

RESOLUTION NO. R-2014- 0740

RESOLUTION APPROVING ZONING APPLICATION W/PDD-2013-02605

(Control No.1979-00082)

WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS) (W)
APPLICATION OF Discovery Quest Inc, 4740 Weymouth LLC, J M E LLC, Alan Eads,
Planet Kids VI Inc

BY Land Design South, Inc., AGENT
(Cypress Royale PUD)

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;

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 W/PDD-2013-02605 was presented to the Board of County Commissioners at a public hearing conducted on May 22, 2014;

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;

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 3.E.1.C.1 and 3.E.1.C.2; and,

WHEREAS, Article 2.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 W/PDD-2013-02605, the application of Discovery Quest Inc, 4740 Weymouth LLC, J M E LLC, Alan Eads, Planet Kids VI Inc, by Land Design South, Inc., agent, for a Type II Waiver to allow more than 40 percent of the streets to end in a cul-de-sac or dead end. in the Planned Unit Development (PUD) 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 May 22, 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 Berger and, upon being put to a vote, the vote was as follows:

Commissioner Priscilla A. Taylor, Mayor

- Aye

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

- Nay
- Aye
- Nay
- Aye
- Aye
- Nay

The Mayor thereupon declared that the resolution was duly passed and adopted on May 22, 2014.

Filed with the Clerk of the Board of County Commissioners on June 11th, 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 BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

TRACT 44, BLOCK 25, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

LESS AND EXCEPT THE FOLLOWING:

COMMENCING AT THE NORTHEAST CORNER OF TRACT 55, BLOCK 25, PLAT BOOK 2, PAGES 45-54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; RUNNING THENCE ALONG THE NORTHERLY LINE OF TRACT 55, BLOCK 25, SOUTH 89°04'24" WEST, 195.00' TO THE POINT AND PLACE OF BEGINNING; RUNNING THENCE SOUTH 89°04'24" WEST 170.00'; RUNNING THENCE NORTH 00°55'36" WEST, 85.00'; RUNNING THENCE NORTH 89°04'24" EAST, 170.00'; RUNNING THENCE SOUTH 00°55'36" EAST, 85.00' TO THE POINT AND PLACE OF BEGINNING.

AND FURTHER LESS AND EXCEPT:

A PORTION OF TRACT 44, BLOCK 25, THE PALM BEACH FARMS COMPANY PLAT NO. 3, PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID TRACT 44; THENCE S 89°29'19"W ALONG THE SOUTH LINE OF SAID TRACT 44, 194.75 FEET; THENCE N00°05'23"W, 85.00 FEET; THENCE N89°29'19"E, ALONG A LINE PARALLEL AND 85.00 FEET NORTH OF THE SAID SOUTH LINE OF TRACT 44, 195.00 FEET; THENCE S00°04'43"E, ALONG THE EAST LINE OF SAID TRACT 44, 85.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH PORTION OF THE SOUTH 15' OF ABANDONED ROAD LYING NORTH AND ADJACENT TO TRACT 44, BLOCK 25, OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS DESCRIBED IN ORDER RECORDED IN OFFICIAL RECORDS BOOK 11687, PAGE 1584.

PARCEL 2:

THE EAST ½ OF TRACT 45, BLOCK 25, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THAT PORTION OF THE SOUTH 15' OF ABANDONED ROAD LYING NORTH AND ADJACENT TO THE EAST ½ OF TRACT 45, BLOCK 25, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOK 2, PAGES 45 THROUGH 54, AS DESCRIBED IN ORDER RECORDED IN OFFICIAL RECORDS BOOK 11687, PAGE1584.

