

RESOLUTION NO. R-2011- 0087

RESOLUTION APPROVING ZONING APPLICATION Z-2010-01985
(CONTROL NO. 2010-00272)
an Official Zoning Map Amendment with a Conditional Overlay Zone
APPLICATION OF Carver Family Ltd, Donald Carver, Investments Moody,
and James Moody
BY Cotleur & Hearing, Inc., AGENT
(Moody-Carver)

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

WHEREAS, Zoning Application Z-2010-01985 was presented to the Board of County Commissioners at a public hearing conducted on January 27, 2011; 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, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) 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 the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.1.B.

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-2010-01985, the application of Carver Family Ltd, Donald Carver, Investments Moody, and James Moody, by Cotleur & Hearing, Inc., agent, for an Official Zoning Map Amendment to allow for a rezoning from the Residential Single-family (RS) Zoning District to the Residential Transitional (RT) Zoning District with a Conditional Overlay Zone (COZ) 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 in EXHIBIT B, attached hereto and made a part hereof, was approved on January 27, 2011 subject to the conditions described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson 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 Karen T. Marcus, Chair	-	Aye
Commissioner Shelley Vana, Vice Chair	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 27, 2011.

Filed with the Clerk of the Board of County Commissioners on February 1, 2011.

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

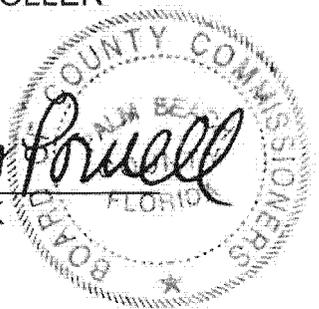


EXHIBIT A

LEGAL DESCRIPTION

Parcel 1

A parcel of land lying in Government Lots 4 and 5, Section 36, Township 40 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at a point in the South Line of said Section 36, which is 1517.2 feet West of the Quarter Section Corner; thence Northerly making an angle with the said South line of Section 36, of 90°04' as measured from West to North, a distance of 33.00 feet to the Point of Beginning and the Southwest corner of the herein described parcel of land; thence continue Northerly along the same course, a distance of 294.00 feet; thence Easterly, making an angle with the preceding course of 90°04', as measured from South to East, a distance of 100.00 feet; thence Southerly, making an angle with the preceding course of 89°56', as measured from West to South, a distance of 294.00 feet; thence Westerly, making an angle of 90°04', as measured from North to West, a distance of 100 feet to the point of beginning.

CONTAINING 29,400 SQUARE FEET OR 0.67 ACRES MORE OR LESS;

TOGETHER WITH,

Parcel 2

A parcel of land lying in Government Lots 4 and 5, Section 36, Township 40 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at a point in the South Line of said Section 36, which is 1517.2 feet West of the Quarter Section Corner; thence Northerly making an angle with the said South line of Section 36, of 90°04' as measured from West to North, a distance of 327.00 feet to the Point of Beginning and the Southwest corner of the herein described parcel of land; thence continue Northerly along the same course, a distance of 196.00 feet; thence Easterly, making an angle with the preceding course of 90°04', as measured from South to East, a distance of 100.00 feet; thence Southerly, making an angle with the preceding course of 89°56', as measured from West to South, a distance of 196.00 feet; thence Westerly, making an angle of 90°04', as measured from North to West, a distance of 100 feet to the point of beginning.

CONTAINING 19,600 SQUARE FEET OR 0.45 ACRES MORE OR LESS;

ALSO TOGETHER WITH,

Parcel 3A

A parcel of land in government Lot 4, Section 36, Township 40 South, Range 42 East, Palm Beach County, Florida being more particularly described as follows:

