

RESOLUTION NO. R-2001-0002

RESOLUTION APPROVING ZONING PETITION ZOO-056
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF PBC DEPARTMENT OF AIRPORTS
BY LAND DESIGN SOUTH, AGENT
(URS GREINER/PBC 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 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended), have been satisfied; and

WHEREAS, Zoning Petition ZOO-056 was presented to the Board of County Commissioners at a public hearing conducted on November 30, 2000 and January 4, 2001; 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 made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11 (Adequate Public Facilities Standards) of the Palm Beach County Unified Land Development Code; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (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 Petition Z00-056, the petition of PBC Department of Airports, by Land Design South, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Multiple Use Planned Development (MUPD) 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 November 30, 2000 and January 4, 2001 subject to the voluntary commitments 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 Masilotti and, upon being put to a vote, the vote was as follows:

Warren H. Newell, Chair	-	Aye
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus		Aye
Mary McCarty		Aye
Burt Aaronson		Absent
Tony Masilotti		Aye
Addie L. Greene	-	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on January 4, 2001.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

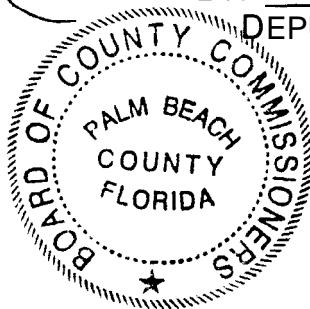


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1

A parcel of land being a portion of Lots 49, 50, 51, 52, 53, 55, 57 and 58A , and a portion of South Grace Drive and West Grace Drive, as abandoned per Official Record Book 10959, page 1706, public records, Palm Beach County, Florida, all being a part of MORRISON HOMES, as recorded in Plat Book 23, Pages 189 and 190, public records, Palm Beach County, Florida; said parcel being specifically described as follows:

COMMENCE at the Southeast corner of Lot 63, as shown on said plat of MORRISON HOMES; Thence North 02027'00" East, along the East line of said Lot 63, a distance of 36.88 feet to a point on the Southeasterly right of way line of Australian Avenue, as recorded in Official Record Book 7419, Page 1565, public records, Palm Beach County, Florida; Thence, South 67°53'58" West, along said right of way line, a distance of 43.06 feet to the point of curvature of a curve to the left having a radius of 50.00 feet, a central angle of 95°49'58" and a chord bearing of South 19°58'59" West; said point being on the Easterly line of Florida Department of Transportation Parcel 192, as recorded in Official Record Book 10653, Page 1526, public records, Palm Beach County, Florida; Thence, Southerly, along the arc of said curve and the Easterly line of said FDOT Parcel 192, a distance of 83.63 feet to the point of tangency; Thence, South 27°56'00" East, along the Easterly line of said FDOT Parcel 192, a distance of 52.00 feet; Thence, South 62°04'00" West, along the Southerly line of said FDOT Parcel 192, a distance of 50.00 feet to a point on a curve concave to the Southwest, having a radius of 125.00 feet and whose center bears South 62004'00" West; said point being the POINT OF BEGINNING of the herein described parcel of land;

Thence, Southerly, along the arc of said curve, through a central angle of 30°23'00", a distance of 66.29 feet to the point of tangency; Thence, South 02027'00" West, a distance of 108.00 feet to the point of curvature of a curve to the right, having a radius of 185.00 feet, a central angle of 28050'14" and a chord bearing of South 16052'07" West; Thence, Southerly, along the arc of said curve, a distance of 93.11 feet to the end of said curve; Thence, North 36°03'03" West, a distance of 304.98 feet to a point on the Southeasterly right of way line of Australian Avenue as recorded in Official Record Book 7419, Page 1565, public records, Palm Beach County, Florida; said point being on a curve concave to the Southeast, having a radius of 790.00 feet and whose center bears South 41045'16" East; Thence, Northeasterly, along the arc of said curve and said right of way line, through a central angle of 00°55'25", a distance of 12.73 feet to a point on the Westerly right of way line of that portion of West Grace Drive as abandoned per Official Record Book 10959, Page 1706, public records, Palm Beach County, Florida and the end of said curve; Thence, North 52006'20" East, along the Northerly limits of that portion of West Grace Drive abandoned per Official Record Book 10959, Page 1706, public records, Palm Beach County, Florida, a distance of 80.94 feet to the intersection of the Westerly line of Lot 55, of MORRISON HOMES and the Southeasterly right of way line of said Australian Avenue, as recorded in Official Record Book 7419, Page 1565, public records, Palm Beach County, Florida; said point being on a curve concave to the Southeast, having a radius of 790.00 feet and whose center bears South 34057'30" East;

