

4.D.19.C

RESOLUTION NO. R-2009- 0176

RESOLUTION APPROVING ZONING APPLICATION PDD/RW-2008-01372
(Control No. 2008-00026)
REQUESTED USE
APPLICATION OF Diwatch Intrntnal Consultants Inc
BY Seminole Bay Land Company Inc., AGENT
(Retreat at Palm Beach)

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 PDD/R/W-2008-01372 was presented to the Board of County Commissioners at a public hearing conducted on January 29, 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.
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 R-PDD/R/W-2008-01372, the application of Diwatch Intrntnl Consultants Inc, by Seminole Bay Land Company Inc., agent, for a Requested Use to allow a Requested Use to allow a Type 3 Congregate Living Facility in the MXPZ 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 29, 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 Aaronson and, upon being put to a vote, the vote was as follows:

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
District 4	-	
Commissioner Jess R. Santamaria	-	
Commissioner Addie L. Greene	-	Aye
		Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 29, 2009.

Filed with the Clerk of the Board of County Commissioners on February 17, 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: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

THE EAST 10 FEET OF THE SOUTH 466 FEET OF THE EAST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ALSO THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA;

LESS THE FOLLOWING PARCELS CONVEYED TO COUNTY OF PALM BEACH, STATE OF FLORIDA, FOR ROAD AND DRAINAGE PURPOSES TO WIT; FROM THE NORTHWEST CORNER OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST; THENCE RUN SOUTH 01°53'25" WEST, FOR 58 FEET; THENCE RUN SOUTH 86°54'01" EAST FOR 166.39 FEET TO A POINT ON THE EAST LINE OF SAID WEST 1/2 OF THE WEST 1/2 OF NORTHEAST 1/4 OF NORTHEAST 1/4 OF NORTHEAST 1/4; THENCE RUN NORTH 1°53'18" EAST, FOR 58.50 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 25; THENCE RUN NORTH 87°04'21" WEST, ALONG SAID SECTION LINE FOR 166.38 FEET TO POINT OF BEGINNING, SUBJECT TO EXISTING ROAD AND CANAL RIGHT OF WAY, ALSO FROM THE SOUTHWEST CORNER OF SAID WEST 1/2 OF WEST 1/2 OF NORTHEAST 1/4 OF NORTHEAST 1/4 OF NORTHEAST 1/4 RUN EASTERLY ALONG THE SOUTH LINE OF SAID WEST 1/2 OF WEST 1/2 OF NORTHEAST 1/4 OF NORTHEAST 1/4 OF NORTHEAST 1/4 FOR A DISTANCE OF 166.43 FEET TO THE SOUTHEAST CORNER THEREOF, THENCE RUN NORTH 1°53'18" EAST, ALONG THE EAST LINE OF SAID WEST 1/2 OF WEST 1/2 OF NORTHEAST 1/4 OF NORTHEAST 1/4 OF NORTHEAST 1/4 FOR A DISTANCE OF 30.46 FEET; THENCE RUN SOUTH 82°37'01" WEST, FOR A DISTANCE OF 168.60 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THOSE LANDS DESCRIBED IN THAT CERTAIN AFFIDAVIT RECORDED IN OFFICIAL RECORDS BOOK 22960, PAGE 341, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 2.34 ACRES, MORE OR LESS

EXHIBIT C

CONDITIONS OF APPROVAL

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or

b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or

d. Referral to code enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)