

RESOLUTION NO. R-2004-0955

RESOLUTION APPROVING ZONING PETITION Z2004-007
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF PBC FACILITIES, DEVELOPMENT & OPERATIONS DEPT.
BY MELAINE BORKOWSKI, AGENT
(ACREAGE COMMUNITY FACILITIES)

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 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Petition Z2004-007 was presented to the Board of County Commissioners at a public hearing conducted on May 27, 2004; 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 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 Petition Z2004-007, the petition of PBC Facilities, Development & Operations Dept., by Melanie Borkowski, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential 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 May 27, 2004 subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on May 27, 2004.

Filed with the Clerk of the Board of County Commissioners on 22 day of June, 2004.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

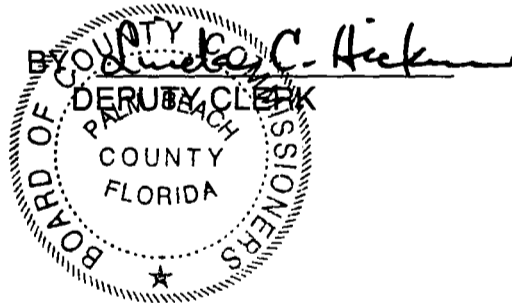


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF "M" CANAL ROAD, RECORDED IN ROAD PLAT BOOK 6, PAGES 136-141, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH THE EAST RIGHT-OF-WAY LINE OF SEMINOLE PRATT WHITNEY ROAD, RECORDED IN ROAD PLAT BOOK 4, PAGES 34-40, OF SAID PUBLIC RECORDS; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, S01°42'54"W FOR 2838.55 FEET;
THENCE N88°17'07"W FOR 130.00 FEET TO THE POINT OF BEGINNING;
THENCE S01°42'54"W FOR 503.14 FEET;
THENCE S02°59'16"W FOR 443.95 FEET;
THENCE N88°17'07"W FOR 64.19 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 1640.00 FEET; THENCE WESTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 4°22'27" FOR 125.20 FEET TO A POINT OF TANGENCY;
THENCE S87°20'27"W FOR 346.39 FEET TO A NON-TANGENT CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 2910.00 FEET, WHERE A RADIAL LINE BEARS N88°07'41"E; THENCE NORTHERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 16°09'36" FOR 820.75 FEET TO A POINT OF COMPOUND CURVATURE WITH A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 3305.27 FEET;
THENCE NORTHERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 5°14'22" FOR 302.25 FEET;
THENCE RADIAL TO SAID CURVE, S70°28'21"E FOR 421.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.04 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

