

RESOLUTION NO. R-2014- 0563

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R-2013-03102  
(CONTROL NO. 1989-00117)

a Requested Use  
APPLICATION OF Fr Del Mar Village LLC  
BY Wantman Group, Inc, AGENT  
(Del Mar Plaza)

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;

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;

WHEREAS, Zoning Application ZV/DOA/R-2013-03102 was presented to the Board of County Commissioners at a public hearing conducted on April 24, 2014;

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;

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;

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;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

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.2.B for a a Requested Use; and,

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 ZV/DOA/R-2013-03102, the petition of Fr Del Mar Village LLC, by Wantman Group, Inc, agent, for a Requested Use to allow a Fitness Center in the CG Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on April 24, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

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

Commissioner Priscilla A. Taylor, Mayor	- Aye
Commissioner Paulette Burdick, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Jess R. Santamaria	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on April 24, 2014.

Filed with the Clerk of the Board of County Commissioners on April 25th, 2014.

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

#### PARCEL NO. 1: (Fee Simple)

Parcels I, IX and X of Del Mar Plaza Sub Division No. 1, according to the plat thereof, as recorded in Plat Book 41, Pages 108 to 110, inclusive, of the Public Records of Palm Beach County, Florida. 582,091 square feet, (13.3630 acres) more or less.

#### PARCEL NO. 2: (Easement)

Easement for the benefit of Parcel No. 1, as created by the Easement Agreement dated May 29, 1981 and recorded June 4, 1981, in Official Records Book 3534, Page 1661, of the Public Records of Palm Beach County, Florida, and re-recorded April 7, 1982, in Official Records Book 3703, Page 1115, in the Public Records of Palm Beach County, Florida, for construction and maintenance of signs, over, under and across the land described as follows:

A parcel of land being a portion of Parcel VIII Del Mar Plaza Sub Division No. 1 as recorded in Plat Book 41, Page 108, of the Public Records of Palm Beach County, Florida, said portion of Parcel VIII being more particularly described as:

A 10.00 foot by 20.00 foot strip of land bounded on the south by the north line of a 20.00 foot drainage easement, on the east by the west line of a 10.00 foot utility easement, on the west by a line 10.00 feet west of and parallel to said west line of utility easement, and on the north by a line 20.00 feet north of and parallel to the north line of said 20.00 foot drainage easement, said drainage and utility easements as shown on the Plat of Del Mar Plaza Sub Division as recorded in Plat Book 41, Page 108, of the Public Records of Palm Beach County, Florida.

A parcel of land being a portion of Parcel II Del Mar Plaza Sub Division No. 1 as recorded in Plat Book 41, Page 108, of the Public Records of Palm Beach County, Florida, said portion of Parcel II being more particularly described as:

A 10.00 foot by 20.00 foot strip of land, lying in the southeast corner of said Parcel II, bounded on the south and east by respectively the north and west lines of 10.00 foot utility easement, said 10.00 foot by 20.00 foot strip being also bounded on the west by a line 20.00 feet west of and parallel to the aforementioned west line of a 10.00 foot utility easement and on the north by a line 10 feet north of and parallel to the aforementioned north line of a 10.00 foot utility easement. Said utility easements as shown on the Plat of Del Mar Plaza Sub Division No. 1 as recorded in Plat Book 41, Page 108, of the Public Records of Palm Beach County, Florida. Subject to the terms, provisions and conditions set forth in said instrument.

#### PARCEL NO. 3: (Easement)

Easement for the benefit of Parcel No. 1 as created by that Easement Agreement dated May 29, 1981 and recorded June 4, 1981, in Official Records Book 3534, Page 1686, of the Public Records of Palm Beach County, Florida, and re-recorded April 7, 1982, in Official Records Book 3703, Page 1106, of the Public Records of Palm Beach County, Florida, for a non-exclusive easement for ingress and egress over, under and across the land described as follows:

A parcel of land being a portion of Parcel VIII Del Mar Plaza Sub Division No. 1, as recorded in Plat Book 41, Page 108, of the Public Records of Palm Beach County, Florida, said portion being more particularly described as:

The east 25.00 feet of the west 47.50 feet of said Parcel VIII.

EXHIBIT B  
VICINITY SKETCH

