

RESOLUTION NO. R-2002- 1954

RESOLUTION APPROVING ZONING PETITION Z2002-039
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF PBC FACILITIES DEVELOPMENT & OPERATIONS
BY MELANIE BORKOWSKI, AGENT
(SAND CASTLE COMMUNITY PARK)

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 Z2002-039 was presented to the Board of County Commissioners at a public hearing conducted on October 24, 2002; 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 Z2002-039, the petition of PBC Facilities Development & Operations, by Melanie Borkowski, agent, for an Official Zoning Map Amendment (Rezoning) from the Residential Medium Density Zoning District to the Public Ownership 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 October 24, 2002 subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Greene moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on October 24, 2002.

Filed with the Clerk of the Board of County Commissioners on 6 day of November, 2002.

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

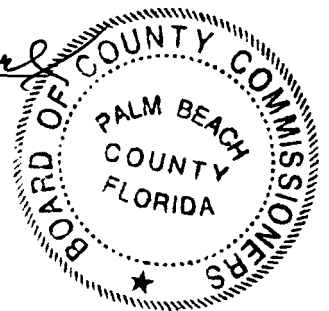


EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE REPLAT OF PART OF GREYNOLDS HIGHLANDS AND HYPOLUXO SUBDIVISION RECORDED IN PLAT BOOK 18, PAGE 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 9, THENCE NORTH 2°17'56" EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 35.92 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MENTONE ROAD ACCORDING TO THE PLAT OF HYPOLUXO RIDGE SUBDIVISION ADDITION NO. 2 AS RECORDED IN PLAT BOOK 27, PAGE 199, SAID PUBLIC RECORDS, THENCE NORTH 87°42'04" WEST ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 474.60 FEET TO THE POINT OF BEGINNING PARCEL "B" (BEING THE SOUTHWEST CORNER OF PARCEL "A" PALM BEACH COUNTY DRAWING NO. S-3-02-1730); THENCE CONTINUE NORTH 87°42'04" WEST ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 188.84 FEET TO THE EAST LINE OF LOTS 71 THROUGH 74, SUNNY HILLS HOMESITES AS RECORDED IN PLAT BOOK 37, PAGE 79, SAID PUBLIC RECORDS; THENCE NORTH 2°28'47" EAST ALONG SAID EAST LINE OF LOTS 71 THROUGH 74, A DISTANCE OF 230.67 FEET TO THE SOUTH LINE OF THE PLAT OF POINTE OVERLOOK ACCORDING TO PLAT BOOK 30, PAGE 12 SAID PUBLIC RECORDS; THENCE SOUTH 87°42'04" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 188.84 FEET TO THE WEST LINE OF SAID PARCEL "A"; THENCE SOUTH 2°28'47" WEST ALONG SAID WEST LINE A DISTANCE OF 230.67 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 43.559 SQUARE FEET OR 1.000 ACRE MORE OR LESS.

EXHIBIT C

VOLUNTARY COMMITMENTS

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated July 3, 2000. 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-Zoning)

B. HEALTH

1. Architectural plans must be submitted to the Institutional/Child Care Section, Palm Beach County Health Department in accordance with Rule 64E-13 FAC prior to issuance of a building permit. (BLDG: HEALTH/BLDG-Health)
2. Prior to site plan review, the petitioner will coordinate this project with the institutional childcare section of the Palm Beach County Health Department. (DRC: HEALTH-Health)

There are no voluntary commitments C or D.

E. ENGINEERING

No Engineering Conditions.

F. 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 voluntary commitments. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the voluntary commitments 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 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any voluntary commitments.

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)