

RESOLUTION NO. R-2011-0572

RESOLUTION APPROVING ZONING APPLICATION Z-2010-03032
(CONTROL NO. 2004-00925)
An Official Zoning Map Amendment.
APPLICATION OF Dennis Discount
BY Miller Land Planning, AGENT
(Three D Commercial)

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-2010-03032 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.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-2010-03032, the application of Dennis Discount, by Miller Land Planning, agent, for An Official Zoning Map Amendment. to allow Rezoning from the General Commercial (CG) Zoning District to the Community Commercial (CC) 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 in EXHIBIT B, attached hereto and made a part hereof, was approved on April 28, 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 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:

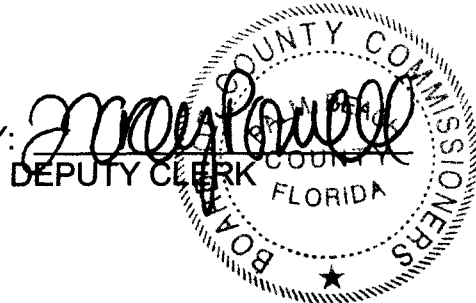

DEPUTY CLERK
BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY
FLORIDA

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

A PARCEL OF LAND IN TRACT 17, BLOCK 35 OF THE PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 PAGES 45 TO 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 7. SAID RIGHT OF WAY SHOWN ON ROAD PLAT BOOK, 1 PAGES 35 TO 41 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT BEING THE INTERSECTION OF SAID RIGHT OF WAY LINE AND THE SOUTH LINE OF SAID TRACT 17; THENCE SOUTH 87°31'38" WEST ALONG SAID SOUTH LINE OF TRACT 17, A DISTANCE OF 423.11 FEET TO A POINT IN THE WEST LINE OF SAID TRACT 17; THENCE NORTH A DISTANCE OF 310.29 FEET TO A POINT IN A LINE 310.00 FEET NORTHERLY OF AS MEASURED AT RIGHT ANGLES, AND PARALLEL TO SAID SOUTH LINE OF TRACT 17; THENCE NORTH 87°31'38" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 423.11 FEET TO A POINT IN SAID WESTERLY RIGHT OF WAY LINE; THENCE SOUTH ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 310.29 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

THAT PART OF TRACT 17, BLOCK 35, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 36, TOWNSHIP 44 SOUTH, RANGE 41 EAST, THAT PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE FOUND GENERAL LAND OFFICE BRASS DISC IN CONCRETE MARKING THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE AT A RIGHT ANGLE OF SOUTH 88°31'56" EAST, A DISTANCE OF 3.050 METERS, (10.01 FEET) TO THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2525; THENCE NORTH 01°28'04" EAST CONTINUING ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 218.210 METERS (715.91 FEET); THENCE NORTH 01°28'20" EAST CONTINUING ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 353.879 METERS (1,161.02 FEET); THENCE NORTH 88°31'40" WEST ALONG A LINE AT RIGHT ANGLES FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 71.020 METERS (233.00 FEET) TO THE POINT OF BEGINNING; THENCE NORTH 01°28'20" EAST, A DISTANCE OF 94.543 METERS (310.18 FEET); THENCE NORTH 89°33'20" EAST, A DISTANCE OF 48.186 METERS (158.09 FEET) TO THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441); THENCE SOUTH 01°28'20" WEST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 94.543 METERS (310.18 FEET); THENCE SOUTH 89°33'20" WEST, A DISTANCE OF 48.186 METERS (158.09 FEET) TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

