

RESOLUTION NO. R-2009-0719

RESOLUTION APPROVING ZONING APPLICATION ZV/ABN/Z-2008-01905
(CONTROL NO. 1986-00026)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
APPLICATION OF COLONIAL INN
BY URBAN DESIGN STUDIO, AGENT
(COLONIAL INN)

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 petitions relating to zoning; and

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

WHEREAS, Zoning Application ZV/ABN/Z-2008-01905 was presented to the Board of County Commissioners at a public hearing conducted on April 23, 2009; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; 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 and 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.
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) 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 ZV/ABN/Z-2008-01905, the application of Colonial Inn, by Urban Design Studio, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the RM Zoning District to the RM Zoning District 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 April 23, 2009.

Commissioner Burt Aaronson moved for the approval of the Resolution.

The motion was seconded by Commissioner Steven Abrams 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
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 23, 2009.

Filed with the Clerk of the Board of County Commissioners on May 14, 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

Legal Description

Parcel "B", Heritage Park Health Center, according to the plat thereof, as recorded in plat book 54, page 118, public records, Palm Beach County, Florida.

Containing: 1.70 Acres, more or less.

Subject to easements, restrictions, reservations, and right of way record.

EXHIBIT B
VICINITY SKETCH

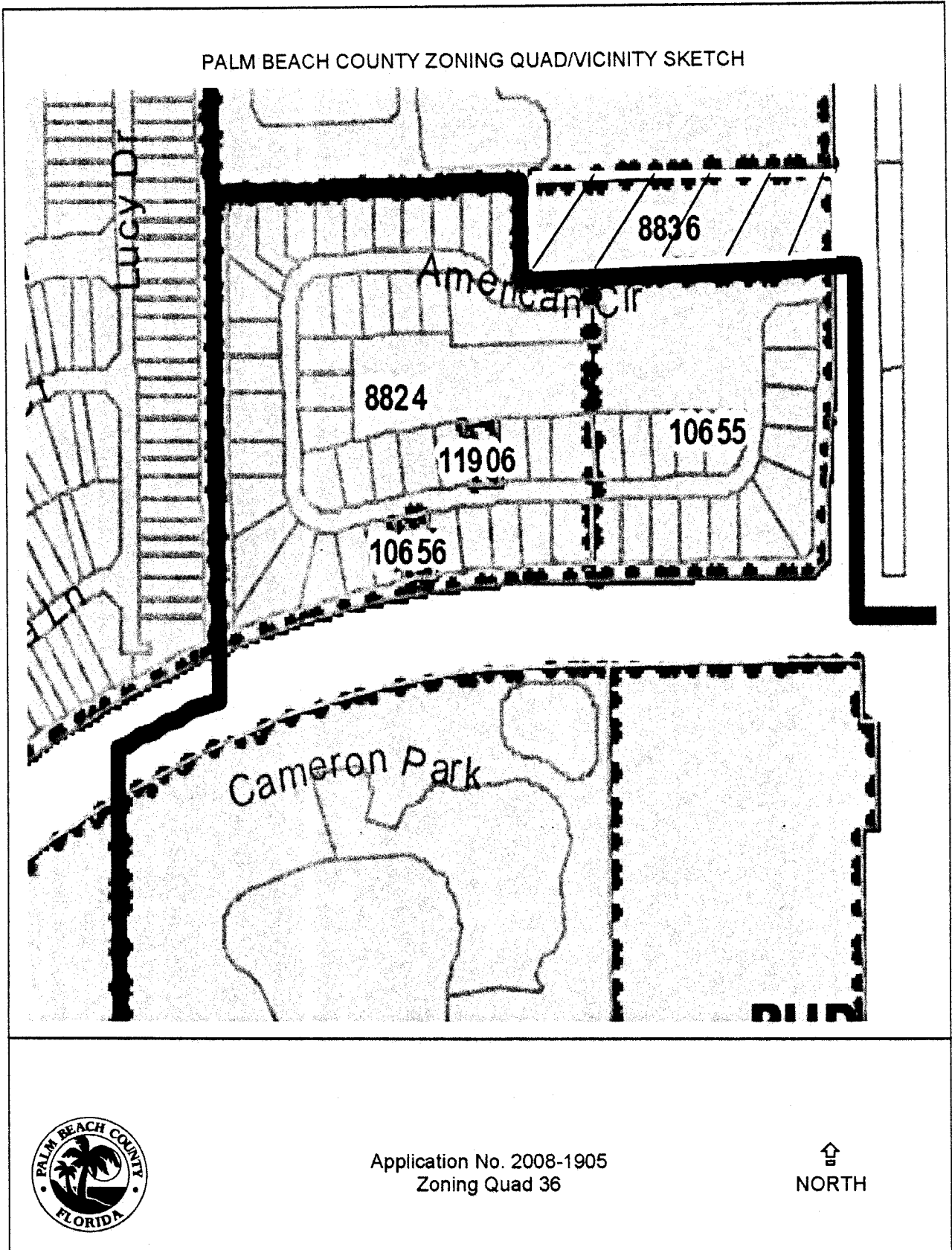


EXHIBIT C

VOLUNATARY COMMITMENTS

ALL PETITIONS

1. Development of the site is limited to the uses as approved by the Board of County Commissioners. The approved site plan is dated December 29, 2008. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or may be modified in accordance with the ULDC standards. (ONGOING: MONITORING-Zoning)

2. Prior to final approval by the DRO officer, the applicant shall provide documentation that parking can be provided on-site or shall provide documentation in accordance with Article 6.A.10 Shared Parking standards and/or 6.A.11 Off Site Parking standards. (DRO: Zoning- ENG)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a. No building permits for the site shall be issued after December 31, 2013. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING Eng)

2. Previous Condition 9 of Resolution R-86-642 of Control No 1986-026, which currently states:

This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.

Is hereby deleted. [Reason: Drainage is a Code Requirement]

3. There shall be no access permitted onto Sims Road. (ONGOING: MONITORING-Eng) (Previous Condition 10 of Resolution R-86-642 of Control No 1986-026)

4. Previous Condition 11 of Resolution R-86-642 of Control No 1986-026, which currently states:

The property owner shall pay a Fair Share Fee in the amount and Manner required by "The Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project would presently be \$4,822.00 (180tripsX\$26.79pertrip).

Is hereby deleted. [Reason: Impact Fees are a Code Requirement]

5. Property owner shall file a boundary plat of the subject property per the County Engineers approval. This plat shall include, but not be limited to a limited access easement along Sims Road. (Previous Condition 12 of Resolution R-86-642 of Control No 1986-026)

[Note: Complete]

6. Previous Condition 13 of Resolution R-86-642 of Control No 1986-026, which currently states:

The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit Section prior to the application of a Building Permit.

Is hereby deleted. [Reason: Drainage is a Code Requirement]

7. Site plan for Heritage Park, having PCN 00424614110020000, shall be revised to allow additional parking to provide for parking requirements on this application.

a.The application to add additional parking to the site plan of Heritage Park shall be submitted for review prior to final site plan approval. (DRO:ENGINEERING-Eng)

b.All additional parking on the adjacent parcel to the north, PCN 00424614110020000 shall be constructed prior to September 30, 2010 or prior to issuance of Certificate of Completion for the proposed medical offices, whichever shall occur first and in accordance with the shared parking agreement. (DATE/CC:MONITORING-Eng)

8.Prior to final site plan approval, a new cross access and shared parking easement on the Heritage Park site for access to Sims Road and to meet parking requirements of the medical office shall be recorded.(DRO:ENGINEERING-Eng)

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 a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING:MONITORING-Zoning)