PARCEL 3:

TRACT 43, BLOCK 25, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, LESS

AND EXCEPT THAT PORTION OF RIGHT-OF-WAY DEEDED TO PALM BEACH COUNTY IN OFFICIAL RECORDS BOOK 5876, PAGE 127, AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THAT PORTION OF THE SOUTH 15' OF ABANDONED ROAD LYING NORTH AND ADJACENT TO TRACT 43, BLOCK 25, And THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, AS DESCRIBED IN ORDER RECORDED IN OFFICIAL RECORDS BOOK 11687, PAGE 1584.

PARCEL 4:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT 55, BLOCK 25, OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGES 45 TO 54 INCLUSIVE; THEN EASTERLY ALONG THE SOUTH LINE OF SAID TRACT 55 A DISTANCE OF 220.05 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTHERLY, PARALLEL WITH THE WEST LINE OF SAID TRACT 55, A DISTANCE OF 281.55 FEET TO A POINT; THENCE EASTERLY, PARALLEL WITH THE SOUTH LINE OF SAID TRACT 55, A DISTANCE OF 70.00 FEET TO A POINT; THENCE SOUTHERLY, PARALLEL WITH THE WEST LINE OF SAID TRACT 55, A DISTANCE OF 281.55 FEET TO A POINT IN THE SOUTH LINE OF SAID TRACT 55' THENCE WESTERLY ALONG THE SOUTH LINE OF SAID TRACT 55, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING.

LESS THE RIGHT OF WAY FOR LAKE WORTH WEST ROAD (STATE ROAD NO. 802).

PARCEL 5:

LEGAL DESCRIPTION FOR PORTION OF TRACT 55, BLOCK 25, THE PALM BEACH FARMS COMPANY PLAT NO. 3 TRACT 55, LESS THE EAST ONE-THIRD (1/3) AND LESS THE WEST ONE-THIRD (1/3), BLOCK 24 OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGES 45 TO 54 EXCEPTING THEREFROM FOR ROAD PURPOSES THAT PART OF THE ABOVE DESCRIPTION CONTAINED IN THE FOLLOWING DESCRIBED TRACT:

STARTING AT THE SOUTHWEST CORNER OF TRACT 55, RUN NORTH ALONG WEST LINE 56.48 FEET; THENCE NORTH 89 DEGREES 26 MINUTES 29 SECONDS EAST TO THE EAST LINE OF TRACT; THENCE SOUTH ALONG EAST LINE OF TRACT 56.67 FEET TO THE SOUTHEAST CORNER OF TRACT 55; THENCE SOUTH 89°27'29"W ALONG SOUTH LINE OF TRACT TO POINT OF BEGINNING.
AND

LESS AND NOT INCLUDING THAT CERTAIN PARCEL OF LAND AS RECORDED IN OFFICIAL RECORDS BOOK 1042, PAGE 535, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT 55, BLOCK 25, OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGES 45 TO 54 INCLUSIVE; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID TRACT 55 A DISTANCE OF 220.05 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTHERLY, PARALLEL WITH THE WEST LINE OF SAID TRACT 55, A DISTANCE OF 281.55 FEET TO A POINT; THENCE EASTERLY, PARALLEL WITH THE SOUTH LINE OF SAID TRACT 55, A DISTANCE OF 70.00 FEET TO A POINT; THENCE SOUTHERLY,

PARALLEL WITH THE WEST LINE OF SAID TRACT 55, A DISTANCE OF 281.55 FEET TO A POINT IN THE SOUTH LINE OF SAID TRACT 55; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID TRACT 55, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING.

LESS THE RIGHT OF WAY FOR LAKE WORTH WEST ROAD (STATE ROAD NO. 802).

AND FURTHER LESS AND EXCEPT:

COMMENCING AT THE NORTHEAST CORNER OF TRACT 55, BLOCK 25, PLAT BOOK 2, AND PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

RUNNING THENCE ALONG THE NORTHERLY LINE OF TRACT 55, BLOCK 25, SOUTH 89°04'24" WEST, 330' TO THE POINT AND PLACE OF BEGINNING; RUNNING THENCE SOUTH 00°55'36" EAST 270.00'; RUNNING THENCE SOUTH 89°04'24" WEST, 35.00'; RUNNING THENCE NORTH 00°55'36" WEST, 270.00' TO THE NORTH LINE OF TRACT 55, BLOCK 25 MENTIONED ABOVE; RUNNING THENCE NORTH 89°04'24" EAST, 35.00' TO THE POINT AND PLACE OF BEGINNING.

