

RESOLUTION NO. R-2011- 0966

RESOLUTION APPROVING ZONING APPLICATION Z-2011-00406
(CONTROL NO. 2004-00450)
an Official Zoning Map Amendment
APPLICATION OF Wilshire Country Oaks Llc
BY Gentile, Holloway, O'Mahoney & Assoc, AGENT
(Wilshire Country Oaks)

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-2011-00406 was presented to the Board of County Commissioners at a public hearing conducted on June 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-2011-00406, the application of Wilshire Country Oaks Llc, by Gentile, Holloway, O'Mahoney & Assoc, agent, for an Official Zoning Map Amendment to allow a rezoning from Residential Single Family (RS) Zoning District to Residential Transitional District (RT) 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 June 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	- Absent
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 June 27, 2011.

Filed with the Clerk of the Board of County Commissioners on June 29th, 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 FLORIDA

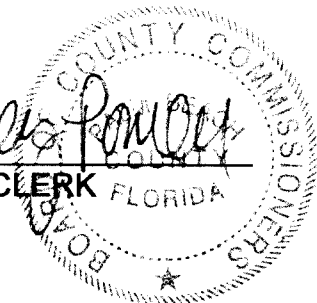


EXHIBIT A

LEGAL DESCRIPTION

ALL OF LOTS A AND B, COUNTRY OAKS LANE SUBDIVISION, ACCORDING TO THE PLAT WAIVER RECORDED IN OFFICIAL RECORD BOOK 19330, PAGE 1045, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN SECTION 32, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE QUARTER SECTION CORNER ON THE NORTH LINE OF SAID SECTION 32; THENCE SOUTH 02°30'08" WEST, ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SECTION 32 (BEARINGS SHOWN HEREON ARE STATE PLANE GRID BEARINGS AND ARE BASED ON SAID NORTH-SOUTH QUARTER SECTION LINE OF SECTION 32, ALL OTHER BEARINGS SHOWN HEREON ARE RELATIVE THERETO) A DISTANCE OF 2010.00 FEET; THENCE SOUTH 88°12'49" EAST, PARALLEL TO THE NORTH LINE OF SAID SECTION 32, A DISTANCE OF 840.00 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND;

THENCE CONTINUE, SOUTH 88°12'49" EAST, A DISTANCE OF 110.00 FEET; THENCE NORTH 02°31'13" EAST, A DISTANCE OF 16.00 FEET; THENCE SOUTH 88°12'49" EAST, A DISTANCE OF 110.15 FEET; THENCE SOUTH 03°10'11" EAST, A DISTANCE OF 16.06 FEET; THENCE SOUTH 88°12'49" EAST, A DISTANCE OF 45.00 FEET; THENCE NORTH 01°47'11" EAST, A DISTANCE OF 11.00 FEET; THENCE SOUTH 88°12'49" EAST, A DISTANCE OF 101.93 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE INTRACOASTAL WATERWAY (FORMALLY KNOWN AS THE FLORIDA EAST COAST CANAL), AS RECORDED IN PLAT BOOK 17, PAGE 8, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 03°10'35" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 11.04 FEET; THENCE SOUTH 88°12'49" EAST, A DISTANCE OF 160.57 FEET TO A POINT ON THE CENTERLINE OF SAID WATERWAY; THENCE SOUTH 03°08'45" EAST, ALONG SAID CENTERLINE, A DISTANCE OF 150.62 FEET; THENCE DEPARTING SAID CENTERLINE, NORTH 88°03'40" WEST, A DISTANCE OF 545.05 FEET; THENCE NORTH 02°31'07" EAST, A DISTANCE OF 148.63 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.910 ACRES OR 83186 SQUARE FEET, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