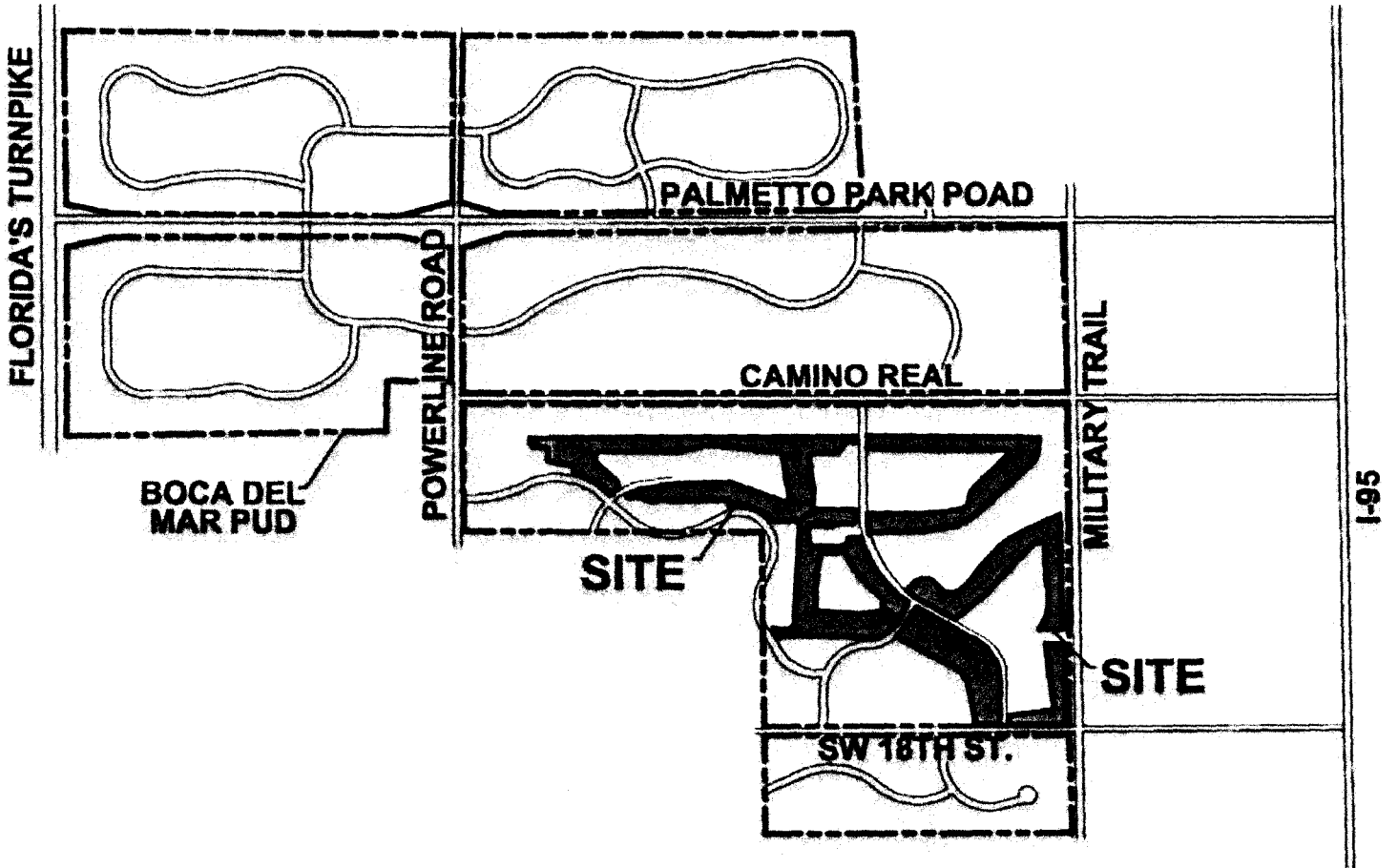


EXHIBIT C

CONDITIONS OF APPROVAL

ENGINEERING

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

a. No Building Permits for the site may be issued after December 31, 2015. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. Prior to issuance of the first building permit, the property owner shall legally create the lot in accordance with Article 11 of the ULDC. (BLDG PERMIT: MONITORING - Eng)

3. Prior to issuance of the first building permit, the property owner shall obtain Drainage Review approval from the Land Development Division, specifically addressing and accomodating historical drainage, if any. (BLDG PERMIT: MONITORING - Eng)

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)