Commencing at the South quarter corner of said section 36; thence bear S 89°51'05" W, along the South Line of said section 36, a distance of 1517.20 feet to a point on the Southerly extension of the East right of way line of Woodside Trail (being a 30.00 foot right of way) as shown on the plat of WOODSIDE ESTATES as recorded in Plat Book 25, Page 152, Palm Beach County, Florida, Public Records; thence North 00°04'55" West along said Southerly extension and East right of way line, a distance of 523.00 feet to the Point of Beginning; thence continue to bear North 00°04'55" West, along said right of way line, a distance of 98.00 feet; thence bear North 89°51'05" East, a distance of 100 feet to the Northwest Corner of lot 4 as shown on an unrecorded plat of Half Acres by George S. Brockway, registered land surveyor; thence bear South 00°04'55" East, along the west line of said Lot 4, a distance of 98.00 feet to the Southwest corner of said Lot 4; thence bear South 89°51'05" West, a distance of 100.00 feet to the point of beginning

CONTAINING 9,800 SQUARE FEET OR 0.23 ACRES MORE OR LESS;

ALSO TOGETHER WITH,

Parcel 3B

A parcel of land in Government Lot 4, Section 36, Township 40 South, Range 42 East, Palm Beach County, more particularly described as follows:

From the South quarter corner of said Section 36 S 89°51'05" W, along the South line of said Section 36 a distance of 1517.20 feet to a point in the southerly extension of the east right-of-way line of Woodside Trail (a 30.00 foot right of way) as shown on the Plat of WOODSIDE ESTATES as recorded in Plat Book 25, Page 152, Palm Beach County, Florida, Public Records; thence N 00°04'55" W along said Southerly extension and East right of way line, a distance of 621.00 feet to the POINT OF BEGINNING of the herein, described parcel of land; continue thence N 00°04'55" W along said right of way line, a distance of 196.00 feet; thence leaving said right of way line N 89°51'05" E, a distance of 100.00 feet to the northwest corner of Lot 2 as shown on an unrecorded plat of Half Acres by George S. Brockway, Registered Land Surveyor; thence S 00°04'55" E a distance of 196.00 feet; thence S 89°51'05" W, a distance of 100.00 feet to the POINT OF BEGINNING of the herein described parcel of land.

CONTAINING 19,600 SQUARE FEET OR 0.45 ACRES MORE OR LESS.

ALSO TOGETHER WITH,

Parcel 4

A parcel of land in Government Lot 4, Section 36, Township 40 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

From the South quarter corner of said Section 36 bear S 89°51'05" W along the South line of said Section 36, a distance of 1517.20 feet to a point in the Southerly extension of the East right-of-way line of Woodside Trail (a 30.00 foot right-of-way) as shown on the Plat of WOODSIDE ESTATES as recorded in Plat Book 25, Page 152, Palm Beach County, Florida, Public Records; thence N 00°04'55" W along said Southerly extension and East right-of-way line a distance of 817.00 feet to the POINT OF BEGINNING of the herein described parcel of land; continue thence for the next, three calls with the East line of said WOODSIDE ESTATES, N 00°04'55" W, a distance of 111.00 feet; thence S 89°51'05" W, a distance of 20.01 feet; thence N 00°04'55" W, a distance of 178.4 feet more or less to the waters of the Loxahatchee River; thence Easterly meandering said waters to a point in a line 120.00 feet Easterly of (as measured at right angles to) the last described East line of the aforesaid WOODSIDE ESTATES; thence S 00°04'55" E parallel with said East line, a distance of 298± feet more or less to the Southwest corner of Lot 1 of an unrecorded plat of Half Acres by George S. Brockway, Registered Land Surveyors thence S 89°51'05" W, a distance of 100.00 feet to the POINT OF BEGINNING of the herein described parcel of land.

CONTAINING 33,222 SQUARE FEET OR 0.76 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