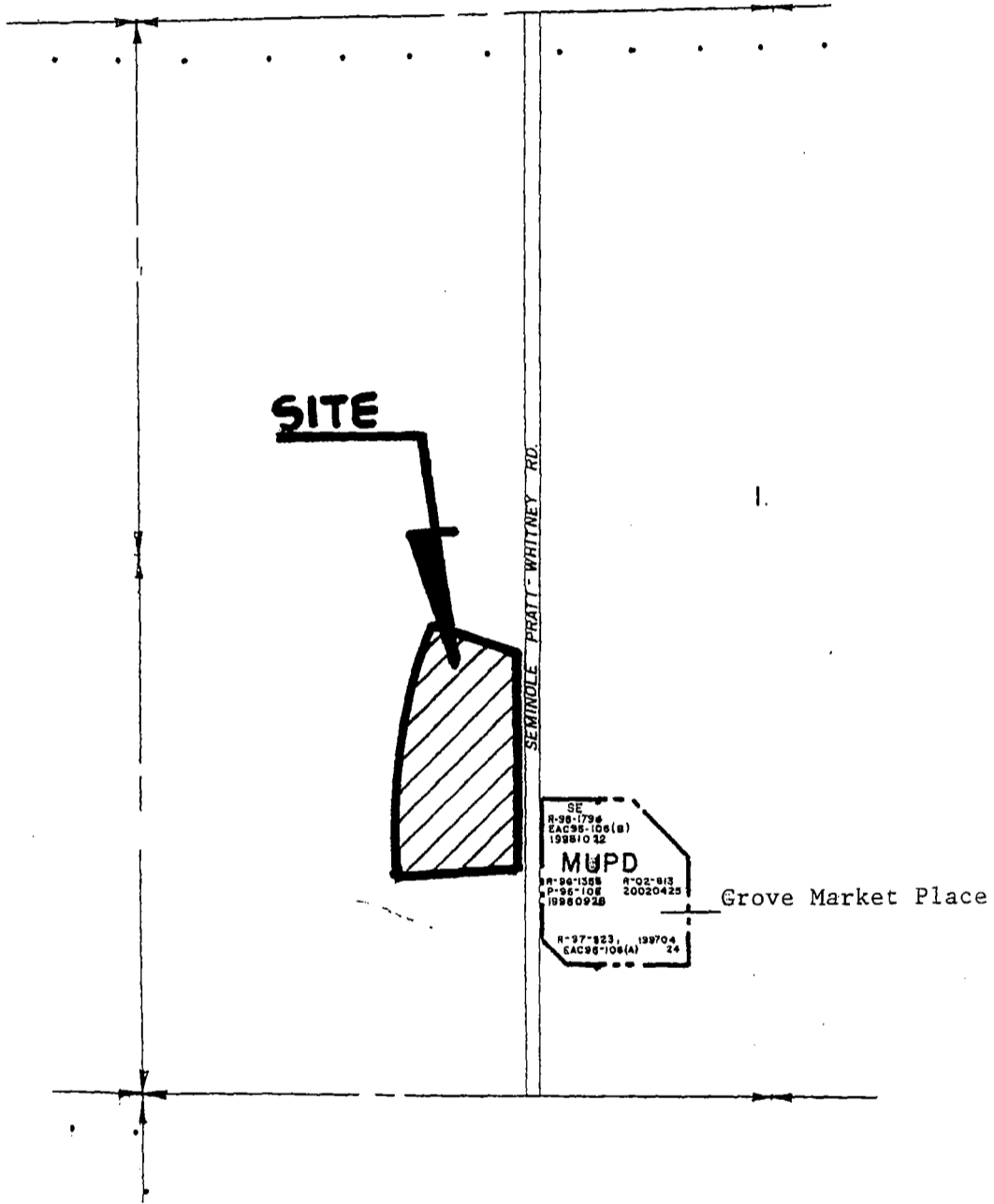


EXHIBIT C

VOLUNTARY COMMITMENTS

A. LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF SEMINOLE PRATT WHITNEY ROAD)

1. In addition to code requirements, landscaping and buffering along the east property line shall be upgraded to include:
 - a. a minimum of one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of eighty (80) feet between clusters. (CO: LANDSCAPE - Zoning)

There are no Voluntary Commitments B, C or D.

E. ENGINEERING

1. Prior to the issuance of a Building Permit for the fire/rescue station, the property owner shall convey:
 - a. Pursuant to the agreement of Donation of Land with Callery-Judge Groves, L.P., Resolution No. 2003-1967, an 80 foot road right of way along the south property line; and,
 - b. "Corner Clips" at the intersections of existing Seminole Pratt Whitney Road and the proposed new road; and,
 - c. "Corner Clips" at the intersection of the proposed realigned Seminole Pratt Whitney Road and the proposed new road, subject to said realignment being accepted by Palm Beach County. If the alignment is not accepted by Palm Beach County, Commitment E.1.c. shall not apply; and,
 - d. All right-of-way shall be dedicated to Seminole Improvement District. (BLDG PERMIT: MONITORING - Eng)
2. The Property owner shall construct a left turn lane south approach on Seminole Pratt Whitney Road at the project's north entrance concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - a. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the Building Permit for the library/PBSO sub-station building. (BLDG PERMIT: MONITORING - Eng)
 - b. Construction shall be completed prior to the issuance of the Certificate of Occupancy for the library/PBSO sub-station building. (CO: MONITORING - Eng)
3. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after January 1, 2009. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Chapter E of the Unified Land Development Code. (DATE: MONITORING - Eng)

4. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: MONITORING - Eng)

F. MASS TRANSIT

1. The property owner shall provide the required Bus Stop Boarding and Alighting Area to Palm Tran, in a mutually agreed upon location, when service to the area is deemed warranted by Palm Tran. (ONGOING: MONITORING - Eng/Palm Tran)

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 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 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)