

RESOLUTION NO. R-2008- 0261

RESOLUTION APPROVING ZONING APPLICATION R2007-528
(CONTROL NO. 2005-597)
REQUESTED USE
APPLICATION OF HARVEY GELLER
BY LAND DESIGN SOUTH, INC., AGENT
(YAMATO COURT MUPD)

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 Requested 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 R2007-528 was presented to the Board of County Commissioners at a public hearing conducted on February 28, 2008; 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 Requested 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 Requested Use complies with relevant and appropriate portions of Article 4.B, Supplementary Use Standards of the Palm Beach County Unified Land Development Code. This Requested Use also meets applicable local land development regulations.
3. This Requested 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 Requested Use has a concurrency determination and complies with Article 2.F (Concurrency) of the ULDC.

5. This Requested 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.
7. This Requested Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Requested 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.
9. This Requested Use, with conditions as adopted, is consistent with the applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Requested 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 R2007-528, the application of Harvey Geller, by Land Design South, Inc., agent, for a Requested Use to allow a Daycare, General; an Assembly-Non-Profit Institutional; and a Veterinary Clinic in the Multiple Use Planned Development Zoning 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 February 28, 2008, subject to the conditions of approval described in EXHIBIT C of DOA2005-528.

Commissioner Marcus 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:

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	¥	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on February 28, 2008.

Filed with the Clerk of the Board of County Commissioners on February 28, 2008.

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 R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF BEING A PORTION OF TRACTS 14, 15, 16, 17, 18 AND 19, BLOCK 74, AND A PORTION OF THE ABANDONED 25.00 FOOT PALM BEACH FARMS COMPANY PLAT NO. 3 RIGHT-OF-WAY LYING WESTERLY OF, AND CONTIGUOUS TO, SAID TRACTS 16 AND 17, ALL IN PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PLAT OF FOUR FORTY ONE ASSOCIATES, AS RECORDED IN PLAT BOOK 81, PAGE 177, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE NORTH $00^{\circ}50'56''$ WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF STATE ROAD 7 (US 441), A DISTANCE OF 800.03 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT L-42 CANAL; THENCE NORTH $89^{\circ}36'59''$ EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, AND ALONG A LINE 50 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINES OF SAID TRACTS 14, 15 AND 16 AND THEIR WESTERLY PROLONGATION, A DISTANCE OF 1004.61 FEET TO A POINT ON A LINE 215.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF THE SAID TRACTS 14 AND 19; THENCE SOUTH $00^{\circ}23'01''$ EAST ALONG SAID LINE AND ALONG THE WEST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-1 CANAL, A DISTANCE OF 834.40 FEET; THENCE SOUTH $89^{\circ}36'59''$ WEST, DEPARTING SAID LINE AND SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 264.31 FEET; THENCE, NORTH $06^{\circ}22'44''$ WEST, A DISTANCE OF 68.38 FEET; THENCE, NORTH $16^{\circ}12'28''$ WEST, A DISTANCE OF 52.05 FEET; THENCE, NORTH $64^{\circ}22'45''$ WEST, A DISTANCE OF 110.27 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET; THENCE, NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $63^{\circ}47'05''$, A DISTANCE OF 38.96 FEET TO THE POINT OF TANGENCY; THENCE, NORTH $00^{\circ}35'40''$ WEST, A DISTANCE OF 78.62 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET; THENCE, NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $55^{\circ}55'24''$, A DISTANCE OF 34.16 FEET TO THE POINT OF TANGENCY; THENCE, NORTH $56^{\circ}35'35''$ WEST, A DISTANCE OF 39.76 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET; THENCE, WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $35^{\circ}55'47''$, A DISTANCE OF 21.95 FEET TO THE POINT OF TANGENCY; THENCE, SOUTH $87^{\circ}28'38''$ WEST, A DISTANCE OF 39.05 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET; THENCE, SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $42^{\circ}51'40''$, A DISTANCE OF 26.18 FEET TO THE POINT OF TANGENCY; THENCE, SOUTH $44^{\circ}36'58''$ WEST, A DISTANCE OF 62.51 FEET; THENCE, NORTH $45^{\circ}23'02''$ WEST, A DISTANCE OF 108.89 FEET; THENCE, SOUTH $89^{\circ}36'59''$ WEST, A DISTANCE OF 223.00 FEET; THENCE, SOUTH $00^{\circ}50'56''$ EAST, A DISTANCE OF 320.01 FEET, MORE OR LESS, TO THE INTERSECTION THEREOF WITH THE NORTH LINE OF SAID PLAT OF PLAT OF FOUR FORTY ONE ASSOCIATES; THENCE, SOUTH $89^{\circ}36'59''$ WEST, ALONG SAID NORTH LINE, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 15.00 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

