAID TRACT 20; THENCE SOUTH 41°55'16" WEST, A DISTANCE OF 429.99 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 37°35'47" EAST, A DISTANCE OF 399.73 FEET; THENCE SOUTH 42°06'31" EAST, A DISTANCE OF 350.46 FEET; THENCE SOUTH 27°11'53" EAST, A DISTANCE OF 188.97 FEET TO A POINT OF CURVE; THENCE SOUTHERLY THROUGH SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 110°23'20", AN ARC DISTANCE OF 289.00 FEET TO A POINT OF TANGENCY; THENCE SOUTH 83°11'27" WEST, A DISTANCE OF 319.56 FEET; THENCE NORTH 06°33'33" WEST, A DISTANCE OF 109.00 FEET; THENCE SOUTH 84°42'50" WEST, A DISTANCE OF 150.53 FEET; THENCE SOUTH 44°16'50" WEST, A DISTANCE OF 129.15 FEET; THENCE NORTH 48°58'22" WEST, A DISTANCE OF 45 FEET; THENCE SOUTH 41°01'38" WEST, A DISTANCE OF 78.07 FEET TO A POINT ON A CURVE; THENCE WESTERLY THROUGH NORTHERLY ALONG A CURVE TO THE RIGHT, WHOSE TANGENT BEARS NORTH 72°55'59" WEST, WITH A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 82°05'43", AN ARC DISTANCE OF 214.93 FEET TO A POINT OF TANGENCY; THENCE NORTH 09°09'44" EAST, A DISTANCE OF 825.76 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 133°14'29", AN ARC DISTANCE OF 232.55 FEET TO A POINT OF TANGENCY AND A POINT OF BEGINNING.

LESS THAT PORTION, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 32, BLOCK 14, SANDALFOOT COVE SECTION THREE, AS RECORDED IN PLAT BOOK 29, PAGE 140, 141 AND 142, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTHWESTERLY ALONG THE EAST RIGHT-OF-WAY LINE OF S.W. 65TH AVENUE, AS SHOWN ON THE SAID PLAT OF SANDALFOOT COVE SECTION THREE, WHOSE TANGENT BEARS NORTH 43°25'41" WEST, WITH A RADIUS OF 1240.00 FEET AND A CENTRAL ANGLE OF 05°32'41", AN ARC DISTANCE OF 120.00 FEET TO A POINT OF TANGENCY; THENCE NORTH 48°58'22" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 41°01'38" EAST, A DISTANCE OF 196.72 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 41°01'38" EAST, A DISTANCE OF 68.07 FEET; THENCE NORTH 48°58'22" WEST, A DISTANCE OF 35.51 FEET; THENCE NORTH 07°07'13" WEST, A DISTANCE OF 40.00 FEET; THENCE SOUTH 80°55'04" EAST, A DISTANCE OF 40.00 FEET; THENCE NORTH 09°04'56" EAST, A DISTANCE OF 31.40 FEET; THENCE NORTH 80°55'04" WEST, A DISTANCE OF 16.60 FEET; THENCE NORTH 09°04'56" EAST, A DISTANCE OF 144.40 FEET; THENCE NORTH 80°55'04" WEST, A DISTANCE OF 147.08 FEET; THENCE SOUTH 09°09'44" WEST, A DISTANCE OF 142.01 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY, ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 82°05'43", AN ARC DISTANCE OF 214.93 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A PORTION OF BLOCK 81, THE PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 32, BLOCK 14, SANDALFOOT COVE SECTION THREE, AS RECORDED IN PLAT BOOK 29, PAGES 140, 141 AND 142, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTHWESTERLY ALONG THE EAST RIGHT-OF-WAY LINE OF S.W. 65TH AVENUE, AS SHOWN ON THE SAID PLAT OF SANDALFOOT COVE SECTION THREE, WHOSE TANGENT BEARS NORTH 43°25'41" WEST, WITH A RADIUS OF 1240.00 FEET AND A CENTRAL ANGLE OF 05°32'41", AN ARC DISTANCE OF 120.00 FEET TO A POINT OF TANGENCY; THENCE NORTH 48°58'22" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 41°01'38" EAST, A DISTANCE OF 274.79 FEET; THENCE

SOUTH 48°58'22" EAST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 41°01'38" WEST, A DISTANCE OF 60.30 FEET TO A POINT ON A CURVE; THENCE EASTERLY ALONG A CURVE TO THE LEFT, WHOSE TANGENT BEARS SOUTH 86°16'52" EAST, WITH A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 10°31'41", AN ARC DISTANCE OF 27.56 FEET TO A POINT OF TANGENCY; THENCE NORTH 83°11'27" EAST, A DISTANCE OF 277.85 FEET; THENCE NORTH 06°33'33" WEST, A DISTANCE OF 109.00 FEET; THENCE SOUTH 84°42'50" WEST, A DISTANCE OF 150.53 FEET; THENCE SOUTH 44°16'50" WEST, A DISTANCE OF 129.15 FEET; THENCE NORTH 48°58'22" WEST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE WITHIN UNINCORPORATED PALM BEACH COUNTY, FLORIDA.

CONTAINING 13.14 ACRES MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

