

RESOLUTION NO. R-2018- 1283

RESOLUTION REVOKING CONDITIONAL OVERLAY ZONE
GRANTED UNDER RESOLUTION R-1998-007
(CONTROL NUMBER 1978-00246)
AFFIRMING THE LEGISLATIVE ABANDONMENT
OF ZONING APPLICATION EAC/ABN-2018-00383

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapters 125 and 163, Florida Statutes, is authorized and empowered to consider applications related to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application Z/COZ-1978-246C was presented to the Board of County Commissioners at a public hearing on December 4, 1997;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, Resolution R-1998-007 was adopted by the Board of County Commissioners on January 8, 1998;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that 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 the Conditional Overlay Zone (COZ) granted under Resolution R-1998-007, approving Zoning Application Z/COZ-1998-246C, the application of Charles B. Ring, by Robert Basehart, Agent, for an Official Zoning Map Amendment, with a Conditional Overlay Zone (COZ) and the Conditions of Approval are hereby revoked.

Commissioner Abrams 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 Melissa McKinlay, Mayor	- Aye
Commissioner Mack Bernard, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 23, 2018.

Filed with the Clerk of the Board of County Commissioners on September 12th, 2018

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

The seal is circular with a double-line border. The outer ring contains the text "PALM BEACH COUNTY COMMISSIONERS" at the top and "BOCA RATON FLORIDA" at the bottom, separated by a star. The inner ring contains the text "COUNTY COMMISSIONERS" at the top and "PALM BEACH COUNTY" at the bottom.

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

THE WEST ¼ OF TRACT 17, BLOCK 4, PALM BEACH FARMS COMPANY, PLAT 3, ACCORDING TO THE PLAT THEREOF NOW ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, AND RECORDED IN PLAT BOOK 2, PAGE 46, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE FOLLOWING PARCELS:

1. THE WEST 8 FEET FOR ROAD PURPOSES.
2. THAT PARCEL COMMENCING AT THE SW CORNER OF SAID TRACT 17, THENCE RUN ALONG THE SOUTH LINE OF SAID TRACT 17 N 89°23'32" E, 185.33 FEET TO THE POINT OF BEGINNING; THENCE N 40°59'34" E, 217.91 FEET TO A POINT ON THE EAST BOUNDARY OF THE WEST ¼ OF SAID TRACT 17, THENCE ALONG SAID EAST BOUNDARY S 00°35'59" E, 162.95 FEET TO A POINT ON THE SOUTH LINE OF TRACT 17, THENCE ALONG SAID SOUTH LINE S 89°23'32" W, 144.67 FEET TO THE POINT OF BEGINNING.
3. FROM A POINT OF BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 17, THENCE N 0°35'59" W, 113 FEET TO A POINT, THENCE N 89°23'32" E, A DISTANCE OF 285.85 FEET TO A POINT; THENCE S 40°59'34" W, 151.10 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 17, THENCE ALONG SAID SOUTH LINE S 89°23'32" W, 185.33 FEET TO THE POINT OF BEGINNING.
4. THAT PARCEL COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 17, RUN N 00°56'47" W, ALONG THE WEST LINE OF SAID TRACT 17, A DISTANCE OF 33 FEET TO A POINT ON THE EXISTING NORTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD AS DESCRIBED IN THE MINUTES OF THE COUNTY COMMISSIONERS, MARCH 14, 1932, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LINE BEING PARALLEL WITH AND 33.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACT 17; THENCE N 89°03'20" E, ALONG SAID EXISTING NORTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD, A DISTANCE OF 8.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SKEES ROAD, AS DESCRIBED IN DEED BOOK 964, PAGE 492, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LINE BEING PARALLEL WITH AND 8.00 FEET EAST OF THE WEST LINE OF SAID TRACT 17; THENCE N 00°56'47" W, ALONG SAID WEST RIGHT-OF-WAY LINE OF SKEES ROAD, A DISTANCE OF 80.00 FEET TO A POINT ON A LINE PARALLEL WITH AND 113.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACT 17, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE N 00°56'47" W, A DISTANCE OF 345.59 FEET; THENCE S 03°48'32" E, A DISTANCE OF 200.25 FEET; THENCE S 09°51'44" E, A DISTANCE OF 109.64 FEET; THENCE N 88°59'58" E, A DISTANCE OF 90.00 FEET, THENCE S 01°00'02" E, A DISTANCE OF 27.36 FEET TO A POINT ON A LINE PARALLEL WITH AND 123.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACT 17' THENCE N 89°03'20" E, ALONG SAID PARALLEL LINE A DISTANCE OF 172.70 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE FLORIDA STATE TURNPIKE, THENCE S 40°37'50" W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 13.37 FEET, THENCE S 89°03'20" W, A DISTANCE OF 280.84 FEET TO THE POINT OF BEGINNING. SAID HEREIN DESCRIBED PARCEL CONTAINING 9.051 SQUARE FEET (0.208 ACRES).

