

RESOLUTION NO. R-2004- 1635

RESOLUTION APPROVING ZONING PETITION Z2004-229
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF PBC FACILITIES DEVELOPMENT & OPERATIONS
BY MELANIE BORKOWSKI, AGENT
(PURDY LANE STATION)

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 Z2004-229 was presented to the Board of County Commissioners at a public hearing conducted on July 22, 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 Z2004-229, the petition of PBC Facilities Development & Operations, by Melanie Borkowski, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Multifamily 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 July 22, 2004 subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 22, 2004.

Filed with the Clerk of the Board of County Commissioners on 24 day of August, 2004.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WICKEN, CLERK

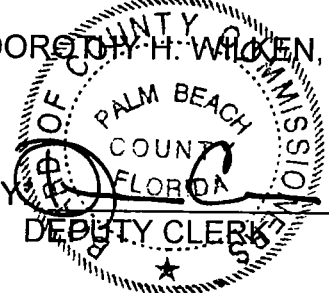


BY: 
DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

EXHIBIT "A"

The Easterly 143 feet of the Southerly 491 feet of the following described parcel:

Beginning at the Southeast corner of the West one-half of Tract 20, Plat of Model Land Co. Subdivision of Section 14, Township 44 South, Range 42 East, as recorded in Plat Book 5, Page 78, Public Records of Palm Beach County, Florida; thence Northerly along the North-South center line of Tracts 18, 19 and 20 of said plat a distance of 802 feet to a point; thence Westerly parallel to the North line of Tract 18, 163 feet to a point; thence Southerly parallel with said North-South center line of Tracts 18, 19 and 20, 802 feet to a point on the South line of Tract 20; thence Easterly along the South line of Tract 20 a distance of 163 feet to the Point of Beginning. Less the southern 26 feet.

LESS THE FOLLOWING DESCRIBED PARCEL FROM EXHIBIT "A"

Commencing at the Southeast corner of the West one-half of Tract 20, Plat of Model Land Co. Subdivision of Section 14, Township 44 South, Range 42 East, as recorded in Plat Book 5, Page 78, Public Records of Palm Beach County, Florida; thence Northerly along the North-South center line of Tracts 18, 19 and 20 of said plat a distance of 26 feet to a point; thence Westerly parallel with the South line of said Tract 20 a distance of 118.00 feet to the Point of Beginning of the herein described Less Out Parcel; thence continue Westerly along said parallel line a distance of 25 feet; thence Northerly along a line parallel to the said North-South center line of Tracts 18, 19 and 20, a distance of 25.00 feet, thence Southeasterly a distance of 35.21 feet to the Point of Beginning.

Containing 312 square feet or 0.007 acres more or less

END DESCRIPTION EXHIBIT "A"

EXHIBIT "A" ALSO BEING DESCRIBED AS:

A Parcel of land lying within a Portion of Tracts 19 and 20, Plat of Model Land Co. Subdivision of Section 14, Township 44 South, Range 42 East, as recorded in Plat Book 5, Page 78, of the Public Records of Palm Beach County, Florida, being described as follows:

Commencing at a concrete monument and brass disc at the Northeast corner of Section 14, Township 44 South, Range 42 East; thence South 01°52'18" West (as a basis of bearings) along the east line of the Northeast one-quarter of said Section 14, a distance of 1319.35 feet; thence North 88°28'47" West, departing said east line, a distance of 1974.57 feet; thence North 01°58'58" East, along the East line of the West one-half of Tracts 18, 19 and 20 of said Plat of Model Land Co. Subdivision of Section 14, a distance of 26.00 feet to the Point of Beginning; thence continue North 01°58'58" East, along said East line, a distance of 491.00 feet; thence North 88°28'47" West, along a line parallel to (as measured at right angles) the North line of said Tract 18, a distance of 143.00 feet; thence South 01°58'58" West, along a line 143.00 feet west of and parallel to (as measured at right angles) the East line of the West one-half of said Tracts 18, 19 and 20, a distance of 466.00 feet; thence South 43°14'54" East, a distance of 35.21 feet; thence South 88°28'47" East, a distance of 118.00 feet to the Point of Beginning.

Said lands situate, lying and being in Palm Beach County, Florida.

Containing 69,901 square feet or 1.605 acres more or less.

