

RESOLUTION NO. R-2009- 0712

RESOLUTION APPROVING ZONING APPLICATION Z-2008-01909
(CONTROL NO. 2008-00281)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
APPLICATION OF PALM BEACH COUNTY
BY GENTILE, HOLLOWAY, O'MAHONEY & ASSOC, PALM BEACH COUNTY,
AGENT
(DUBOIS PARK 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 Z-2008-01909 was presented to the Board of County Commissioners at a public hearing conducted on April 23, 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 Z-2008-01909, the application of Palm Beach County, by Gentile, Holloway, O'Mahoney & Assoc, Palm Beach County, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the RS Zoning District to the 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, and subject to the Voluntary Commitments contained in Exhibit C, attached hereto and made a part hereof, was approved on April 23, 2009.

Commissioner Burt Aaronson moved for the approval of the Resolution.

The motion was seconded by Commissioner Vana 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 April 23, 2009.

Filed with the Clerk of the Board of County Commissioners on May 14, 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

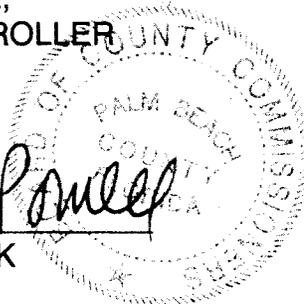


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND IN SECTIONS 31 AND 32, TOWNSHIP 40 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 32;
THENCE ALONG THE SOUTH LINE OF SAID SECTION 32, S89°51'44"E FOR 331.50 FEET;
THENCE N04°58'11"W FOR 161.57 FEET;
THENCE N83°53'04"E FOR 484.10 FEET TO THE WESTERLY LINE OF LANDS DESCRIBED
IN DEED BOOK 703, PAGE 466, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;
THENCE ALONG SAID WESTERLY LINE, N15°27'52"W FOR 299.77 FEET;
THENCE N89°32'08"E FOR 200.00 FEET;
THENCE N15°27'52"W FOR 229.39 FEET TO THE WESTERLY EXTENSION OF THE SOUTH
RIGHT-OF-WAY OF JUPITER INLET;
THENCE ALONG SAID WESTERLY EXTENSION, N89°32'08"E FOR 194.71 FEET TO THE WEST
MEANDER LINE OF THE GOMEZ GRANT;
THENCE ALONG SAID WEST MEANDER LINE, N57°07'12"W FOR 527.17 FEET TO A LINE
LYING 300.00 SOUTHERLY OF, MEASURED PERPENDICULAR TO, AND PARALLEL WITH, THE CENTERLINE OF THE JUPITER INLET DISTRICT CHANNEL;
THENCE ALONG SAID PARALLEL LINE, N74°51'52"W FOR 642.24 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID SECTION 32;
THENCE CONTINUE N74°51'52"W FOR 500.00 FEET TO THE WATER'S EDGE OF JUPITER
RIVER, PER PARCEL C-1 OF OFFICIAL RECORD BOOK 1958, PAGE 1865, OF SAID PUBLIC RECORDS;

THENCE MEANDERING SAID WATER'S EDGE FOR THE FOLLOWING THREE (3) COURSES:

- 1) THENCE S20°27'08"W FOR 77.00 FEET;
- 2) THENCE S30°27'52"E FOR 46.32 FEET;
- 3) THENCE S76°42'52"E FOR 45.90 FEET TO THE APPROXIMATE SHORELINE OF JUPITER RIVER, PER PARCEL C-2 OF OFFICIAL RECORD BOOK 1958, PAGE 1865, OF SAID PUBLIC RECORDS;

THENCE MEANDERING SAID SHORELINE FOR THE FOLLOWING ELEVEN (11) COURSES:

- 1) THENCE S27°02'08"W FOR 14.00 FEET;
- 2) THENCE S31°02'08"W FOR 37.00 FEET;
- 3) THENCE S13°37'52"E FOR 26.00 FEET;
- 4) THENCE S72°42'52"E FOR 50.00 FEET;
- 5) THENCE N54°32'08"E FOR 30.00 FEET;
- 6) THENCE S75°02'52"E FOR 33.00 FEET;
- 7) THENCE S69°47'52"E FOR 67.00 FEET;
- 8) THENCE S67°32'52"E FOR 100.00 FEET;
- 9) THENCE S65°17'52"E FOR 100.00 FEET;
- 10) THENCE S63°22'52"E FOR 116.00 FEET;
- 11) THENCE S25°47'52"E FOR 20.45 FEET TO THE SAID WEST LINE OF SECTION 32;

THENCE ALONG SAID WEST LINE, S00°29'52"E FOR 28.11 FEET;

THENCE S89°30'08"W FOR 1.28 FEET TO THE LIMITS OF A SUBMERGED LANDS LEASE
RECORDED IN OFFICIAL RECORD BOOK 22015, PAGE 1837 OF SAID PUBLIC RECORDS;
THENCE ALONG THE LIMITS OF SAID SUBMERGED LANDS LEASE FOR THE FOLLOWING
EIGHT (8) COURSES:

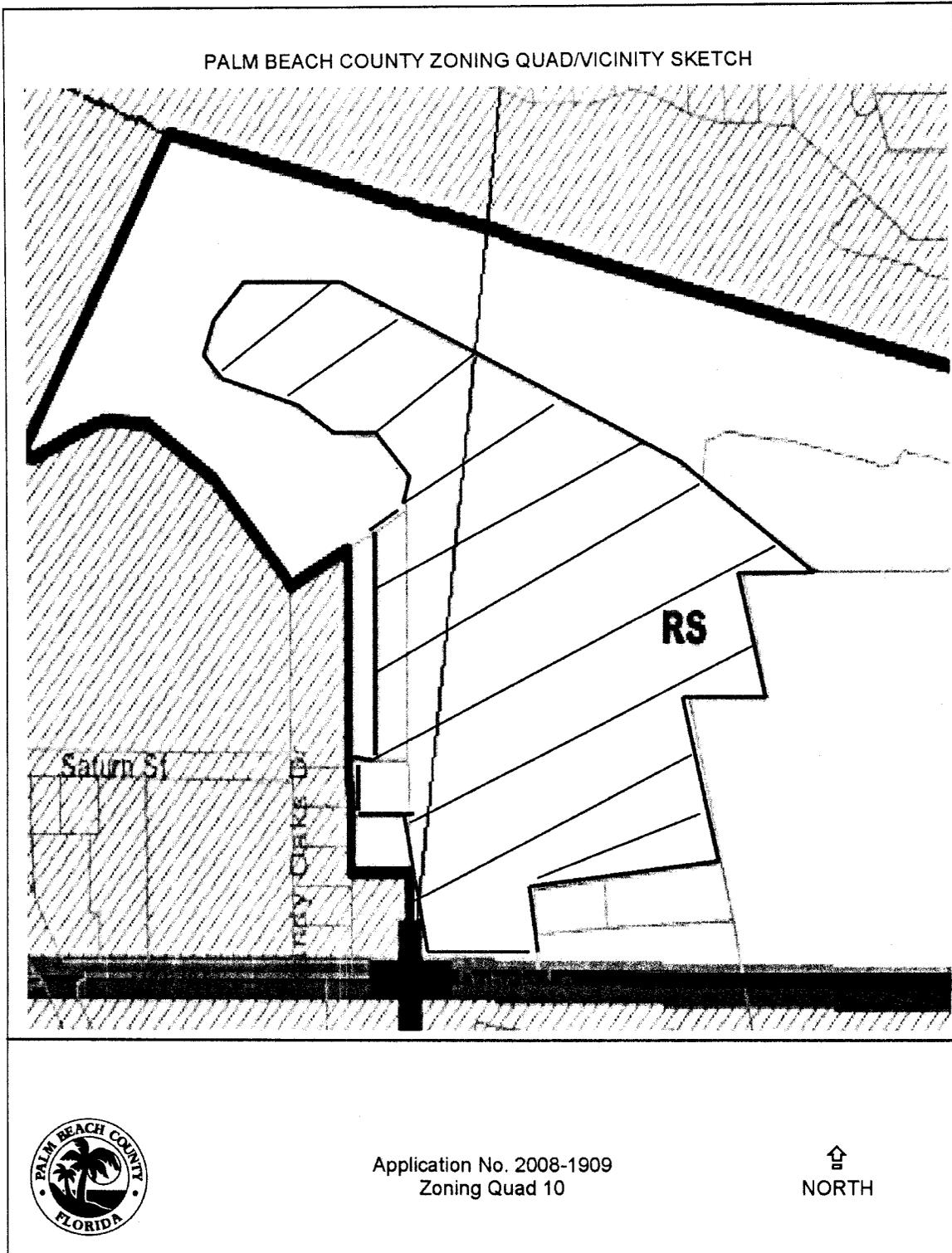
- 1) THENCE S58°27'52"W FOR 43.33 FEET;
- 2) THENCE S34°42'28"W FOR 30.07 FEET;
- 3) THENCE S00°06'29"W FOR 28.49 FEET;
- 4) THENCE S61°29'29"E FOR 9.92 FEET;
- 5) THENCE S38°52'13"W FOR 19.33 FEET;
- 6) THENCE S38°55'56"W FOR 9.80 FEET;
- 7) THENCE S43°27'17"W FOR 4.92 FEET;
- 8) THENCE S57°30'07"W FOR 6.76 FEET TO THE WEST LINE OF THE EAST 75.00 FEET
OF GOVERNMENT LOT 7 IN SAID SECTION 31;

THENCE ALONG SAID WEST LINE, S00°29'52"E FOR 409.23 FEET TO THE NORTH LINE
OF THE SOUTH 390.00 FEET OF SAID GOVERNMENT LOT 7;
THENCE ALONG SAID NORTH LINE, N89°58'26"W FOR 75.00 FEET TO THE WEST LINE
OF THE EAST 150.00 FEET OF SAID GOVERNMENT LOT 7;
THENCE ALONG SAID WEST LINE, S00°29'52"E FOR 100.00 FEET;
THENCE S89°58'26"E FOR 150.00 FEET TO THE SAID WEST LINE OF SECTION 32;
THENCE ALONG SAID WEST LINE, S00°29'52"E FOR 290.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 21.46 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH



Application No. 2008-1909
Zoning Quad 10

↑
NORTH

EXHIBIT C

VOLUNTARY COMMITMENTS

ENGINEERING

1. Prior to April 23, 2010, the property owner shall combine the property into a single lot of record as approved by the County Engineer. (DATE: MONITORING-Eng)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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 voluntary commitments 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 voluntary commitments; 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 Official Zoning Map Amendment, Conditional Use, Requested Use, 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 voluntary commitment 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 an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)