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Thence, Northeasterly, along the arc of said curve and said right of way line, through a central angle of $02\text{ }027'22''$, a distance of 33.86 feet to a point of compound curvature of a curve to the right, having a radius of 50.00 feet, a central angle of $94\text{ }034'08''$ and a chord bearing of South $75\text{ }013'04''$ East; said curve being the Westerly line of the aforesaid Florida Department of transportation Parcel 192;

Thence Easterly and Southeasterly, along the arc of said curve and the Westerly line of FDOT Parcel 192, a distance of 82.53 feet to the point of tangency;

Thence, South $27\text{ }056'00''$ East, along the Westerly line of FDOT Parcel 192, a distance of 50.68 feet to the POINT OF BEGINNING;

TOGETHER WITH PARCEL II

A parcel of land being all of Lots 17, 17A, 19, 20, 21, 22, 22A, 23, 23A, 23B, 24, 25, 25A, 25B, 26, 27, 28, 29, 29A, 33, 35, 36, 38, 39, 40, 41, 41A, 42, 43, 44, 45, 46, 59, 59A, and 59B, and a portion of Lots 9A, 11, 13, 15, 16, 18, 47, 48, 57, 61, 61A, 61B, 63, and 66, and a portion of South Grace Drive, Central Grace Drive, and North Grace Drive, as abandoned per Official Record Book 10959, Page 1706, public records, Palm Beach County, Florida, all being a part of MORRISON HOMES, as recorded in Plat Book 23, Pages 189 and 190, public records, Palm Beach County, Florida; said parcel being specifically described as follows:

COMMENCE AT the Southeast corner of Lot 63, as shown on said plat of MORRISON HOMES;

Thence, North $02\text{ }027'00''$ East, along the East line of said Lot 63, a distance of 36.88 feet to a point on the Southeasterly right of way line of Australian Avenue, as recorded in Official Record Book 10653, Page 1587, public records, Palm Beach County, Florida; said point being the POINT OF BEGINNING;

Thence, North $67\text{ }053'58''$ East, along said right of way of Australian Avenue, a distance of 100.59 feet to a point on the East line of Lot 61, of MORRISON HOMES;

Thence, continue North $67\text{ }053'58''$ East, along the right of way of Australian Avenue, as recorded in Official Record Book 7419, Page 1565, public records, Palm Beach County, Florida, a distance

of 159.05 feet to a point on the West line of Lot 11, of MORRISON HOMES;

Thence, continue North $67\text{ }053'58''$ East, along the right of way of Australian Avenue, as recorded

in Official Record Book 10653, Page 1587, public records, Palm Beach County, Florida, a distance of 101.64 feet to a point on the East line of said Lot 11;

Thence, continue North $67\text{ }053'58''$ East, along the right of way of Australian Avenue, as recorded

in Official Record Book 7419, Page 1565, public records, Palm Beach County, Florida, a distance

of 127.58 feet to a point on the South right of way line of that portion of North Grace Drive as abandoned per Official Record Book 10959, Page 1706, public records, Palm Beach County, Florida;

Thence, continue North $67\text{ }053'58''$ East, along the Northwesterly limit of that portion of said North

Grace Drive as abandoned, a distance of 105.17 feet to the Northeasterly right of way line of said North Grace Drive as abandoned;

Thence, continue North $67\text{ }053'58''$ East, along the right of way of Australian Avenue, as recorded in Official Record Book 7419, Page 1565, public records, Palm Beach County, Florida, a distance of 117.54 feet;

Thence, North $59\text{ }033'52''$ East, along said right of way line, a distance of 190.83 feet;

Thence, South 74°25'34" East, a distance of 12.07 feet to a point on the East Line of Lot 66, of said MORRISON HOMES;

