

3.0.7.2

RESOLUTION NO. R-2009- 0003

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R-2007-02022
(CONTROL NO. 1982-00129)
REQUESTED USE
APPLICATION OF WEST PALM HOSPITALITY LLC
BY DAVID L. CARPENTER & ASSOC., AGENT
(SYKES COMMERCIAL)

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 ZV/DOA/R-2007-02022 was presented to the Board of County Commissioners at a public hearing conducted on January 8, 2009; 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.
6. 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 R-ZV/DOA/R-2007-02022, the application of West Palm Hospitality LLC, by David L. Carpenter & Assoc., agent, for a Requested Use to allow a Requested Use to allow a second hotel in the MUPD 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 January 8, 2009, subject to the conditions of approval 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 Greene and, upon being put to a vote, the vote was as follows:

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Absent
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Mary McCarty	-	Absent
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on Janaury 8, 2009.

Filed with the Clerk of the Board of County Commissioners on January 13, 2009.

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: [Signature]
COUNTY ATTORNEY

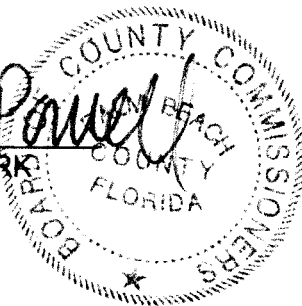
BY: [Signature]
DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

THAT PART OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 27,
TOWNSHIP 43 SOUTH,
RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LYING SOUTH OF
OKEECHOBEE ROAD AND
BEING THE SOUTHERLY 510 FEET OF THE NORTHERLY 590 FEET OF THE
WESTERLY 620.38 FEET OF THE EASTERLY 1260.38 FEET THEREOF. SAID
PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