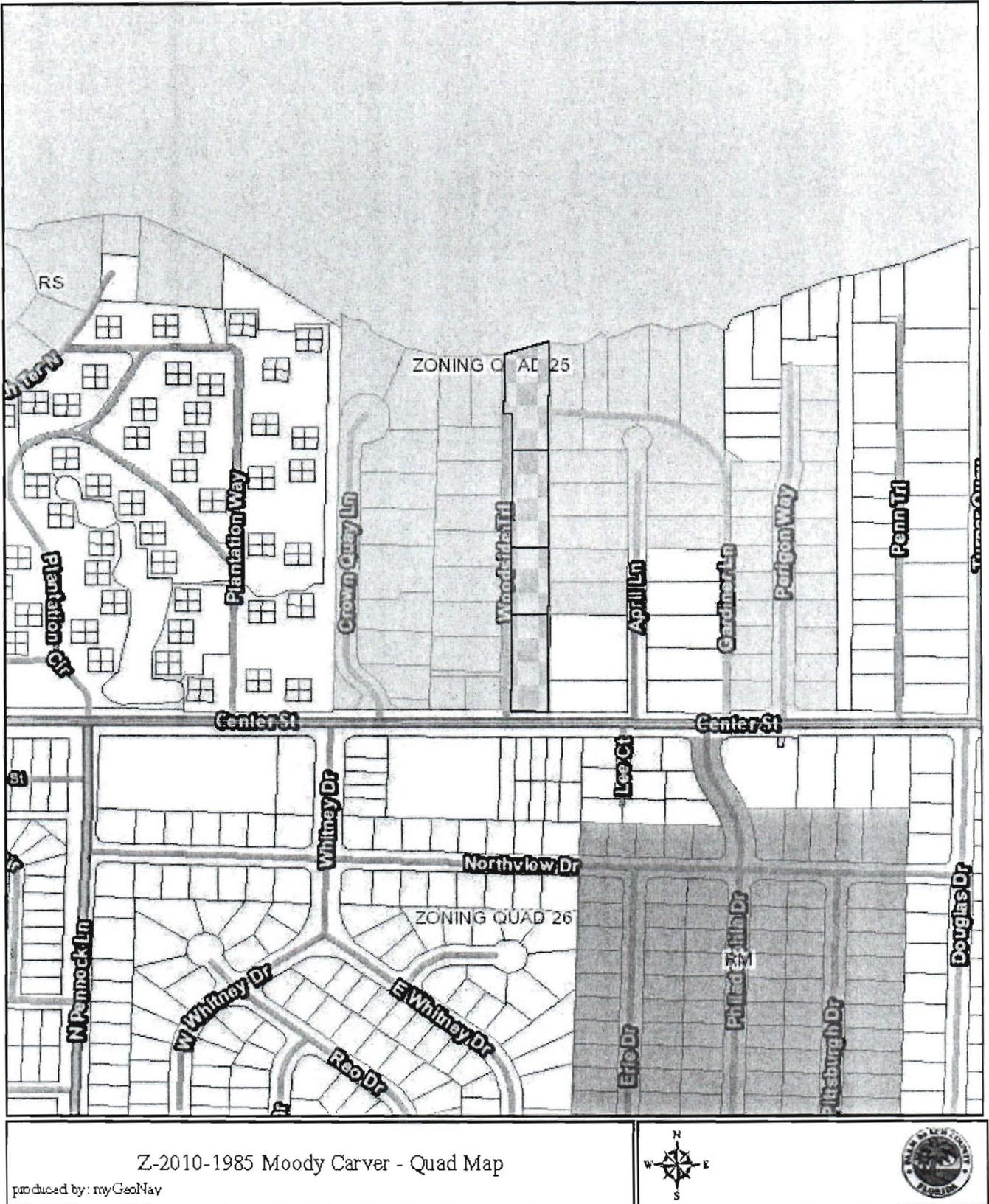


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. The approved subdivision plan is dated October 25, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ENGINEERING

1. The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for 40 feet, measured from centerline of Center Street.

All right of way deed(s) and associated documents shall be provided and approved prior to January 27, 2012. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and corner clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the property owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT: MONITORING-Eng)

2. The property owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The property owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Subdivision Plan by the DRO. (DRO: ENGINEERING-Eng)

b. Any required drainage easements shall be dedicated appropriately on the plat or be dedicated by separate instrument and shown on the plat. (PLAT: MONITORING-Eng)

HEALTH

1. Prior to Final DRO, the owner shall provide proof of water and wastewater concurrency. (DRO: HEALTH - Health)

USE LIMITATIONS

1. The subdivision shall be limited to a maximum of four (4) single family lots. (ONGOING: ZONING - Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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 (CO); 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 Unified Land Development Code (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 Official Zoning Map Amendment, Conditional Use, Requested Use, 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)