

RESOLUTION NO. R-2003-0941

RESOLUTION APPROVING ZONING PETITION Z2003-017  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
PETITION OF PALM BEACH COUNTY BCC  
BY KIERAN J. KILDAY, AGENT  
(PALM BEACH COUNTY RPZ)

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 Z2003-017 was presented to the Board of County Commissioners at a public hearing conducted on June 26, 2003; 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 has considered the findings in the staff report and 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 Z2003-017, the petition of Palm Beach County BCC, by Kieran J. Kilday, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Multiple Use Planned Development 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 June 26, 2003 subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on June 26, 2003.

Filed with the Clerk of the Board of County Commissioners on 22 day of July, 2003.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY


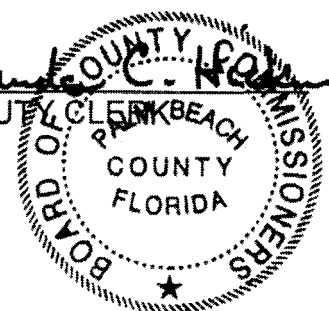
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK  


## EXHIBIT A

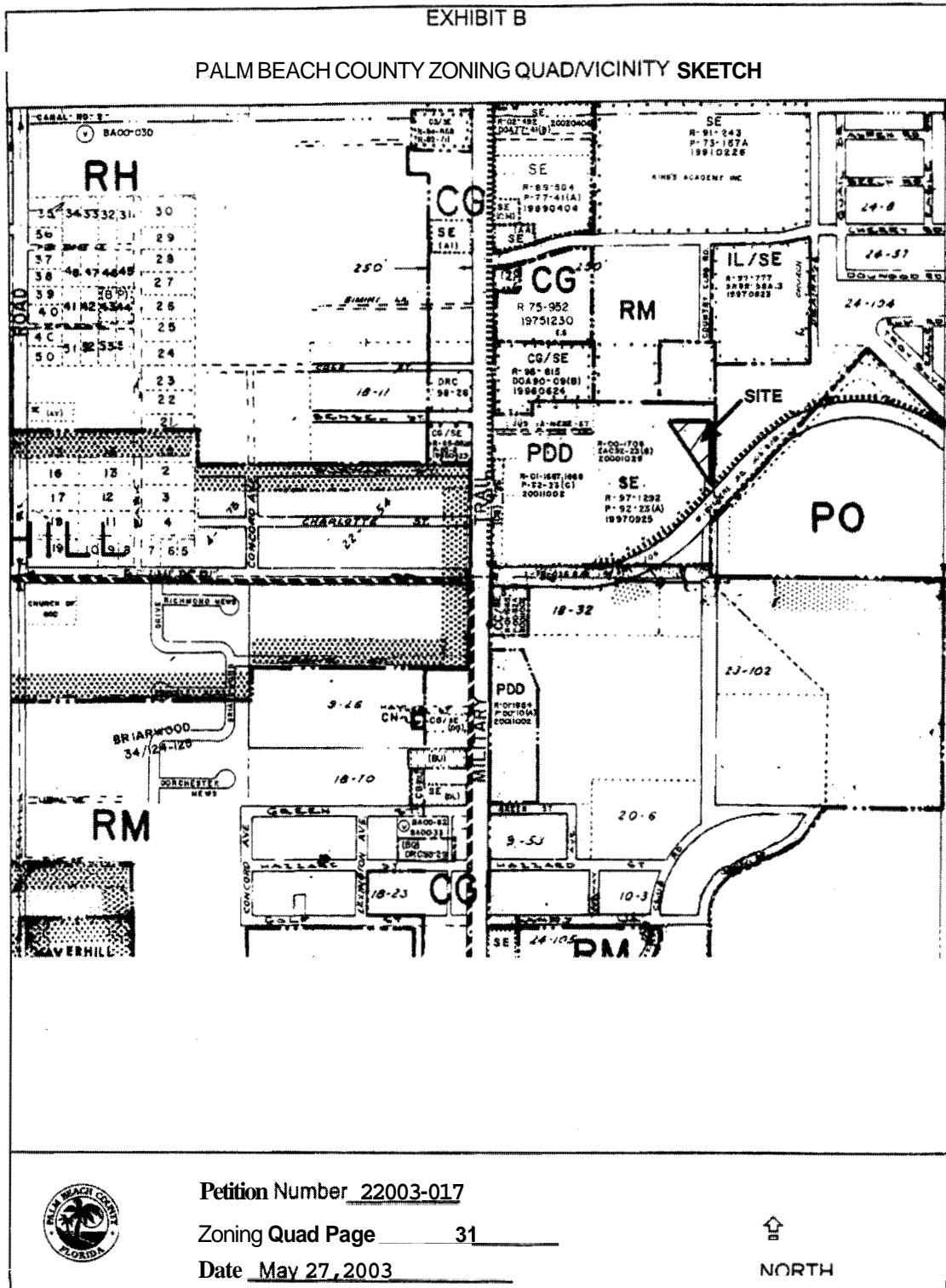
### LEGAL DESCRIPTION

A parcel of land, being a portion of Tract "A", **BMC PLAT** (a multiple use planned development), according to the plat thereof, on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 86, Page 162, said parcel being more particularly described as follows:

**COMMENCE** at the Southwest corner of the Southeast  $\frac{1}{4}$  of Section 25, Township 43 South, Range 42 East; thence South  $88^{\circ} 07' 58''$  East, along the South line of said Southeast  $\frac{1}{4}$ , (the South line of said Southeast  $\frac{1}{4}$  is assumed to bear South  $88^{\circ} 07' 58''$  East and all other bearings are relative thereto) a distance of 671.94 feet to a point of intersection with the West line of the East  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 25; thence North  $01^{\circ} 49' 30''$  East, along said West line, a distance of 64.94 feet to a point on a non-tangent curve, concave **Northwesterly**, having a radius of 901.93 feet, and a radial bearing at this point of North  $07^{\circ} 27' 57''$  West, said point also being on the North right of way line of Belvedere Road and the South line of said Tract "A" as shown on said plat; thence **Northeasterly**, along the arc of said curve, the South line of said Tract "A" and the North right of way line of said Belvedere Road, through a central angle of  $37^{\circ} 27' 03''$ , a distance of 589.54 feet to a point of tangency; thence continue along said North right of way line and said South line of Tract "A" North  $45^{\circ} 05' 00''$  East, a distance of 234.23 feet to the intersection with the **West** right of way line of Country Club Road as shown on said plat; thence North  $01^{\circ} 53' 18''$  East, along said West right of way line and East line of said Tract "A", a distance of 31.76 feet to a point on the South line of an **Additional Avigation Easement and Clearance Zone** as recorded in Official Record Book 5496, Page 1293 as shown on said plat and the **POINT OF BEGINNING** of the following described parcel; thence continue along said West right of way line and East line of Tract "A" through the following two (2) courses; North  $1^{\circ} 53' 18''$  East a distance of 312.75 feet; thence North  $2^{\circ} 30' 37''$  West a distance of 121.66 feet to a point on a line 40.00 feet Southerly of and parallel with, as measured at right angles to, the North line of said Tract A; thence North  $88^{\circ} 15' 17''$  West, along said parallel line, a distance of 415.26 feet to the beginning of a curve, concave to the East, having a radius of 40.00 feet and a central angle of  $145^{\circ} 06' 38''$ ; thence **Westerly, Southerly and Easterly**, along the arc of said curve, a distance of 101.31 feet to a point of tangency; thence South  $53^{\circ} 21' 55''$  East along a line 41.00 feet **Northerly** of and parallel with, as measured at right angles to, said South line of **Additional Avigation Easement and Clearance Zone**, a distance of 516.43 feet to a point; thence South  $2^{\circ} 34' 17''$  West a distance of 49.49 feet to a point on said South line of **Additional Avigation Easement and Clearance Zone**; thence continue along said South line, South  $53^{\circ} 21' 55''$  East a distance of 28.64 feet to said West right of way line of Country Club Road, the East line of said Tract "A" and the **POINT OF BEGINNING**.

Containing in all, 103,537 square feet, or 2.377 Acres, more or less

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### VOLUNTARY COMMITMENTS

There are no voluntary commitments for A, B, C and D.

#### **E. ENGINEERING**

1. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (DRC: **ENG** – Eng)

#### **F. PLANNING**

1. Prior to final site plan approval by the Development Review Committee, the site plan shall be amended to include the future location of sidewalks along Country Club Road since this site is within two (2) miles of a school. (DRC: **PLANNING** – Planning)

#### **G 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 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 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. (ONGOING: **MONITORING** – Zoning)