PARCEL 6:

THE WEST ONE-THIRD (1/3) OF TRACT 55, BLOCK 25, THE PALM BEACH FARMS COMPANY PLAT NO. 3 ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE RIGHT-OF-WAY FOR STATE ROAD 802.

THE ABOVE DESCRIBED PARCELS OF LAND CONTAINS 28.67 ACRES (1,248,897 SQUARE FEET) MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

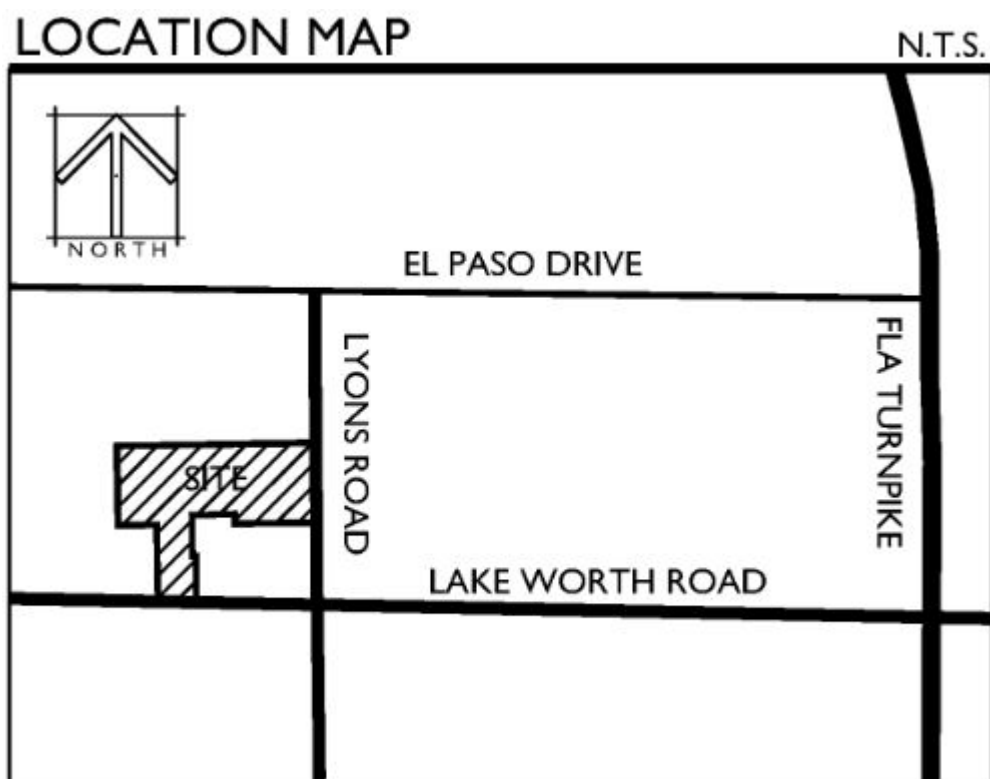


EXHIBIT C

CONDITIONS OF APPROVAL

Type II Waiver

ALL PETITIONS

1. The approved Preliminary Subdivision Plan and the Preliminary Master Site Plan are dated February 24, 2014. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. The approved Preliminary Subdivision Plan and the Preliminary Master Site Plan are dated February 24, 2014. One (1) additional pedestrian connection as indicated on the Preliminary Subdivision Plan shall be provided. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

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 Compliance Condition of this Approval. (ONGOING: ZONING - 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; 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; the 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 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 of Approval; 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: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.