

RESOLUTION NO. R-2007- 1620

RESOLUTION APPROVING ZONING APPLICATION CA2006-1901  
(CONTROL NO. 2005-589)  
CLASS A CONDITIONAL USE  
APPLICATION OF MILITARY TRAIL DEVELOPMENT GROUP, LLC  
BY MILLER LAND PLANNING, AGENT  
(GLENWOOD TOWNHOMES)

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 applications relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application CA2006-1901 was presented to the Board of County Commissioners at a public hearing conducted on September 24, 2007; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Class A Conditional Use is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Class A Conditional Use also meets applicable local land development regulations. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
3. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

5. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
6. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
7. This Class A Conditional Use, with conditions as adopted, is consistent with applicable Neighborhood Plans.
8. This Class A Conditional Use has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
9. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Class A Conditional Use.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application CA2006-1901, the application of Military Trail Development Group LLC, by Miller Land Planning, agent, for a Class A Conditional Use to allow Townhomes in the Single-family Residential District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on September 24, 2007, subject to the conditions of approval described in EXHIBIT C of Z2006-1901.

Commissioner Aaronson moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	¥ Absent
Jeff Koons, Vice Chair	¥ Absent
Karen T. Marcus	¥ Aye
Robert J. Kanjian	¥ Aye
Mary McCarty	¥ Aye
Burt Aaronson	¥ Aye
Jess R. Santamaria	¥ Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on September 24, 2007.

Filed with the Clerk of the Board of County Commissioners on 24th of September

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY


SHARON R. BOCK,  
CLERK & COMPTROLLER  
BY:   
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

TRACT 15, IN THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, ALSO BEING DESCRIBED AS THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING:

2 ACRES MORE OR LESS, CONSISTING OF A STRIP 132 FEET BY 660 FEET FROM NORTHERN BOUNDARY OF TRACT 15 OF THE SOUTHEAST 1/4, BEING THE SOUTHWEST 1/4 OF SOUTHWEST 1/4 OF SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS RUNNING EAST FROM THE CENTER OF MILITARY TRAIL 660 FEET; THENCE SOUTH 132 FEET; THENCE WEST 660 FEET; THENCE NORTH 132 FEET ALONG MILITARY TRAIL TO CLOSE, AS SET FORTH IN DEED BOOK 1018, PAGE 145, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

FURTHER LESS AND EXCEPTING:

THE SOUTH 25 FEET OF SAID TRACT 15 ABUTTING AND LYING NORTH OF THE PLATTED 15 FOOT ROAD RIGHT OF WAY; SAID PLATTED ROAD RIGHT OF WAY AS SHOWN ON THE PLAT OF AMENDED PLAT OF SEC. 12, TWP. 45 S., R. 42 E., MARY A. LYMAN ET AL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 74, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

FURTHER LESS AND EXCEPTING:

THAT PORTION LYING WITHIN 33 FEET OF THE CENTER LINE OF OLD MILITARY TRAIL, SAID CENTER LINE BEING THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 12.

EXHIBIT B  
VICINITY SKETCH

