

RESOLUTION NO. R-2008 -1379

RESOLUTION APPROVING ZONING APPLICATION Z2008-305
(CONTROL NO. 2004-00550)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
APPLICATION OF CASCO RENTAL LLC
BY LAND DESIGN SOUTH, INC., AGENT
(VOLVO RENTS)

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 notice and 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 Z2008-00305 was presented to the Board of County Commissioners at a public hearing conducted on August 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 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 (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 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 stated purpose, intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations;
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment;
5. 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;
6. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern; and,
7. This official zoning map amendment is consistent with applicable Neighborhood Plans.

8. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY - Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

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 Z2008-00305 the application of Casco Rental LLC by Land Design South, Inc., agent, for an Official Zoning Map Amendment from the Residential High Density Zoning District to the Light Industrial Zoning District with a CONDITIONAL OVERLAY ZONE 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 August 28, 2008, subject to the conditions of the CONDITIONAL OVERLAY ZONE described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus 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	- Aye
Jeff Koons, Vice Chair	- Aye
Karen T. Marcus	- Aye
Robert J. Kanjian	- Aye
Mary McCarty	-
Burt Aaronson	- Absent
Jess R. Santamaria	- Aye

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

Filed with the Clerk of the Board of County Commissioners on September 2, 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

BY: 
COUNTY ATTORNEY

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK & COMPTROLLER


EXHIBIT A

LEGAL DESCRIPTION

PARCEL A:

A PARCEL OF LAND IN GOVERNMENT LOT 3, SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 3, IN SECTION 5; RUN THENCE NORTHERLY ALONG THE LINE BETWEEN GOVERNMENT LOTS 3 AND 4 A DISTANCE OF 911.24 FEET TO A POINT ON THE EAST LINE OF LOT 18, OF MORRISON HOMES, A SUBDIVISION RECORDED IN PLAT BOOK 23, PAGES 189 & 190, PALM BEACH COUNTY PUBLIC RECORDS, SAID POINT BEING 23.11 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 18, AND BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE RUN EASTERLY, ANGLING $90^{\circ}59'12''$ FROM SOUTH TO EAST, ON THE EASTERLY EXTENSION OF A LINE 23.11 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOT 18, A DISTANCE OF 138.00 FEET; THENCE RUN NORTHEASTERLY, ANGLING $100^{\circ}47'31''$ FROM WEST TO NORTHEAST, A DISTANCE OF 194.05 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE WEST PALM BEACH CANAL, WHICH RIGHT-OF-WAY LINE IS A CURVE, CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 2764.91 FEET; THENCE RUN WESTERLY ON THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $3^{\circ}40'22''$, A DISTANCE OF 177.24 FEET TO THE INTERSECTION OF THE WEST LINE OF GOVERNMENT LOT 3 AFORESAID; THENCE RUN SOUTHERLY ON SAID GOVERNMENT LOT LINE A DISTANCE OF 239.97 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT

THAT PART OF LAND IN GOVERNMENT LOT 3, SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 5; THENCE SOUTH $87^{\circ}54'31''$ EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5, A DISTANCE OF 1356.14 FEET TO THE WEST LINE OF SAID GOVERNMENT LOT 3, SAID WEST LINE BEING THE SAME AS THE NORTHERLY PROJECTION OF THE EAST LINE OF MORRISON HOMES, AS RECORDED IN PLAT BOOK 23, PAGES 189 AND 190, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH $02^{\circ}53'36''$ WEST ALONG SAID WEST LINE OF GOVERNMENT LOT 3, A DISTANCE OF 183.17 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE C-51 WEST PALM BEACH CANAL, SAID POINT BEING THE NORTHEAST CORNER OF SAID MORRISON HOMES PLAT AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH $02^{\circ}53'36''$ WEST ALONG SAID WEST LINE OF GOVERNMENT LOT 3, A DISTANCE OF 28.42 FEET; THENCE NORTH $62^{\circ}30'53''$ EAST, A DISTANCE OF 39.77 FEET TO A NON-TANGENT POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE SAID C-51 WEST PALM BACH CANAL, THROUGH WHICH A RADIAL LINE BEARS SOUTH $16^{\circ}52'05''$ WEST; THENCE NORTHWESTERLY ALONG SAID SOUTH RIGHT-OFWAY LINE ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A CHORD BEARING OF NORTH $73^{\circ}29'52''$ WEST, THENCE NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 2764.91 FEET, THROUGH A CENTRAL ANGLE OF $00^{\circ}43'53''$, AN ARC DISTANCE OF 35.30 FEET TO THE END OF SAID CURVE AND TO THE POINT OF BEGINNING.

