

RESOLUTION NO. R-2009 - 1356

RESOLUTION APPROVING ZONING APPLICATION ZV/CAW-2009-00221  
(CONTROL NO.2000-00076)  
DEVIATIONS FROM THE REQUIREMENTS OF THE ARCHITECTURAL DESIGN  
STANDARDS WITHIN ARTICLE 5.C OF THE ULDC APPLICATION OF  
THOONTHAWAI THUAPRAKHON  
BY JAMES CHOBAN, AGENT  
(WAT MAHABHATUJETIYARAM)

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 Board of County Commissioners, pursuant to Article 2 (Development Review Procedures) of the Palm Beach county Unified Land Development Code (Ordinance 2003-067, as amended) is authorized and empowered to consider, approve, approve with conditions or deny a request for deviations from the requirements of the Architectural Design Standards; 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, as amended), have been satisfied; and

WHEREAS, Zoning Application ZV/CAW-2009-00221 was presented to the Board of County Commissioners at a public hearing conducted on August 27, 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 request for Deviations from the requirements of the Architectural Design Standards for a non-residential structure complies with the intent of Article 5.C. of the ULDC.
2. This request for Deviations from the requirements of the Architectural Design Standards for a non-residential structure will be consistent with the purposes, goals and objectives, and policies of the Plan, including standards for building and structural intensities and densities.
3. This request for Deviations from the requirements of the Architectural Design Standards for a non-residential structure complies with all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function and general development characteristics.
4. This request for Deviations from the requirements of the Architectural Design Standards for a non-residential structure will be generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This request for Deviations from the requirements of the Architectural Design Standards for a non-residential structure will minimize environmental impacts, including by not limited to water, air, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

6. The petitioner has demonstrated that there are circumstances that warrant deviations from Architectural Design Standards.

WHEREAS, Article 2.A.1.K.3.b (Action by Board of County Commissioners) 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/CA/W-2009-00221, the application of Thoonthawai Thuaprakhon, by James Choban, agent, for deviations from the requirements of the Architectural Design Standards for a non-residential structure in the 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 27, 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 Priscilla A. Taylor	—	Aye

The Chairman thereupon declared that the resolution was duly passed and adopted on August 27, 2009.


Filed with the Clerk of the Board of County Commissioners on 4th day of September, 2009.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

SHARON BOCK, CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

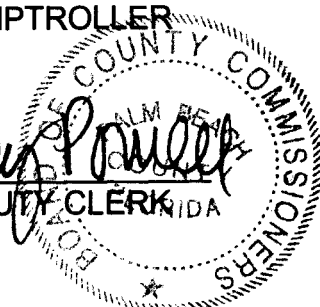


EXHIBIT A

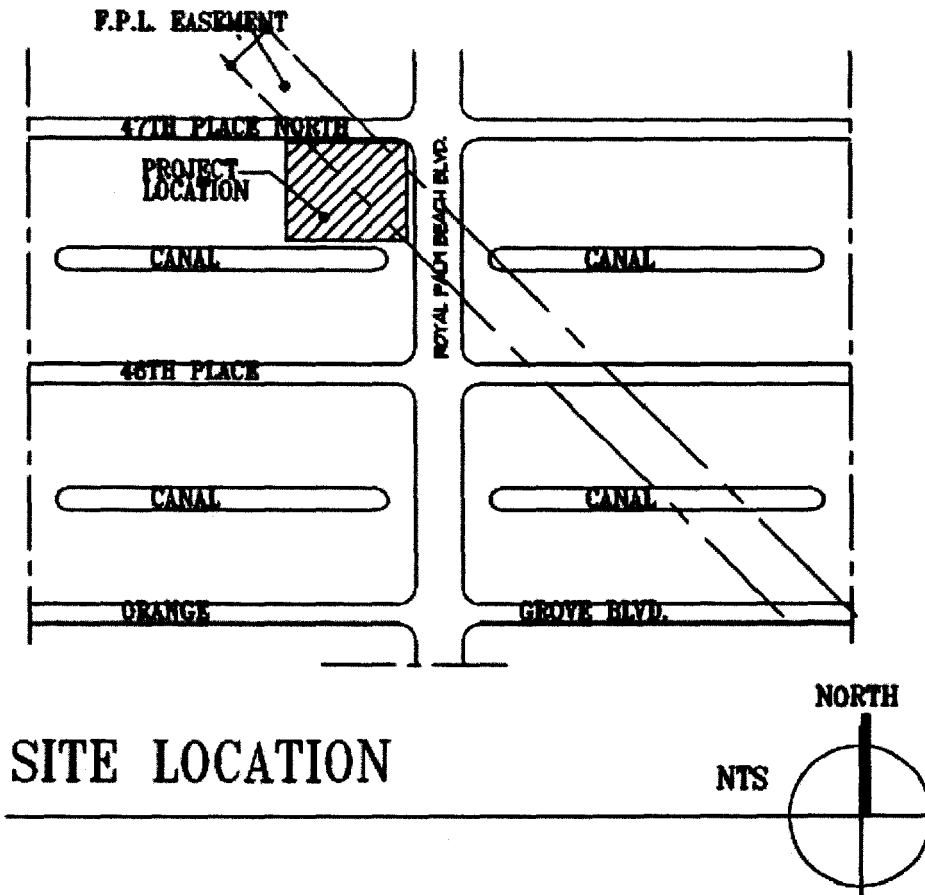
LEGAL DESCRIPTION

THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE  
SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 43  
SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

AND

THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE  
SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 43  
SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C-3

### CONDITIONS OF APPROVAL

#### ARCHITECTURAL REVIEW-WAIVER

1. The Development Order for this waiver shall be tied to the Time Limitations of the Development Order for Control 2000-076 of Class A Place of Worship Conditional Use. (ONGOING: MONITORING - Zoning)

#### COMPLIANCE-WAIVER

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 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 (CO); 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 Unified Land Development Code (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 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 condition of approval. (ONGOING: MONITORING - Zoning)