THE WEST 330' OF TRACT 17, BLOCK 4, PALM BEACH FARMS COMPANY PLAT 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, AND RECORDED IN PLAT BOOK 2, PAGE 45 TO 54, CONTAINING 5 ACRES MORE OR LESS.

EXCEPTING THEREFROM A STRIP OF LAND 40 FEET IN WIDTH ON EACH SIDE OF THE CENTER LINE OF THE COUNTY ROAD, AND EXCEPTING THEREFROM ANY EXISTING RIGHTS-OF-WAY FOR ANY AND ALL PUBLIC UTILITIES, AND: EXCEPTING THEREFROM THE WEST 8 FEET OF SAID TRACT FOR ROAD, AND LESS THAT PORTION DEEDED TO THE FLORIDA STATE TURNPIKE AUTHORITY BY INSTRUMENT RECORDED IN DEED BOOK 1121 PG 400, AND:

EXCEPTING THEREFROM THAT PARCEL OF LAND COMMENCING AT THE SOUTHWEST
Application EAC/ABN-2018-00383
Control No. 1978-00246
Project No. 05431-000

CORNER OF SAID TRACT 17, RUN N 00°56'47" W, ALONG THE WEST LINE OF SAID TRACT 17, A DISTANCE OF 33 FEET TO A POINT ON THE EXISTING NORTH RIGHT-OF-WAY LINE OF BELVEDERE RIAD AS DESCRIBED IN THE MINUTES OF THE COUNTY COMMISSIONERS, MARCH 14, 1932, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LINE BEING PARALLEL WITH AND 33.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACT 17; THENCE N 89°03'20" E, ALONG SAID EXISTING NORTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD, A DISTANCE OF 8.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SKEES ROAD, AS DESCRIBED IN DEED BOOK 964, PAGE 492, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LINE BEING PARALLEL WITH AND 8.00 FEET EAST OF THE WEST LINE OF SAID TRACT 17; THENCE N 00°56'47" W, ALONG SAID WEST RIGHT-OF-WAY LINE OF SKEES ROAD, A DISTANCE OF 80.00 FEET TO A POINT ON A LINE PARALLEL WITH AND 113.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACT 17, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE N 00°56'47" W, A DISTANCE OF 345.59 FEET; THENCE S 03°48'32" E, A DISTANCE OF 200.25 FEET; THENCE S 09°51'44" E, A DISTANCE OF 109.64 FEET; THENCE N 88°59'58" E, A DISTANCE OF 90.00 FEET, THENCE S 01°00'02" E, A DISTANCE OF 27.36 FEET TO A POINT ON A LINE PARALLEL WITH AND 123.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACT 17; THENCE N 89°03'20" E, ALONG SAID PARALLEL LINE A DISTANCE OF 172.70 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE FLORIDA STATE TURNPIKE, THENCE S 40°37'50" W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 13.37 FEET, THENCE S 89°03'20" W, A DISTANCE OF 280.84 FEET TO THE POINT OF BEGINNING. SAID HEREIN DESCRIBED PARCEL CONTAINING 9.051 SQUARE FEET (0.208 ACRES).

CONTAINING 3.811 acres (166,010 square feet), more or less.

