

RESOLUTION NO. R-2011- 0565

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2010-03026
(CONTROL NO. 1989-00127)

a Requested Use
APPLICATION OF Bridgestone Retail Operations
BY Urban Design Kilday Studios, AGENT
(Waterford Crossing MUPD)

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 DOA/R-2010-03026 was presented to the Board of County Commissioners at a public hearing conducted on April 28, 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.2.B for a a 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 DOA/R-2010-03026, the petition of Bridgestone Retail Operations, by Urban Design Kilday Studios, agent, for a Requested Use to allow General Repair and Maintenance in the Multiple Use Planned Development (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 April 28, 2011, subject to the conditions of approval described in EXHIBIT C-2, 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	-

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 28, 2011.

Filed with the Clerk of the Board of County Commissioners on May 3, 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

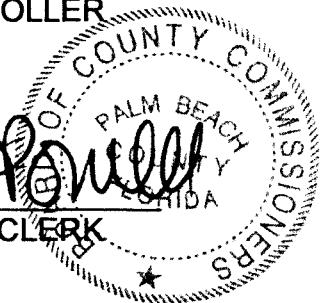


EXHIBIT A

LEGAL DESCRIPTION

OVERALL LEGAL DESCRIPTION WATERFORD CROSSING MUPD

LEGAL DESCRIPTION:

Parcel 1, 2, 3, 4 and 5, **WATERFORD CROSSINGS, A P.C.D.**, according to the plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 66, Page 118.

AND

PARCEL 1

Tract 25, **PALM BEACH FARMS CO. PLAT NO. 9**, according to the Plat thereof on file in Public Records of Palm Beach County, Florida; in Plat Book 5, page 58, less and except there from the following parcel:

A- the East 140 feet thereof, **B-** commencing at the Northeast corner of said Tract 25, thence Westerly along the North line of said Tract 25, a distance of 140 feet to the **POINT OF BEGINNING**; thence Southerly along a line parallel with and 140 feet Westerly from the aforesaid East line of Tract 25, a distance of 616.40 feet; thence Westerly to a point in the West line of aforesaid Tract 25 and 631.40 feet Southerly from Northwest corner of said Tract 25; **THENCE NORTHERLY ALONG THE SAID WEST LINE OF TRACT 25** to Northwest corner thereof; thence Easterly along the North line of said Tract 25, a distance of 520.40 feet to the **POINT OF BEGINNING**; **C-** subject to easements of rights of way of record and subject to an easement for ingress, egress over the dirt road now in use, running diagonally Southwest from Okeechobee Road, said easements to be personal to the grantees and to expire after 60 days written notice from the Grantors or in the event of the voluntary or involuntary disposition of the premises of the grantees, Less the following portion thereof:

A portion of Tract 25, **PALM BEACH FARMS COMPANY'S PLAT NO. 9**, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 5, Page 58.

Commencing at the Northeast corner of said Tract 25, thence run Westerly 140.00 feet along the North line of said Tract 25 to a Point; thence run Southerly 616.40 feet along the a line 140.00 feet West of and parallel to the East line of said Tract 25 to the **POINT OF BEGINNING**; thence run Westerly 520.45 feet along a line 298.51 feet North of and parallel with the South line of said Tract 25 to a Point; thence run Northerly 5.09 feet along the West line of said Tract 25 to a point 630.40 feet South of the Northwest corner of said Tract 25; thence run Easterly 520.48 feet to the **POINT OF BEGINNING**

PARCEL 2

A parcel of land lying in Tracts 25 and 26, Block 1, of **PALM BEACH FARMS CO. PLAT NO. 9**, as recorded in Plat Book 5, page 58, of the Public Records of Palm Beach County, Florida, being described as follows:

