

RESOLUTION NO. R-2011- 1452

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2011-00921
(CONTROL NO. 1978-00005)

a Requested Use
APPLICATION OF Bellino Equities Boca LLC
BY David L. Carpenter & Assoc., AGENT
(Hamptons at Boca Raton PUD)

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-2011-00921 was presented to the Board of County Commissioners at a public hearing conducted on September 26, 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-2011-00921, the petition of Bellino Equities Boca LLC, by David L. Carpenter & Assoc., agent, for a Requested Use to allow an Indoor Entertainment in a Commercial Pod (15) in a Planned Unit Development (PUD) 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 September 26, 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 Abrams 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	-	Absent
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on September 26, 2011.

Filed with the Clerk of the Board of County Commissioners on September 28th, 2011

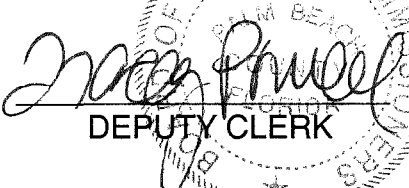
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

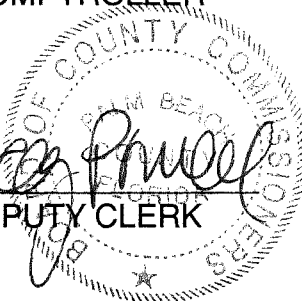


EXHIBIT A

LEGAL DESCRIPTION

**LEGAL DESCRIPTION OF THE HAMPTONS AT
BOCA RATON PLANNED UNIT DEVELOPMENT**

TRACTS 1 THROUGH 46, INCLUSIVE, TRACTS 51 THROUGH 78, INCLUSIVE AND TRACTS 83 THROUGH 96, INCLUSIVE, AND THE NORTH 433 FEET OF TRACTS 97 THROUGH 112, INCLUSIVE, BLOCK 74, TOGETHER WITH TRACTS 2 THROUGH 59, INCLUSIVE, TRACTS 62 THROUGH 89, INCLUSIVE, TOGETHER WITH THE NORTH 433 FEET OF TRACTS 92 THROUGH 101, INCLUSIVE AND TOGETHER WITH THAT PART OF TRACTS 1, 30, 31, 60, 61, AND 90, AND THE NORTH 433 FEET OF TRACT 91, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE, ALL IN BLOCK 75, PALM BEACH FARMS COMPANY, PLAT NO. 3, IN SECTIONS 7 AND 8, TOWNSHIP 47 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54. LESS, HOWEVER, THE WEST 215 FEET OF TRACTS 46, 51, 78, AND 83, BLOCK 74, SAID PALM BEACH FARMS COMPANY, PLAT NO. 3.

EXCEPTING THE NORTH 50.00 FEET OF SAID TRACTS 15 AND 16, BLOCK 74, AND EXCEPTING THE NORTH 50.00 FEET OF THE WEST 215 FEET OF SAID TRACT 14, BLOCK 74, FOR THE LAKE WORTH DRAINAGE DISTRICT L-42 CANAL RIGHT-OF-WAY.

ALSO EXCEPTING THE FOLLOWING DESCRIBED PARCEL OF LAND:

A PARCEL OF BEING A PORTION OF TRACTS 14, 15, 16, 17, 18, AND 19, BLOCK 74, AND A PORTION OF THE ABANDONED 25.00 FOOT PALM BEACH FARMS COMPANY PLAT NO. 3 RIGHT-OF-WAY LYING WESTERLY OF, AND CONTIGUOUS TO, SAID TRACTS 16 AND 17, ALL IN PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PLAT OF FOUR FORTY ONE ASSOCIATES, AS RECORDED IN PLAT BOOK 81, PAGE 177, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00 50' 56" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF STATE ROAD 7 (US 441), A DISTANCE OF 800.03 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT L-42 CANAL; THENCE NORTH 89 36' 59" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, AND ALONG A LINE 50 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLE TO, THE NORTH LINES OF SAID TRACTS 14, 15, AND 16 AND THEIR WESTERLY PROLONGATION, A DISTANCE OF 1004.61 FEET TO A POINT ON A LINE 215.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF THE SAID TRACTS 14 AND 19; THENCE SOUTH 00 23' 01" EAST ALONG SAID LINE AND ALONG THE WEST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-1 CANAL, A DISTANCE OF 834.40 FEET; THENCE SOUTH 89 36' 59" WEST, DEPARTING SAID LINE AND SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 264.31 FEET; THENCE, NORTH 06 22' 44" WEST, A DISTANCE OF 68.38 FEET; THENCE, NORTH 16 12' 28" WEST, A DISTANCE OF 52.05 FEET; THENCE, NORTH 64 22' 45" WEST, A DISTANCE OF 110.27 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET; THENCE, NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 63 47' 05", A DISTANCE OF 38.96 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 00 35' 40" WEST, A DISTANCE OF 78.62 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET; THENCE, NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL

ANGLE OF 55 55' 24", A DISTANCE OF 34.16 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 56 35' 35" WEST, A DISTANCE OF 39.16 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET; THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 35 55' 47", A DISTANCE OF 21.95 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 87 28' 38" WEST, A DISTANCE OF 39.05 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 42 51' 40", A DISTANCE OF 26.18 FEET TO THE POINT OF TANGENCY; THENCE, SOUTH 44 36' 58" WEST, A DISTANCE OF 62.51 FEET; THENCE, SOUTH 45 23' 02" EAST, A DISTANCE OF 16.11 FEET; THENCE SOUTH 44 36' 58" WEST, A DISTANCE OF 103.50 FEET; THENCE, SOUTH 10 53' 55" WEST, A DISTANCE OF 161.55 FEET, MORE OR LESS, TO THE INTERSECTION THEREOF WITH THE NORTH LINE OF SAID PLAT OF PLAT OF FOUR FORTY ONE ASSOCIATES; THENCE, SOUTH 89 36' 59" WEST, ALONG SAID LINE, A DISTANCE OF 324.00 FEET TO THE POINT OF THE BEGINNING.

CONTAINING IN TOTAL: 982.66 ACRES, MORE OR LESS

SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

VICINITY SKETCH

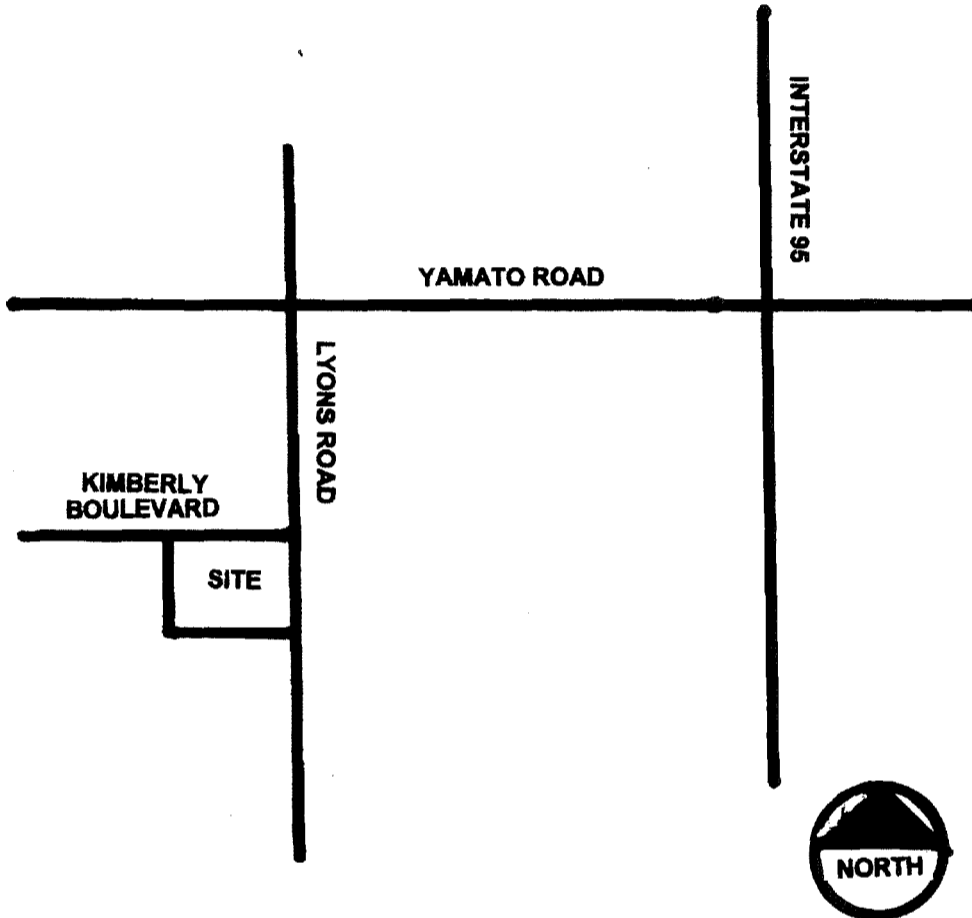


EXHIBIT C-2

CONDITIONS OF APPROVAL (Indoor Entertainment)

ALL PETITIONS

1.The Preliminary Site Plan for Commercial Pod 15 is dated July 21, 2011. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners (BCC) or the Zoning Commission (ZC). (ONGOING: ZONING Zoning)

SIGNS

1.Prior to Final Site Plan approval by the Development Review Officer (DRO), the Master Sign Plan shall be revised to include the sign for the affected area. (DRO: 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)