EXHIBIT B
VICINITY SKETCH

Vicinity Map

SEC. 27 TWP. 43 RGE. 42

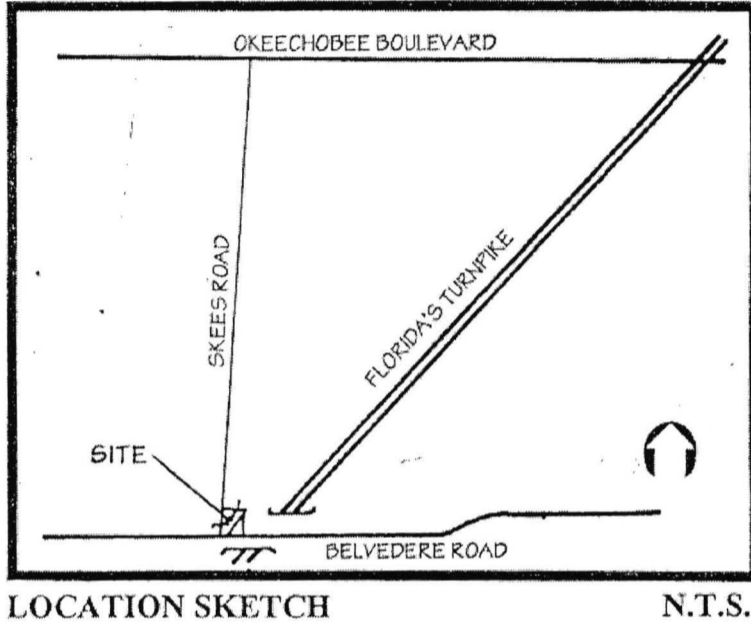


EXHIBIT C

CONDITIONS OF APPROVAL

Expedited Application Consideration

ALL PETITIONS

1. Previous A Condition 1 of Resolution R-1998-7, Control No.1978-00246, which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved site plan is dated October 10, 1997. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby deleted. [REASON: No longer applicable.]

ENGINEERING

1. Previous E Condition 1 of Resolution R-1998-7, Control No.1978-00246, which currently states:

Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Skees Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County standards and codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance.

Is hereby deleted. [REASON: No longer applicable]

2. Previous E Condition 2 of Resolution R-1998-7, Control No.1978-00246, which currently states:

The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Skees Road, 40 feet from centerline prior to the issuance of the first Building Permit. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all ncumbrances and encroachments. Right-of-way conveyances shall also include "Comer Clips" where appropriate as determined by the County Engineer.

Is hereby deleted. [REASON: No longer applicable]

3. Previous E Condition 3 of Resolution R-1998-7, Control No.1978-00246, which currently states:

Prior to the issuance of the first building permit, the property owner shall convey a 25 foot access easement to the property owner to the east.

Is hereby deleted. [REASON: No longer applicable]

4. Previous E Condition 4 of Resolution R-1998-7, Control No.1978-00246, which currently states:

LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROAD

Is hereby deleted. [REASON: No longer applicable]

4. Previous E Condition 4 of Resolution R-1998-7, Control No.1978-00246, which currently states:

Prior to issuance of the first building permit, the property owner shall apply to the Land Development Division, Permit Section, of the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Belvedere Road right of way. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer.

Is hereby deleted. [REASON: No longer applicable]

4. Previous E Condition 4 of Resolution R-1998-7, Control No.1978-00246, which currently states:

All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the property owner its successors, heirs or assignees or duly established Property Owner's Association andor Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. The maintenance responsibility of any existing trees within the median shall also become the responsibility of this property owner. All landscape material shall be installed prior to the issuance of the first certificate of occupancy.

Is hereby deleted. [REASON: No longer applicable]

4. Previous E Condition 4 of Resolution R-1998-7, Control No.1978-00246, which currently states:

Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of the first building permit.

Is hereby deleted. [REASON: No longer applicable]

5. Previous E Condition 5 of Resolution R-1998-7, Control No.1978-00246, which currently states:

There shall be no vehicular access to the site from Belvedere Road.

Is hereby deleted. [REASON: No longer applicable]

HEALTH

1. Previous C Condition 1 of Resolution R-1998-7, Control No.1978-00246, which currently states:

Generation and disposal of any hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by tenants or owners generating such effluent.

Is hereby deleted. [REASON: No longer applicable.]