Commencing at a found Palm Beach County Brass Disk at the Northwest corner of Section 27, Township 43 South, Range 42 East, in said Palm Beach County; thence South 88° 45' 24" East along the North line of said section, a distance of 126.03 feet, to its intersection with the centerline of Jog Road; thence South 00° 56' 48" East, along the said centerline, a distance of 105.04 feet, to its intersection with the South line of lands described in Official Record Book 1994, Page 1610, of the said Public Records; thence North 88° 45' 24" West along said South line a distance of 64.05 feet to the intersection with the West Right-of-Way line of Jog Road; thence South 0° 58' 52" East along said Westerly Right-of-Way line a distance of 482.74 feet to the **POINT OF BEGINNING** and to the beginning of a non-tangent curve, said curve being concave Northeasterly with a radius of 1024.92 feet and a chord bearing of South

17° 42' 23" East; thence Southeasterly along the arc of said curve and along said Westerly Right-of-Way line, a distance of 377.69 feet through a central angle of 21° 06' 51" to the North line of a 30.00 foot wide platted road Right-of-Way according to the Plat of the **PALM BEACH FARMS CO. PLAT NO. 9**, recorded in Plat Book 5, Page 58, of said Public Records and to the South line of the lands described in Official Record Book 3777, Page 1961 of said Public Records; thence South 89° 03' 03" West along said South line a distance of 108.29 feet to the West line of said lands described in Official Record Book 3777, Page 1961; thence North 0° 58' 52" West along said West line a distance of 359.81 feet to the **POINT OF BEGINNING**.

LESS AND EXCEPT the following described portion thereof:

BEGIN at the Southwest corner of said lands described in Official Record Book 3777, Page 1961; thence North 0° 58' 52" West along the West line of said lands, a distance of 5.00 feet to a point; thence North 89° 03' 37" East, parallel with the South line of said Tract 25, a distance of 65.54 feet to a point; thence North 31° 40' 29" East a distance of 42.12 feet to a point on said Westerly Right-of-Way line of Jog Road and a point on a curve concave to the East, having a radius of 1024.92, a central angle 2° 31' 06" and a radial bearing at this point of North 84° 17' 20" East; thence Southerly along the arc of said curve a distance of 45.05 feet to a point on said South line of Tract 25; thence South 89° 03' 37" West, along said South line, a distance of 108.01 feet to the **POINT OF BEGINNING**.

AND

A portion of Parcel 3, **WATERFORD CROSSINGS, A P.C.D.**, according to the map or plat thereof as recorded in Plat Book 66, Pages 118 and 119, Public Records of Palm Beach County, Florida, being more particularly described as follows:

COMMENCE at the Northeast corner of Parcel 3; thence South 00 degrees 56 minutes 52 seconds East along the East line of said Parcel 3, for a distance of 41.15 feet to the **POINT OF BEGINNING**; thence South 00 degrees 56 minutes 52 seconds East along the Westerly Right-of-Way line of Jog Road for 304.71 feet to the Southeast corner of said Parcel 3; thence South 89 degrees 03 minutes 08 seconds West for 221.66 feet to the Southwest corner of said Parcel 3; thence North 00 degrees 56 minutes 52 seconds West for 354.34 feet to the Northwest corner of said Parcel 3 said Point being on the Southerly Right-of-Way line of Okeechobee Boulevard; thence South 88 degrees 45 minutes 24 seconds East, along said Southerly Right-of-Way line for 180.67 feet to a point; thence South 44 degrees 50 minutes 06 seconds East for 59.28 feet to the **POINT OF BEGINNING**.

All of the above lying and being in Section 27 and 28, Township 43 South, Range 42 East, Palm Beach County, Florida.