EXHIBIT B
VICINITY SKETCH

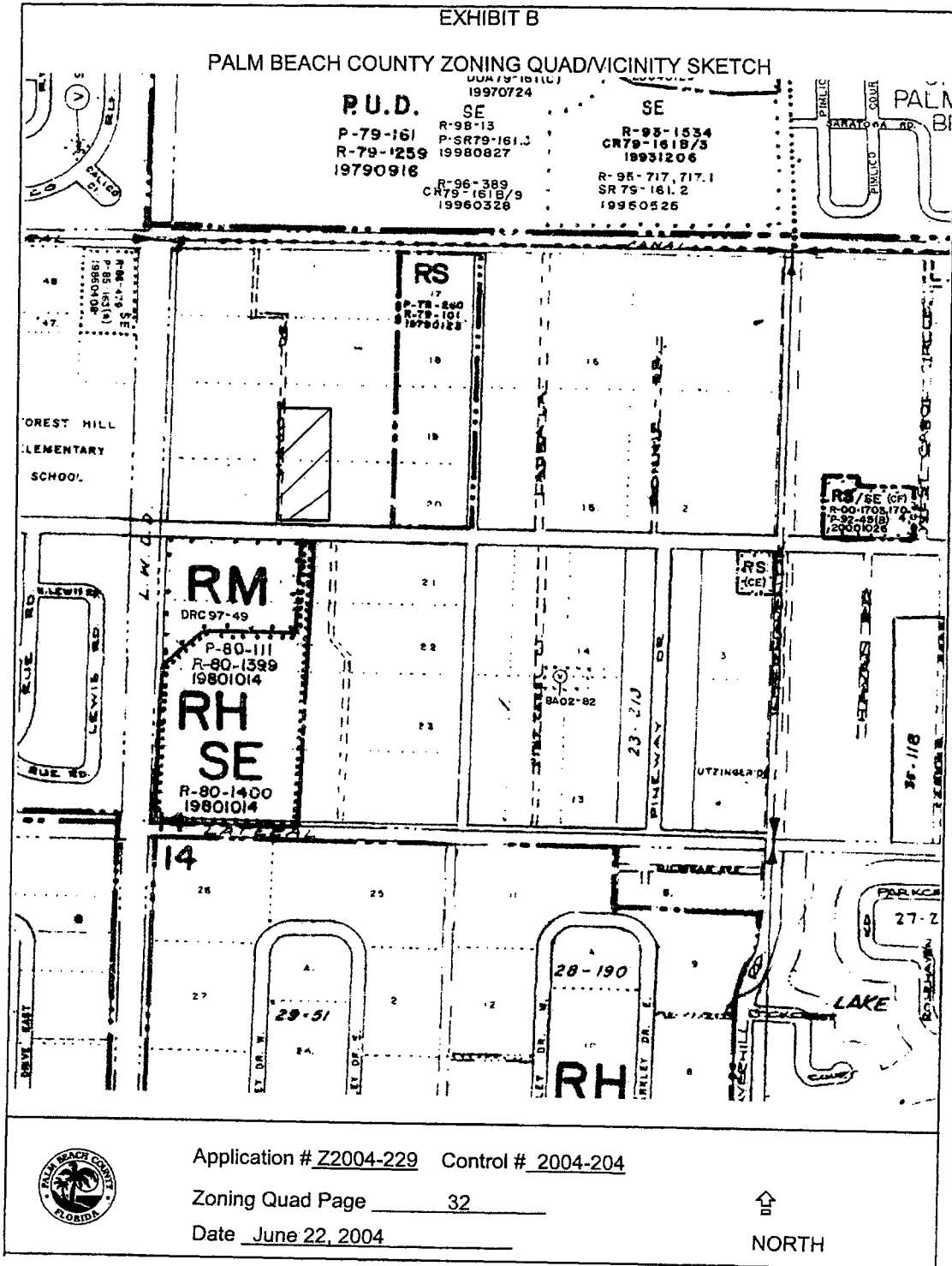


EXHIBIT C

VOLUNTARY COMMITMENTS

There are no Voluntary Commitments A, B, C or D.

E. ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after July 22, 2007. 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 Section E of the Unified Land Development Code. (DATE: MONITORING - Eng)

2. Prior to issuance of a Building Permit, the property owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. A recorded plat waiver is also acceptable provided this property is eligible for a plat waiver in accordance with the provisions of the ULDC as determined by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

3. CONVEYANCE OF PURDY LANE ROAD RIGHT OF WAY

The property owner shall convey to Palm Beach County Land Development Division by warranty deed for Purdy Lane, 40 feet from centerline, concurrent with the recordation of the plat for the property or prior to July 1, 2005, whichever shall first occur. Right of way conveyance shall be free of all encumbrances and encroachments. The 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 encumbrances and encroachments. The Grantor further warrants on the date of conveyance that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements as of the date of conveyance. In the event of a determination of contamination which existed as of the date of conveyance and requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE/PLAT: MONITORING/ENG - Eng)

4. Prior to issuance of a Building Permit, the property owner shall convey a ten (10) foot wide temporary roadway construction easement to Palm Beach County. This easement shall be located ten (10) feet north of the ultimate right-of-way for Purdy Lane. 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. (BLDG PERMIT: MONITORING - Eng)

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 of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the voluntary commitments 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 voluntary commitments reasonably related to the failure to comply with existing voluntary commitments; 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any voluntary commitment.

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)