

RESOLUTION NO. R-2012-1066

RESOLUTION APPROVING ZONING APPLICATION Z-2012-00622
(CONTROL NO. 2012-00147)
an Official Zoning Map Amendment
APPLICATION OF Delray Beach Associates I LLC, Boynton Beach Associates XXII,
LLLP
BY G.L. Homes, AGENT
(Gray Farm)

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 applications 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-2012-00622 was presented to the Board of County Commissioners at a public hearing conducted on July 26, 2012; 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, 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-2012-00622, the application of Delray Beach Associates I LLC, Boynton Beach Associates XXII, LLLP, by G.L. Homes, agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District subject to a Conditional Overlay Zone (COZ) 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 in EXHIBIT B, attached hereto and made a part hereof, was approved on July 26, 2012 subject to the conditions described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

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|--|-------|
| Commissioner Shelley Vana, Chair | - Aye |
| Commissioner Steven L. Abrams, Vice Chairman | - Aye |
| Commissioner Karen T. Marcus | - Aye |
| Commissioner Paulette Burdick | - Nay |
| Commissioner Burt Aaronson | - Aye |
| Commissioner Jess R. Santamaria | - Aye |
| Commissioner Priscilla A. Taylor | - Aye |

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 26, 2012.

Filed with the Clerk of the Board of County Commissioners on July 31, 2012.

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

DESCRIPTION:

A CERTAIN PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL ALSO BEING A PORTION OF TRACTS 73, 74, 75, 86, 87 AND 88, BLOCK 17, PALM BEACH FARMS COMPANY PLAT NO. 1 AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CALCULATED WEST ONE-QUARTER (1/4) CORNER OF AFORESAID SECTION 17 AS PER THE PALM BEACH COUNTY SURVEY DEPARTMENT SECTIONAL BREAKDOWN OF SAID SECTION 17; THENCE NORTH 89°27'41" EAST, ALONG THE EAST-WEST ONE QUARTER (1/4) SECTION LINE OF SECTION 17, A DISTANCE OF 181.55 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF LYONS ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 21885, PAGE 1690, SAID PUBLIC RECORDS, THENCE NORTH 01°03'00" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 8.02 FEET TO A POINT ON THE SOUTH LINE OF LAKE WORTH DRAINAGE DISTRICT (LWDD) L-33 CANAL AS PER CHANCERY CASE 407 (OFFICIAL RECORDS BOOK 6495, PAGE 761), BEING THE NORTH 35.64 FEET OF TRACTS 73 THROUGH 80, BLOCK 17, THENCE NORTH 89°01'50" EAST, ALONG THE SOUTH LINE OF SAID NORTH 35.64 FEET OF TRACTS 73 THROUGH 80, A DISTANCE OF 1930.94 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°07'06" EAST, A DISTANCE OF 990.86 FEET; THENCE NORTH 88°52'54" EAST, A DISTANCE OF 660.00 FEET TO A POINT ON THE WEST LINE OF THE EAST 40.00 FEET OF THE TRACTS 73 AND 88, SAID LINE ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF STARKEY ROAD PER DEED BOOK 716 PAGE 592, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01° 07' 06" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 989.14 FEET; THENCE SOUTH 89°01'50" WEST, ALONG SAID SOUTH LINE OF THE NORTH 35.64 FEET OF TRACTS 73 THROUGH 80, A DISTANCE OF 660.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 15.000 ACRES MORE OF LESS.

EXHIBIT B
VICINITY SKETCH



LOCATION MAP
NOT TO SCALE

EXHIBIT C

CONDITIONS OF APPROVAL

ENGINEERING

1. Prior to the recordation of a conservation easement on the parent parcel (aka Preserve Area No. 9, Control No. 2004-0369) or July, 26, 2013, whichever shall occur first, the property owner shall subdivide the property from the parent parcel in accordance with the provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT/DATE: MONITORING - Eng)

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)