Country Oaks Lane - Wilshire
Palm Beach County, Florida

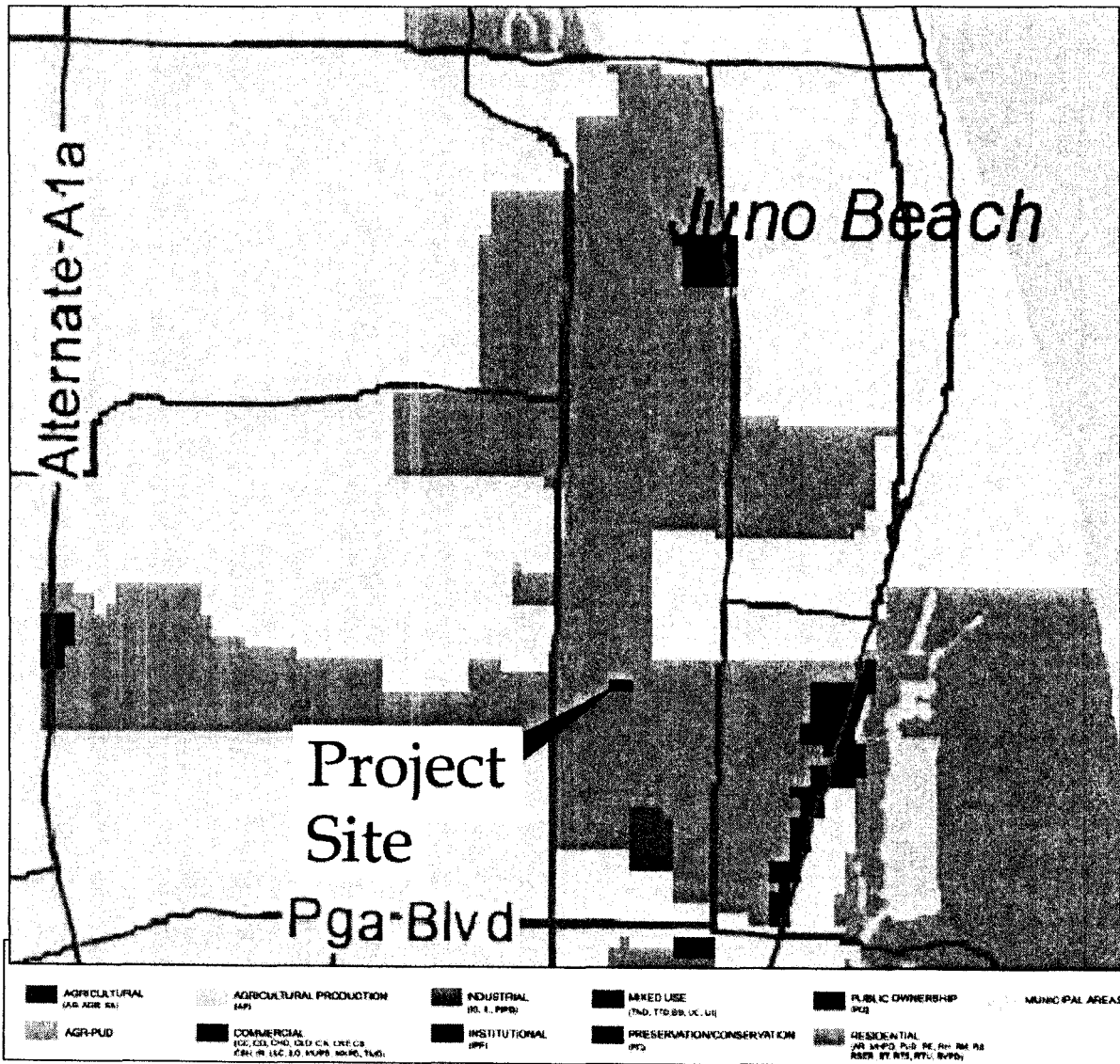


EXHIBIT C

CONDITIONS OF APPROVAL

ENGINEERING

1. Prior to issuance of the first building permit or August 25, 2012, whichever shall occur first, the property owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT/DATE: MONITORING-Eng)

LANDSCAPE – GENERAL

1. The Building Permit for the Single Family Dwelling shall be routed to the Zoning Division for review of the preservation of existing native vegetation. (BUILDING PERMIT: LANDSCAPE-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)