

RESOLUTION NO. R-2007- 1882

RESOLUTION APPROVING ZONING APPLICATION DOA2007-190
(CONTROL NUMBER 1984-051)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF SUBURBAN OF PALM BEACH, LLC
BY LAND DESIGN SOUTH, INC, AGENT
(PALM BEACH VOLVO - OKEECHOBEE BLVD.)

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, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA2007-190 was presented to the Board of County Commissioners at a public hearing conducted on October 25, 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 recommendation of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code 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 Development Order Amendment 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; contingent upon the approval of Small Scale Amendment SCA 2007-018;
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. This Development Order Amendment, 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 Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. This Development Order Amendment, 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, 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.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.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 DOA2007-190, the application of Suburban Of Palm Beach, LLC, by Land Design South, Inc, agent, for a Development Order Amendment to add land area, reconfigure site plan and modify/delete Conditions of Approval (Parking, Site Design and Landscaping) 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 25, 2007, subject to the conditions of approval described in EXHIBIT C of Z2007-190.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chairperson thereupon declared that this resolution shall not become effective until Small Scale Amendment SCA 2007-018 (OKEECHOBEE VOLVO a.k.a. PALM BEACH VOLVO- OKEECHOBEE BLVD) is effective.

Filed with the Clerk of the Board of County Commissioners on November 19th, 2007

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

SHARON BOCK, CLERK &
COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

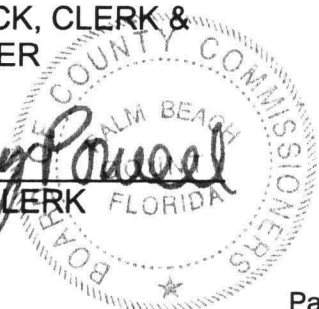


EXHIBIT A

LEGAL DESCRIPTION

THE SOUTH 26 FEET OF THE NORTH 76 FEET OF THE WEST 196.16 FEET OF THE EAST 304.88 FEET OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE POINT OF BEGINNING BEING THE NORTHWEST CORNER OF LOT 3, "BREEZY ACRES", AS RECORDED IN PLAT BOOK 24, PAGE 48, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA; THENCE NORTHERLY ALONG THE NORTHERLY PROLONGATION OF THE WEST LINE OF SAID LOT 3, A DISTANCE OF 26 FEET, MORE OR LESS, TO THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE ROAD, AS DEFINED IN DEED BOOK 47, PAGE 454, RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AS DEFINED IN DEED BOOK 47, PAGE 454, A DISTANCE OF 196.16 FEET, MORE OR LESS, INTERSECTING THE EAST LINE OF THE WEST 58.72 FEET OF THE EAST 167.44 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 26; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID 58.72 FEET OF THE EAST 167.44 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 26, A DISTANCE OF 26 FEET, INTERSECTING THE EASTERLY PROLONGATION OF THE NORTHERLY BOUNDARY OF LOTS 3 AND 4 AS RECORDED IN PLAT BOOK 24, PAGE 48, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG SAID EASTERLY PROLONGATION OF THE NORTHERLY BOUNDARY OF SAID LOTS 3 AND 4, A DISTANCE OF 196.16 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE ADDITIONAL RIGHT-OF-WAY FOR STATE ROAD 704 (OKEECHOBEE BLVD.), FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY FOR A SAFETY CORNER RECORDED IN OFFICIAL RECORD BOOK 6114, PAGE 629, BEING A SAFETY CORNER AT THE NORTHWEST PROPERTY CORNER AT OKEECHOBEE BLVD. AND BREEZY LANE RIGHT-OF-WAY LINE.

AND ALSO:

TRACT 1:

LOTS 3, 4, 5 AND 6, "BREEZY ACRES", 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 24, PAGE 48.

TRACT 2:

THE WEST 58.72 FEET OF THE EAST 167.44 FEET OF THE SOUTH 265.32 FEET OF THE NORTH 341.32 FEET; AND THE WEST 58.72 FEET OF THE EAST 108.72 FEET OF THE SOUTH 75 FEET OF THE NORTH 341.32 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

TRACT 3:

LOT 7, ACCORDING TO THE PLAT OF "BREEZY ACRES", AS RECORDED IN PLAT BOOK 24, PAGE 48, IN AND FOR THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THE SOUTH 150 FEET OF THE NORTH 491.32 FEET OF THE WEST 117.44 FEET OF THE EAST 167.44 FEET OF THE EAST ONE-EIGHTH (EAST 1/8) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

TRACT 4:

A PARCEL OF LAND LYING AND BEING IN THE EAST 1/8 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS

FOLLOWS:

THE SOUTH 225 FEET OF THE NORTH 716.32 FEET AS MEASURED ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 26, OF THE EAST 1/8 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION, LESS THE RIGHT-OF-WAY OF LAKE WORTH DRAINAGE DISTRICT E-3 CANAL.