Thence, South 03026'12" West, along the East line of said Lot 66, a distance of 8.41 feet to the Northeast corner of Lot 18, of said MORRISON HOMES;

Thence, North 87033'00" West, along the North line of said Lot 18, a distance of 18.73 feet to the Northwesterly line of said Lot 18;

Thence, South 47055'31" West, along the Northwesterly line of said Lot 18, a distance of 51.06 feet;

Thence, South 06°20'10" West, a distance of 166.47 feet;

Thence, South 87033'00" East, a distance of 62.94 feet to a point on the East line of said Lot 18; Thence, South 03026'12" West, along the East line of Lots 18, 20, 22, 22A, 24, 26, and 28, of MORRISON HOMES, a distance of 598.20 feet to the Southeast corner of said Lot 28;

Thence, North 87°33'00" West, along the South line of said Lot 28, a distance of 153.75 feet to a point on the East right of way line of East Grace Drive, as shown on said plat of MORRISON HOMES;

Thence, North 03026'12 East, along said East right of way of East Grace Drive, a distance of 497.23 feet to the point of curvature of a curve to the left, having a radius of 165.00 feet, a central angle of 26048'19" and a chord bearing of North 09057'58" West;

Thence, Northerly, along the arc of said curve and said East right of way line, a distance of 77.19 feet to a point on the Southeasterly limit of that portion of North Grace Drive as abandoned per Official Record Book 10959, Page 1706, public records, Palm Beach County, Florida; said point being on a curve concave to the Southeast having a radius of 101.93 feet and whose center bears South 39040'27" East;

Thence, Southerly, along the arc of said curve and said Southeasterly limits of that portion of North Grace Drive, as abandoned, through a central angle of 46°53'13", a distance of 83.41 feet to the end of said curve;

Thence, South 03°26'12" West, along the West right of way line of the aforesaid East Grace Drive, a distance of 293.06 feet to the Southeast corner of Lot 29A, of said MORRISON HOMES;

Thence, North 87033'00" West, along the South line of said Lot 29A, a distance of 62.88 feet to the Northeast corner of Lot 33, of said MORRISON HOMES;

Thence, South 02027'00" West, along the East line of said Lot 33, a distance of 120.00 feet to a point on the North right of way line of South Grace Drive, as shown on said plat of MORRISON HOMES;

Thence, North 87°33'00" West, along said right of way line, a distance of 110.00 feet to the Southeast corner of Lot 37, of said MORRISON HOMES;

Thence, North 02°27'00" East, along the East line of said Lot 37, a distance of 120.00 feet to the Northeast corner of said Lot 37;

Thence, North 87033'00" West, along the North line of said Lot 37, a distance of 55.00 feet to the Northeast corner of Lot 39, of said MORRISON HOMES;

Thence, South 02027'00" West, along the East line of said Lot 39, a distance of 120.00 feet to a point on the North right of way line of the aforesaid South Grace Drive;

Thence, North 87033'00" West, along said right of way line, a distance of 20.00 feet to the Northeast corner of that portion of South Grace Drive as abandoned per Official Record Book 10959, Page 1706, public records, Palm Beach County, Florida;

Thence, South 02°27'00" West, along the East line of said portion of South Grace Drive as abandoned, a distance of 50.00 feet to a point on the South right of way line of said South Grace Drive;

Thence, South 87033'00" East, along said right of way line, a distance of 75.00 feet to the Northeast corner of Lot 36, of said MORRISON HOMES;

Thence, South 02027'00" West, along the East line of said Lot 36, a distance of 135.00 feet to the Southeast corner of said Lot 36;

Thence, North 87°33'00" West, along the South line of Lots 36, 38, 40, 42, 44, 46, and 48, a distance of 442.68 feet;