2. Previous C Condition 2 of Resolution R-1998-7, Control No.1978-00246, which currently states:

Any toxic or hazardous waste which may be generated at this site shall be properly handled and disposed of in accordance with Rule 62-730 FAC.

Is hereby deleted. [REASON: No longer applicable.]

LANDSCAPE - GENERAL

1. Previous D Condition 1 of Resolution R-1998-7, Control No.1978-00246, which currently states:

All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements.

Is hereby deleted. [REASON: No longer applicable.]

LANDSCAPE - PERIMETER-ALONG NORTH, EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

2. Previous F Condition 1 of Resolution R-1998-7, Control No.1978-00246, which currently states:

Landscaping and buffering along the above property lines shall include:

- a. A minimum ten (10) foot wide landscape buffer strip; and
- b. A six (6) foot high vinyl coated chain link fence with opaque slats; and
- c. One (1) canopy tree spaced no more than thirty (30) feet on center;
- d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms may substitute for a perimeter canopy tree and;
- e. Twenty four (24) 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.

Is hereby deleted. [REASON: No longer applicable.]

LANDSCAPE - PERIMETER

3. Previous G Condition 1 of Resolution R-1998-7, Control No.1978-00246, which currently states:

Landscaping and buffering along the south property line shall include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. A six (6) foot high vinyl coated chain link fence with opaque slats; and
- c. One (1) canopy tree spaced no more than thirty (30) feet on center;
- d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms may substitute for a perimeter canopy tree and;
- e. Twenty four (24) 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.

Is hereby deleted. [REASON: No longer applicable.]

LIGHTING

1. Previous J Condition 1 of Resolution R-1998-7, Control No.1978-00246, which currently states:

All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets.

Is hereby deleted. [REASON: No longer applicable.]

2. Previous J Condition 2 of Resolution R-1998-7, Control No.1978-00246, which currently states:

All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point.

Is hereby deleted. [REASON: No longer applicable.]

3. Previous J Condition 3 of Resolution R-1998-7, Control No.1978-00246, which currently states:

All outdoor lighting shall be extinguished no later than 8:00 p.m., excluding security lighting only.

Is hereby deleted. [REASON: No longer applicable.]

4. Previous J Condition 4 of Resolution R-1998-7, Control No.1978-00246, which currently states:

The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material.

Is hereby deleted. [REASON: No longer applicable.]

PLANNING

1. Previous H Condition 1 of Resolution R-1998-7, Control No.1978-00246, which currently states:

Prior to final DRC certification, the developer shall modify the site plan to provide a 100% opaque buffer and/or fencing along Skees Road.

Is hereby deleted. [REASON: No longer applicable.]

SIGNS

1. Previous I Condition 1 of Resolution R-1998-7, Control No.1978-00246, which currently states:

Freestanding signs fronting on Skees Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
- b. Maximum sign face area per side - one hundred (100) square feet;
- c. Style - monument style;
- d. Number of sign - One (1).

Is hereby deleted. [REASON: No longer applicable.]

SITE DESIGN

1. Previous B Condition 1 of Resolution R-1998-7, Control No.1978-00246, which currently states:

Total gross floor area shall be limited to a maximum of 5,400 square feet. Expansion shall be limited to five (5%) or 1,000 square feet, whichever is less.

Is hereby deleted. [REASON: No longer applicable.]

2. Previous B Condition 2 of Resolution R-1998-7, Control No.1978-00246, which currently states:

The maximum height for all structures measured from finished grade to highest point, shall not exceed twenty five (25) feet.

Is hereby deleted. [REASON: No longer applicable.]

3. Previous B Condition 3 of Resolution R-1998-7, Control No.1978-00246, which currently states:

All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material.

Is hereby deleted. [REASON: No longer applicable.]

USE LIMITATIONS

1. Previous K Condition 1 of Resolution R-1998-7, Control No.1978-00246, which currently states:

Hours of operation and loading activities shall be limited from 7:00 a.m. to 6:00 p.m. Monday to Friday and 8:00 a.m. to 4:00 p.m. Saturday. No business activity shall be permitted on Sunday except for emergency cases.

Is hereby deleted. [REASON: No longer applicable.]