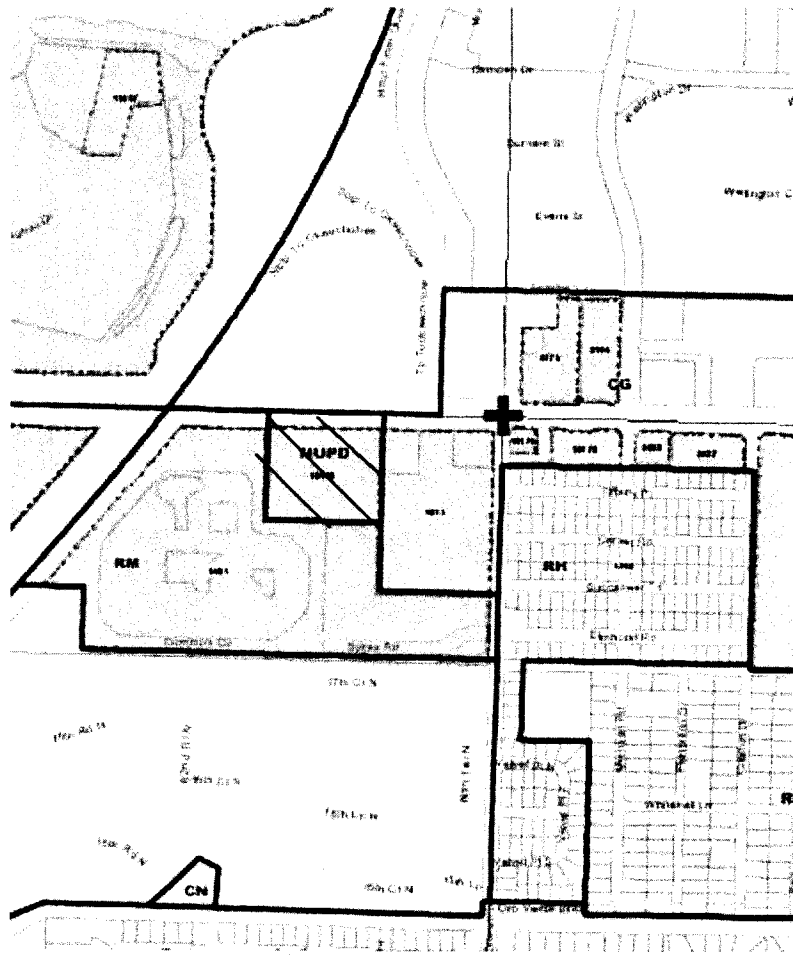
COMMENCE AT THE NORTHEAST CORNER OF SECTION 27, THENCE WITH A
BEARING OF SOUTH 01' 52' 53" WEST, ALONG THE EAST LINE OF SECTION 27, A
DISTANCE OF 75.00 FEET, TO A POINT ON THE SOUTH RIGHT OF WAY OF
OKEECHOREE BOULEVARD, EXTENDED, AND A LINE LYING 75.00 FEET SOUTH OF
AND PARALLEL TO THE NORTH LINE OF SECTION 27; THENCE WITH A
BEARING OF NORTH. 88' 18' 09" WEST, ALONG THE SOUTH RIGHT OF WAY LINE
OF OKEECHOBEE BOULEVARD, A DISTANCE OF 640.00 FEET TO A POINT;
THENCE WITH A BEARING OF SOUTH 01' 52' 53" WEST, ALONG A LINE LYING
640.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SECTION 27, A
DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE
ALONG THE AFOREMENTIONED LINE LYING PARALLEL TO THE EAST LINE OF
SECTION 27, WITH A BEARING OF SOUTH 01' 52' 53" WEST, A DISTANCE OF
510.00 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 88' 18' 09" WEST,
ALONG A LINE LYING 590.00 FEET SOUTH OF AND PARALLEL TO THE NORTH
LINE OF SECTION 27 AND THE CENTERLINE OF OKEECHOBEE BLVD., A
DISTANCE OF 620.38 FEET TO A POINT ON THE EAST LINE OF THE PLAT, THE
CLASSIC AT WEST PALM BEACH, AS RECORDED IN PEAT BOOK 61, PAGE 158,
OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WITH
A BEARING OF NORTH 01' 52' 53" EAST, ALONG THE EAST LINE OF SAID PLAT, A
DISTANCE OF 499.96 FEET TO THE NORTH EAST CORNER OF SAID PEAT AND
THE SOUTH RIGHT OF WAY LINE OF OKEECHOBEE BOULEVARD, AS
RECORDED IN DEED BOOK 1121, PAGE 622, OF THE~ PUBLIC RECORDS OF
PALM BEACH COUNTY, FLORIDA; THENCE WITH A BEARING OF SOUTH 88' 18'
09" EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF OKEECHOBEE BLVD.~
AND A LINE LYING 90.00 FEET SOUTH OF THE NORTH LINE OF SECTION 27, A
DISTANCE OF 67.00 FEET; THENCE WITH A BEARING OF NORTH 88' ~50' 06"
EAST, A DISTANCE OF 200.24 FEET TO A POINT ON A LINE LYING 80.00 FEET
SOUTH OF AND PARALLEL TO THE NORTH LINE OF SECTION 27; THENCE WITH
A BEARING OF SOUTH 88' 18' 09" EAST, ALONG A LINE, LYING 80.00 FEET
SOUTH OF AND PARALLEL TO THE NORTH LINE OF SECTION 27, A DISTANCE
OF 353.42 FEET MORE or~ LESS TO THE POINT OF BEGINNING

TOGETHER WITH THAT CERTAIN EASEMENT FOR INGRESS AND EGRESS
CREATED BY GRANT IN WARRANTY DEED DATED JULY 10, 1~78, FROM HARVEY
E. SYKES, SR. AND MILDRED N. SYKES, HIS WIFE, TO RAMBLEW000 PLAZA, A
FLORIDA JOINT VENTUR'E, AS RECORDED IN OFFICIAL RECORDS BOOK 2890,
PAGE 798, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

CONTAINING 314,726 SQUARE FEET, (7.225 ACRES) MORE OR LESS AND
SUBJECT TO EASEMENTS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD

EXHIBIT B
VICINITY SKETCH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. ZV/DOA/R-2007-2022
Zoning Quad 31
Date