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Thence, North 36003'03" West, a distance of 65.13 feet to a point on a curve concave to the Northwest, having a radius of 235.00 feet and whose center bears North 53042'27" West; Thence, Northerly, along the arc of said curve through a central angle of 33°50'33", a distance of 138.81 feet to the point of tangency; Thence, North 02027'00" East, a distance of 108.00 feet to the point of curvature of a curve to the left, having a radius of 175.00 feet, a central angle of 30°23'00" and a chord bearing of North 12044'30" West; Thence, Northerly, along the arc of said curve, a distance of 92.80 feet to the point of tangency; said point being the Southeasterly most point of Florida Department of Transportation Parcel 192, as recorded in Official Record Book 10653, Page 1526, public records, Palm Beach County, Florida; Thence, North 27056'00" West, along the Easterly line of said FDOT Parcel 192, a distance of 52.00 feet to the point of curvature of a curve to the right, having a radius of 50.00 feet, a central angle of 95°49'58" and a chord bearing of North 19°58'59" East; Thence, Northerly and Northeasterly, along the arc of said curve and the Easterly line of said FDOT Parcel 192, a distance of 83.63 feet to the point of tangency; said point being on the Southeasterly right of way line of Australian Avenue as recorded in Official Record Book 7419, Page 1565, public records, Palm Beach County, Florida; Thence, North 67°53'58" East, along said Southeasterly right of way line, a distance of 43.06 feet to a point on the East line of the aforesaid Lot 63, and the POINT OF BEGINNING;

ALSO TOGETHER WITH PARCEL III

Lot 32, MORRISON HOMES, according to the plat thereof, as recorded in Plat Book 23, Page 189 and 190 of the public records of Palm Beach County, Florida.

Containing: 11.963 acres, more or less.

TOGETHER WITH AN EASEMENT ACROSS THE FOLLOWING DESCRIBED PARCEL A parcel of land being a portion of Lots 47, 48, 49, 50, and 57, and a portion of South Grace Drive as abandoned per Official Record Book 10959, Page 1706, public records, Palm Beach County, Florida, all being a part of MORRISON HOMES, as recorded in Plat Book 23, Pages 189 and 190, public records, Palm Beach County, Florida; said parcel being specifically described as follows:

COMMENCE AT the Southeast corner of Lot 63, as shown on said plat of MORRISON HOMES; Thence, North 02027'00" East, along the East line of said Lot 63, a distance of 36.88 feet to a point on the Southeasterly right of way line of Australian Avenue; Thence, South 67°53'58" West, along said right of way line, a distance of 43.06 feet to the point of curvature of a curve to the left having a radius of 50.00 feet, a central angle of 95°49'58" and a chord bearing of South 19°58'59" West; Thence, Southerly, along the arc of said curve, a distance of 83.63 feet to the point of tangency; Thence, South 27056'00" East, a distance of 52.00 feet to the POINT OF BEGINNING; said point being the point of curvature of a curve to the right have a radius of 175.00 feet, a central angle of 30°23'00" and a chord bearing of South 12°44'30" East; Thence, Southerly, along the arc of said curve, a distance of 92.80 feet to the point of tangency; Thence, South 02027'00" West, a distance of 108.00 feet to the point of curvature of a curve to

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the right; said curve having a radius of 235.00 feet, a central angle of 33050'33" and a chord bearing of South 19022'16" West;

Thence Southerly, along the arc of said curve, a distance of 138.81 feet to the end of said curve;

Thence, North 36003'03" West, a distance of 53.21 feet to a point on a curve concave to the West, having a radius of 185.00 feet and whose center bears North 58042'46" West;

Thence, Northerly, along the arc of said curve through a central angle of 28050'14", a distance of 93.11 feet to the point of tangency;

Thence, North 02027'00" East, a distance of 108.00 feet to the point of curvature of a curve to the left having a radius of 125.00 feet, a central angle of 30023'00" and a chord bearing of North 12044'30" West;

Thence, Northerly, along the arc of said curve, a distance of 66.29 feet to the end of said curve;

Thence, North 62004'00" East, a distance of 50.00 feet to the POINT OF BEGINNING.

Containing: 0.348 Acres, more or less.

