

RESOLUTION NO. R-2009-0723

RESOLUTION APPROVING ZONING APPLICATION Z-2008-02217  
(CONTROL NO. 2008-00117)  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
APPLICATION OF SOUTH INDIAN RIVER WATER CONTROL DISTRICT  
BY URBAN DESIGN STUDIO, AGENT  
(PALM BEACH COUNTRY ESTATES COMMUNITY PARK)

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 Z-2008-02217 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 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 Z-2008-02217 the application of South Indian River Water Control District by Urban Design Studio, agent, for an Official Zoning Map Amendment from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) 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 April 23, 2009, 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 Vana 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

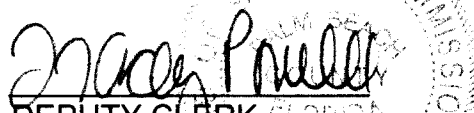
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK




EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND IN SECTION 15, TOWNSHIP 41 SOUTH, RANGE 42 EAST, IN PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

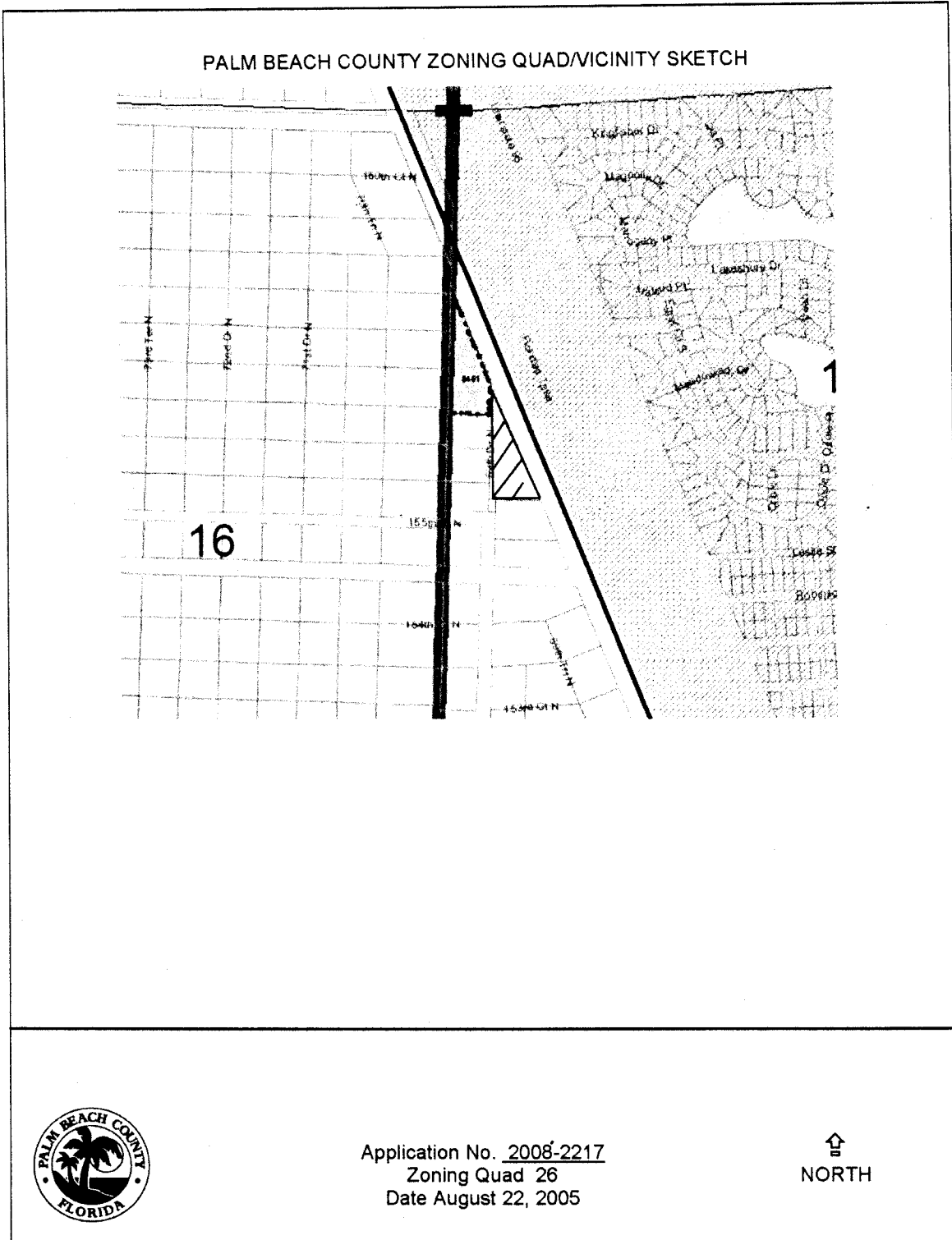
THE NORTH 700 FEET OF THE SOUTH 1135 FEET OF A RECTANGULAR PART OF THE WEST 650 OF SAID SECTION 15, SO LOCATED THAT THE SOUTHWEST CORNER OF SAID RECTANGULAR PART IS THE WEST QUARTER CORNER AND THE WEST LINE THEREOF LIES ALONG THE WEST LINE OF SAID SECTION 15; LESS THE WEST 250 FEET THEREOF, AND LESS THAT PORTION THEREOF LYING EASTERLY OF A LINE 100 FEET WESTERLY OF AND PARALLEL TO THE WESTERLY RIGHT-OF-WAY LINE OF SUNSHINE STATE PARKWAY.

CONTAINING 2.41 ACRES MORE OR LESS AS SURVEYED.

SUBJECT TO AND TOGETHER WITH EASEMENTS OF RECORD INCLUDING ROAD EASEMENTS FOR INGRESS AND EGRESS OVER THE WEST 40 FEET THEREOF.

SUBJECT TO ALL EASEMENTS RESERVATIONS, RESTRICTIONS AND RIGHT-OF-WAY.

EXHIBIT B  
VICINITY SKETCH



Application No. 2008-2217  
Zoning Quad 26  
Date August 22, 2005

  
NORTH

EXHIBIT C  
CONDITIONS OF APPROVAL

ALL PETITIONS

1. Within one hundred and eighty (180) days of approval by the Board of County Commissioners the property owner shall deed the subject property over to South Indian River Water Control District (SIRWCD) who will maintain ownership and perpetual maintenance of the site. (DATE/ONGOING: MONITORING/CODE ENF - Zoning)

HEALTH

1. There will be no public restrooms or potable water available at this park. (ONGOING: CODE ENF-Health)

ZONING - LANDSCAPING-ALONG THE EAST PROPERTY LINE

1. No easement encroachment shall be permitted within the east Right-of-Way landscape buffer. (ONGOING: LANDSCAPE-Zoning)

USE LIMITATIONS

1. Following approval by the Palm Beach County Board of County Commissioners, the South Indian River Water Control District (SIRWCD) Board of Supervisors shall notify adjacent property owners, the District Commissioner, and the Zoning Division of any proposed changes to the layout, program, or other elements within the park. The proposed changes shall be reviewed and adopted at a publicly advertised SIRWCD Board of Supervisors meeting. (ONGOING)
2. The parcel shall be limited to use as a public park providing passive and/or active recreational activities for the general public. (ONGOING: CODE ENF - Zoning)

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. (ONGOING: MONITORING - Zoning)