

RESOLUTION NO. R-2010-1339

RESOLUTION APPROVING ZONING APPLICATION Z-2010-00980
(CONTROL NO. 1992-50027)
an Official Zoning Map Amendment
APPLICATION OF Indian Trail Improvement District
BY Urban Design Kilday Studios, AGENT
(ITID Hamlin Property 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, as amended), have been satisfied; and

WHEREAS, Zoning Application Z-2010-00980 was presented to the Board of County Commissioners at a public hearing conducted on August 26, 2010; 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 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 the request; 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.1.B.

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-2010-00980, the application of Indian Trail Improvement District, by Urban Design Kilday Studios, agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) 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 August 26, 2010 subject to the Voluntary Commitments as 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 Vana and, upon being put to a vote, the vote was as follows:

Commissioner Burt Aaronson, Chair	-	Aye
Commissioner Karen T. Marcus, Vice Chair	-	Aye

Commissioner Shelley Vana - Aye
Commissioner Steven L. Abrams - Aye
Commissioner Jess R. Santamaria - Aye
Commissioner Priscilla A. Taylor - Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on August 26, 2010.

Filed with the Clerk of the Board of County Commissioners on September 7th, 2010

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

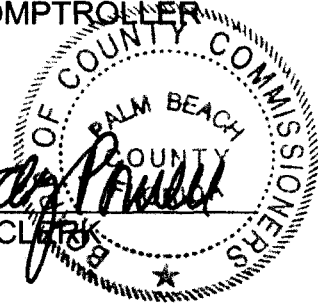


EXHIBIT A
LEGAL DESCRIPTION



**ITID HAMLIN PROPERTY REZONING
Rezoning and Concurrency Reservation
April 21, 2010**

Urban Planning and Design
Landscape Architecture
Communication Graphics

Legal Description Tract 57

THE EAST 209 FEET OF THE WEST 667 FEET LESS THE SOUTH 4930 FEET OF THE WEST HALF OF SECTION 20, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA. (AKA TRACT 57, UNRECORDED MAP, ROYAL PALM BEACH COLONY, INC.)

SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES OVER THE NORTHERLY 40 FEET AND THE SOUTHERLY 30 FEET THEREOF.

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

CONTAINING 94,709 SQUARE FEET OR 2.17 ACRES, GROSS.

Legal Description Tract 22

THE EAST 209 FEET OF THE WEST 458 FEET LESS THE SOUTH 4930 FEET OF THE WEST HALF OF SECTION 20, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA. (AKA TRACT 22, UNRECORDED MAP, ROYAL PALM BEACH COLONY, INC.)

SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES OVER THE NORTHERLY 40 FEET AND THE SOUTHERLY 30 FEET THEREOF.

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

CONTAINING 93,748 SQUARE FEET OR 2.15 ACRES, GROSS.

477 S. Rosemary Avenue
Suite 225 - The Lofts at CityPlace
West Palm Beach, FL 33401
561.366.1100 561.366.1111 fax
www.udkstudios.com
LCC000035

EXHIBIT B

VICINITY SKETCH

EXHIBIT B

**PALM BEACH COUNTY
VICINITY SKETCH / ZONING**

LOCATION MAP



	<p>Control No.: <u>TBD</u></p> <p>Zoning Quad Page: <u>74</u></p> <p>Date: <u>April 21, 2010</u></p>	 <p>North</p>
---	--	--

EXHIBIT C

VOLUNTARY COMMITMENTS

ENGINEERING

1. Prior to July 1, 2011, 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)

LANDSCAPE - PERIMETER-NORTH AND SOUTH PROPERTY LINES

1. Landscaping and buffering along the north and south property lines abutting Hamlin Boulevard and 89th Place North shall include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every thirty (30) feet on center, and,
- c. a Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE-Zoning)

LIGHTING

1. All outdoor lighting shall be of low intensity, shielded and directed down and away from adjacent properties and streets. All lighting fixtures, except sports lighting, shall not exceed twenty five (25) feet in height, measured from finished grade to highest point (CO/ONGOING: BLDG/CODE ENF- Zoning)

2. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF-Zoning)

SITE DESIGN

1. Within one hundred and eighty (180) days of this approval by the Board of County Commissioners, the property owner shall apply for a building permit to convert the existing single-family residence to an accessory structure as part of the public park. (DATE: MONITORING/BLDG - Bldg)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the 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 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 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. (ONGOING: MONITORING - Zoning)