EXHIBIT B
VICINITY SKETCH

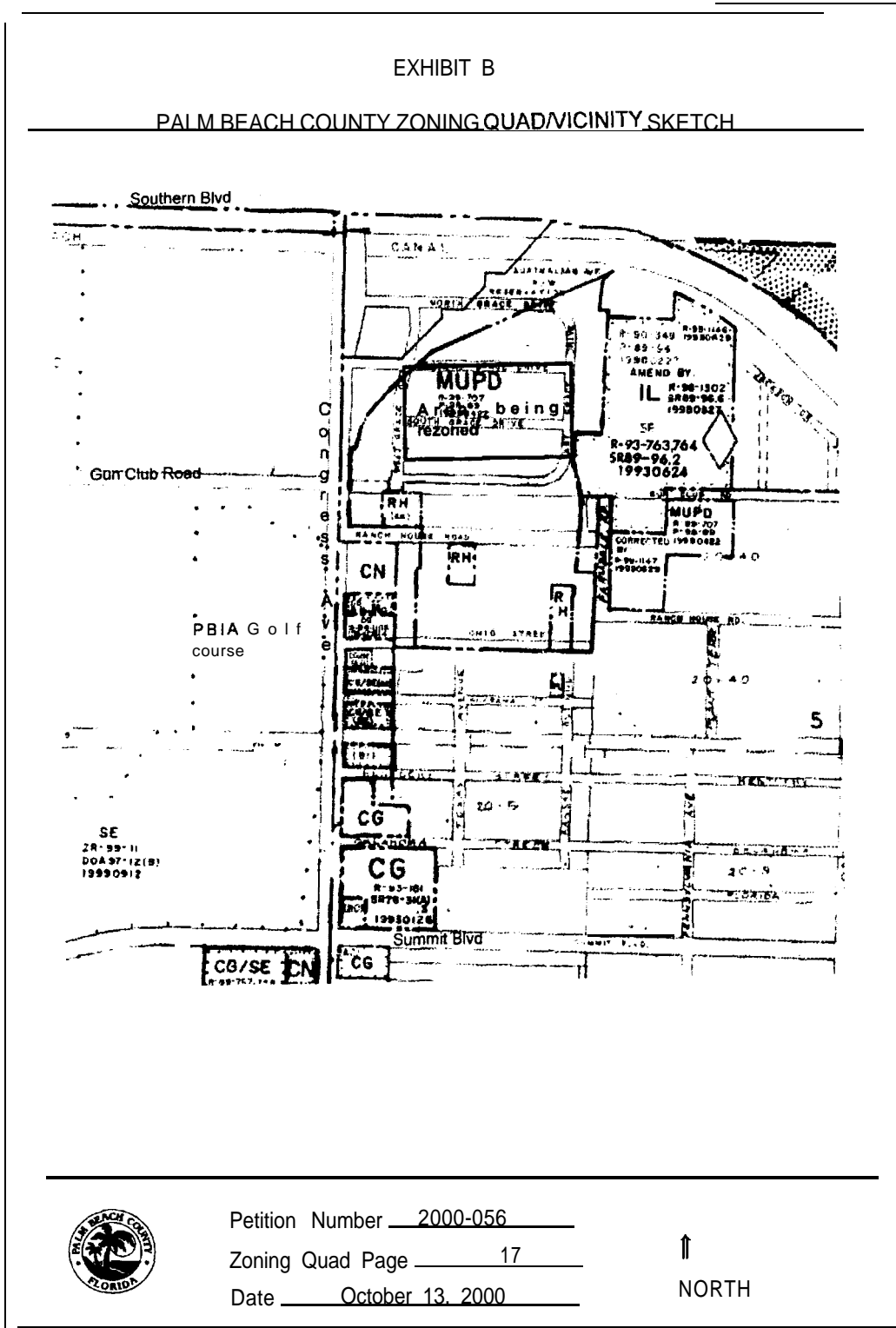


EXHIBIT C

VOLUNTARY COMMITMENTS

A. ALL PETITIONS

1. Development of the site is limited to the use as approved by the Board of County Commissioners. 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. (ONGOING: ZONING)

B. SIGN

1. Freestanding sign on Australian Avenue shall be limited as follows:
 - a. One sign (maximum of two tenants with project identification) a maximum fifteen (15) feet high, measured from finished grade to highest point with a maximum one hundred and fifty (150) square feet sign face area per side. This sign shall be a monument style sign located within thirty (30) feet of the entrance on Australian Avenue per the July 27, 1999 Agreement for Purchase and Sale to Palm Beach County.

C. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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: MONITORING - 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; 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 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 conditions; 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 a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)