PARCEL B:

A PARCEL OF LAND IN GOVERNMENT LOT 4, SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL OF LAND BEING A PORTION OF LOT 18, OF MORRISON HOMES, A SUBDIVISION RECORDED IN PLAT BOOK 23, PAGES 189 & 190, PALM BEACH COUNTY PUBLIC RECORDS, AND BEING

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 4, IN SECTION 5, RUN THENCE NORTHERLY ALONG THE LINE BETWEEN GOVERNMENT LOTS 3 AND 4 A DISTANCE OF 911.24 FEET TO A POINT ON THE EAST LINE OF SAID LOT 18, MORRISON HOMES, WHICH POINT IS 23.11 FEET NORTH OF THE SOUTHEAST CORNER THEREOF, AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE NORTHERLY ON THE SAME COURSE A DISTANCE OF 201.91 FEET TO THE NORTHEAST CORNER OF SAID LOT 18; THENCE RUN WESTERLY ALONG THE NORTH LINE OF SAID LOT 18 A DISTANCE OF 18.73 FEET TO THE NORTHWEST CORNER OF SAID LOT; THENCE RUN SOUTHWESTERLY ALONG THE NORTHWEST LINE OF SAID LOT 18, A DISTANCE OF 51.06 FEET; THENCE RUN SOUTHERLY, DEFLECTING 40°15'30" TOWARD THE EAST A DISTANCE OF 165.92 FEET TO A POINT IN A LINE PARALLEL TO AND 23.11 FEET NORTH OF THE SOUTH LINE OF SAID LOT 18; THENCE RUN EASTERLY ON SAID PARALLEL LINE A DISTANCE OF 62.94 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT IN COMMON FOR INGRESS AND EGRESS OVER THE SOUTHERLY 23.11 FEET OF SAID LOT 18, OF MORRISON HOMES.

PARCEL C:

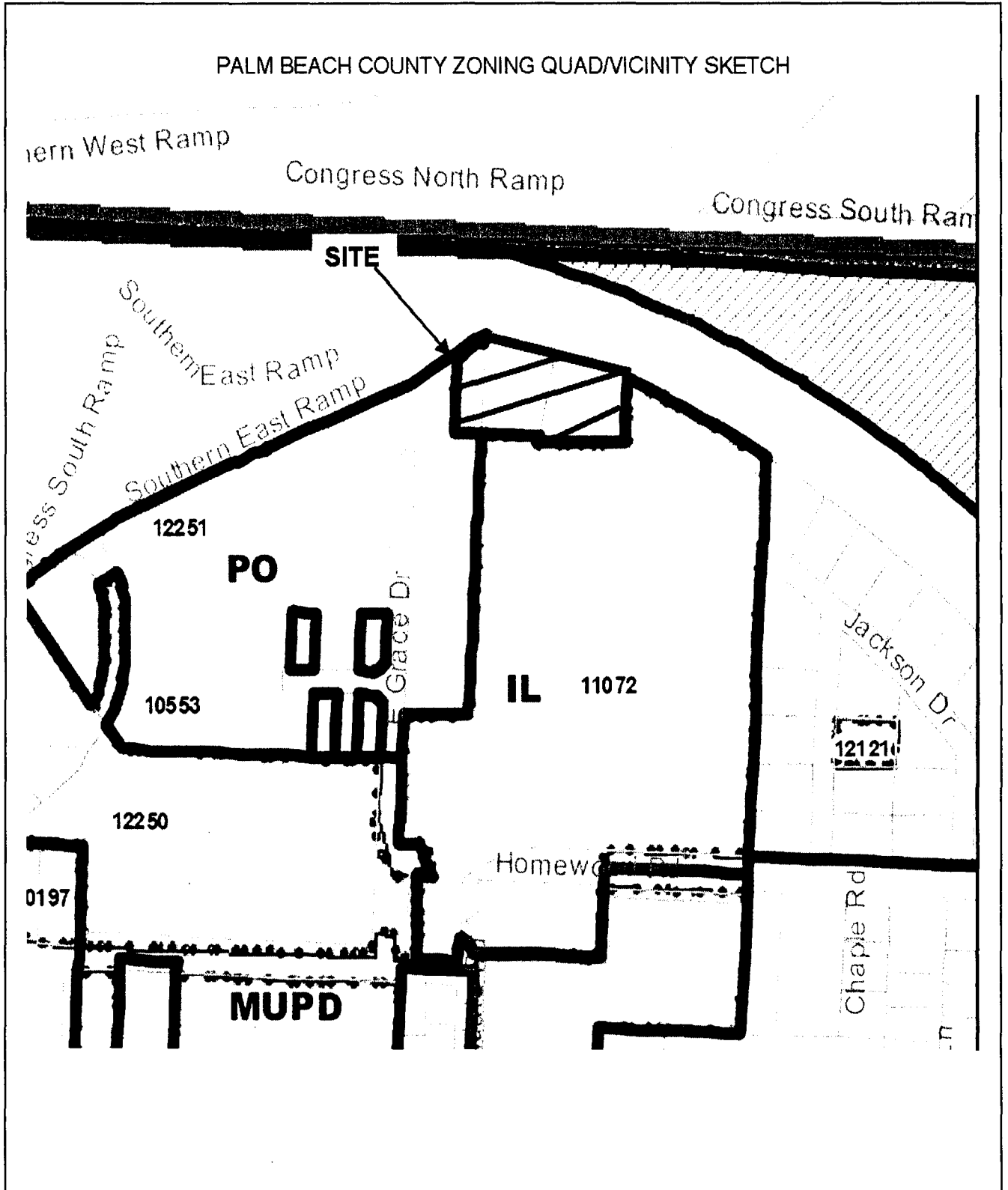
A PARCEL OF LAND IN GOVERNMENT LOT 3, SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL CONTAINING 0.75 ACRES, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 3, IN SAID SECTION 5; RUN THENCE NORTHERLY ALONG THE WEST LINE OF SAID GOVERNMENT LOT 3 A DISTANCE OF 911.24 FEET TO A POINT ON THE EAST LINE OF LOT 18, OF THE NORTH SECTION OF MORRISON HOMES, A SUBDIVISION IN GOVERNMENT LOT 4, OF SAID SECTION 5, RECORDED IN PLAT BOOK 23, PAGE 190, PALM BEACH COUNTY PUBLIC RECORDS, SAID POINT BEING 23.11 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 18, THENCE RUN EASTERLY ON A LINE PARALLEL TO AND 23.11 FEET NORTH OF THE SOUTHERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 18 ANGLING 90°59'12" FROM SOUTH TO EAST, A DISTANCE OF 138.00 FEET TO A POINT WHICH IS THE SOUTHEAST CORNER OF LAND DEEDED TO RAY BEVINS, AND ESTABLISHED BY SURVEY MADE BY JOHN P. DAVIS & ASSOCIATES, INC., DATED DECEMBER 4, 1970, THIS SAID POINT BEING ALSO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE RUN SOUTHERLY, PARALLEL TO SAID WEST LINE OF GOVERNMENT LOT 3, A DISTANCE OF 10.00 FEET; THENCE RUN EASTERLY ON A LINE PARALLEL TO AND 13.11 FEET NORTH OF THE AFORE SAID EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 18, MORRISON HOMES, A DISTANCE OF 200.31 FEET; THENCE RUN NORTHERLY, ANGLING 91°04'55" FROM WEST TO NORTH, A DISTANCE OF 140.55 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE WEST PALM BEACH CANAL, SAID RIGHT-OF-WAY LINE BEING A CURVE, CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 2764.91 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVING RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE 3°40'04", A DISTANCE OF 177.00 FEET TO THE NORTHEAST CORNER OF AFORESAID RAY BEVINS PROPERTY; THENCE RUN SOUTH-SOUTHWESTERLY ON THE EASTERLY LINE OF SAID BEVINS PROPERTY A DISTANCE OF 194.05 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT IN COMMON FOR PERPETUAL INGRESS AND EGRESS OVER AND UPON A STRIP OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF LOT 18 OF SAID NORTH SECTION OF MORRISON HOMES WITH THE EASTERLY RIGHT-OF-WAY LINE OF GRACE DRIVE, A ROAD IN SAID SUBDIVISION; RUN THENCE EASTERLY ALONG SAID SOUTH LINE AND THE EASTERLY EXTENSION THEREOF, A DISTANCE OF 341.20 FEET TO THE BEGINNING OF A CURVE (P.C.), CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 13.11 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL

ANGLE OF 90°59'12", A DISTANCE OF 20.82 FEET TO A POINT ON THE SOUTHERLY LINE OF THE ABOVE DESCRIBED PARCEL OF LAND; THENCE RUN WESTERLY ON SAID SOUTHERLY LINE A DISTANCE OF 43.11 FEET TO THE SOUTHWEST CORNER OF SAID ABOVE DESCRIBED PARCEL ; THENCE RUN NORTHERLY, ANGLING 89°00'48", FROM EAST TO NORTH , A DISTANCE OF 10.00 FEET; THENCE RUN WESTERLY ON A LINE PARALLEL TO AND 23.11 FEET NORTH OF SAID EASTERLY EXTENSION OF SAID SOUTH LINE OF LOT 18, A DISTANCE OF 324.91 FEET TO SAID EASTERLY RIGHT-OF-WAY LINE OF GRACE DRIVE.

EXHIBIT B
VICINITY SKETCH



Application No. 2008-305
Zoning Quad 17
Date July 3, 2008