EXHIBIT B

VICINITY SKETCH

SEC. 27 & 28 TWP. 43 RNG. 42

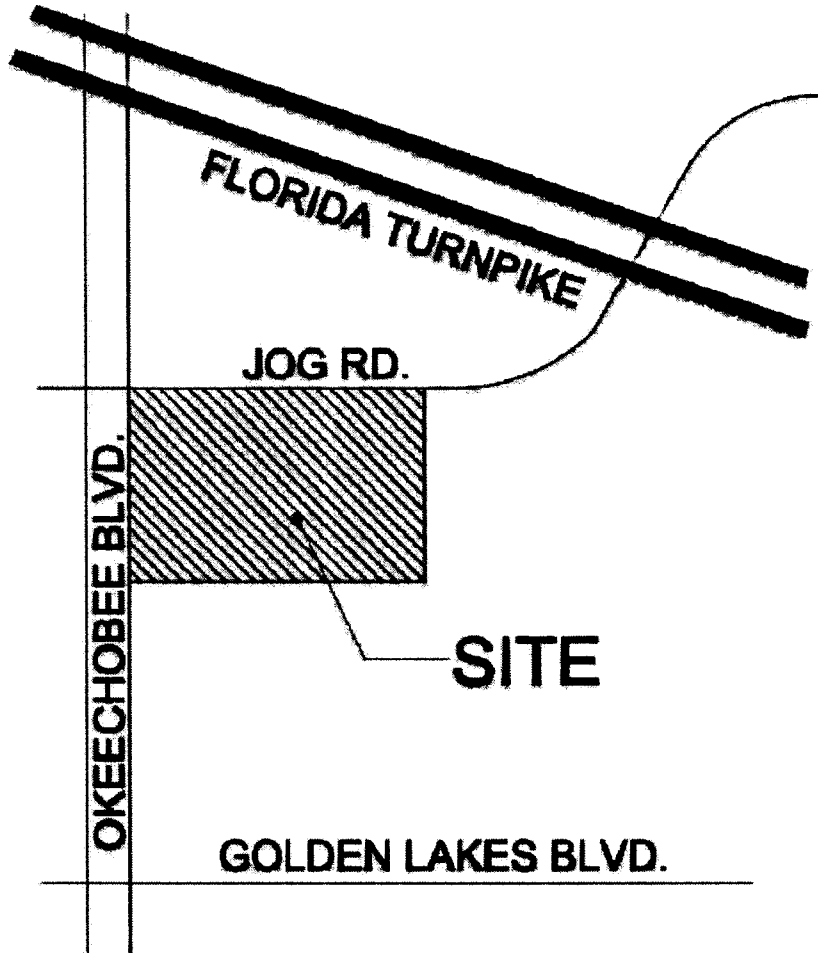


EXHIBIT C-2

CONDITIONS OF APPROVAL

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST PROPERTY LINE ADJACENT TO JOG ROAD (ABUTTING THE AFFECTED AREA, APPROXIMATELY 272 FEET EAST OF BUILDINGS 1 AND 2)

1. In additional to the requirements contained in Exhibit C-1 of Landscape Condition 1, landscaping and buffering along the east property line of the affected area abutting Jog Road shall be upgraded to include:

- a. one (1) flowering tree planted every forty (40) feet on center. (BLDG: LANDSCAPE Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST PROPERTY LINE ADJACENT TO JOG ROAD (ABUTTING THE AFFECTED AREA, APPROXIMATELY 272 FEET EAST OF BUILDINGS 1 AND 2)

2. Prior to final Development Review Officer (DRO) approval, the property owner shall submit landscape plans and the grade elevations for the right-of-way buffer within the affected area (approximately 272 feet east of Buildings 1 and 2) to ensure the screening effect is achieved along the east property line adjacent to Jog Road. A retaining wall may be installed along the inside of the buffer to maintain proper slopes for the berm. (DRO: LANDSCAPE Zoning)

USE LIMITATIONS

1. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility or on the property. (ONGOING: CODE ENF - 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)

STATE OF FLORIDA - COUNTY OF PALM BEACH
I, SHARON R. BOOK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on APR 28 2011
dated at West Palm Beach, FL on 5-31-11
By: [Signature] Deputy Clerk
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