TRACT 5:

A PARCEL OF LAND LYING AND BEING IN THE EAST 1/8 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 266.32 FEET AS MEASURED ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 26, OF THE EAST 83.72 FEET, AS MEASURED ALONG THE NORTH LINE OF SAID SECTION 26, OF THE EAST 1/8 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26, LESS THE RIGHT-OF-WAY FOR LAKE WORTH DRAINAGE DISTRICT E-3 CANAL AND LESS THE RIGHT-OF-WAY FOR OKEECHOBEE ROAD.

TRACT 6:

A PARCEL OF LAND LYING AND BEING IN THE EAST 1/8 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 266.32 FEET AS MEASURED ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 26, OF THE WEST 25.0 FEET OF THE EAST 108.72 FEET MEASURED ALONG THE NORTH LINE OF SAID SECTION 26, OF THE EAST 1/8 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26, LESS THE RIGHT-OF-WAY FOR OKEECHOBEE ROAD.

TOGETHER WITH:

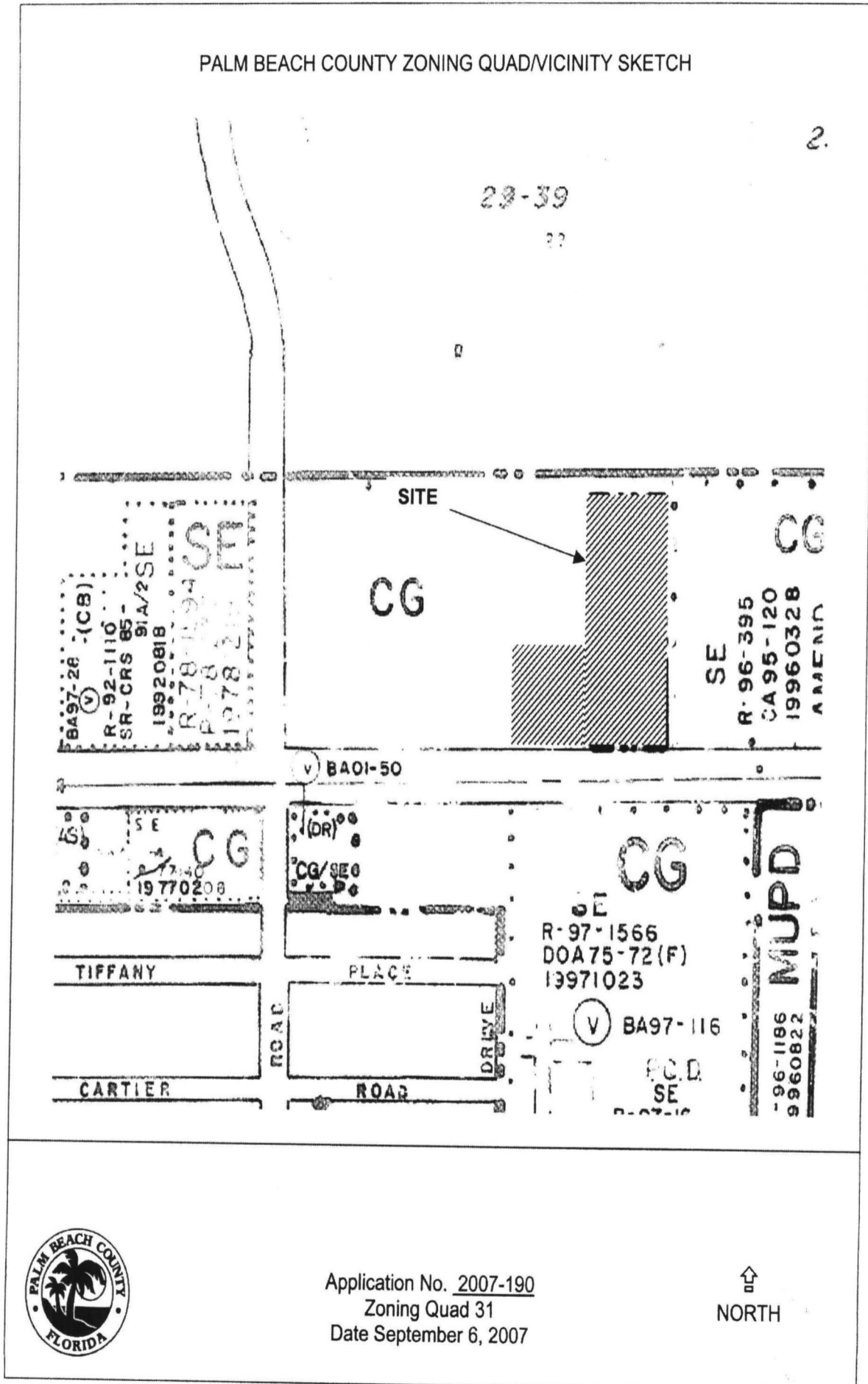
LOT 8, OF BREEZY ACRES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 24, PAGE 48.

TOGETHER WITH:

LOT 9, OF BREEZY ACRES, 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 24, PAGE 48.

CONTAINING 148,950 SQUARE FEET (3.419 ACRES) MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



Application No. 2007-190
Zoning Quad 31
Date September 6, 2007

