

RESOLUTION NO. R-2013- 0499

RESOLUTION APPROVING ZONING APPLICATION EAC-2013-00156
(CONTROL NO. 1994-00094)
an Expedited Application Consideration
APPLICATION OF Board of County Commissioners
BY Palm Beach County, AGENT
(Westgate CRA)

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 EAC-2013-00156 was presented to the Board of County Commissioners at a public hearing conducted on April 25, 2013; 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 an Expedited Application Consideration.

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 EAC-2013-00156, the petition of Board of County Commissioners, by Palm Beach County, agent, for an Expedited Application Consideration to delete Conditions of Approval (General, Site Plan approval; Use Limitations; Compliance and Engineering) in the Commercial General 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 25, 2013, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor moved for the approval of the Resolution.

The motion was seconded by Commissioner Berger and, upon being put to a vote, the vote was as follows:

Commissioner Steven L. Abrams, Mayor	-	Aye
Commissioner Priscilla A. Taylor, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 25, 2013.

Filed with the Clerk of the Board of County Commissioners on April 26th, 2013.

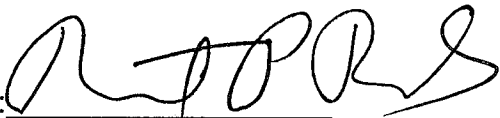
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

Parcels Subject to EAC

Property Control Number	Property Control Number	Property Control Number
00-43-43-30-02-000-0010	00-43-43-30-02-000-0040	00-43-43-30-02-000-0110
00-43-43-30-02-000-0150	00-43-43-30-02-000-0190	00-43-43-30-03-025-0550
00-43-43-30-03-027-0310	00-43-43-30-03-027-0440	00-43-43-30-03-025-0370
00-43-43-30-03-027-0010	00-43-43-30-03-027-0370	00-43-43-30-03-027-0410
00-43-43-30-03-025-0390	00-43-43-30-03-027-0460	00-43-43-30-03-027-0530
00-43-43-30-03-028-0010	00-43-43-30-03-028-0370	00-43-43-30-03-028-0440
00-43-43-30-03-028-0460	00-43-43-30-03-028-0520	00-43-43-30-03-028-0580
00-43-43-30-03-029-0010	00-43-43-30-03-029-0310	00-43-43-30-03-029-0410
00-43-43-30-03-030-0273	00-43-43-30-03-030-0571	00-43-43-30-03-031-0220
00-43-43-30-03-032-0030	00-43-43-30-03-031-0461	00-43-43-30-03-032-0050
00-43-43-30-03-032-0070	00-43-43-30-03-032-0160	00-43-43-30-03-033-0050
00-43-43-30-03-032-0090	00-43-43-30-03-032-0120	00-43-43-30-03-033-0010
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00-43-43-30-03-034-0400	00-43-43-30-03-035-0200	00-43-43-30-03-035-0262
00-43-43-30-03-035-0561	00-43-43-30-03-036-0420	00-43-43-30-02-000-0130
00-43-43-30-03-028-0400	00-43-43-30-03-025-0250	00-43-43-30-03-026-0470
00-43-43-30-03-028-0310	00-43-43-30-03-030-0271	00-43-43-30-03-032-0010
00-43-43-30-03-030-0010	00-43-43-30-03-030-0150	00-43-43-30-03-030-0530
00-43-43-30-03-033-0090	00-43-43-30-03-033-0510	00-43-43-30-03-034-0460
00-43-43-30-03-035-0381	00-43-43-30-21-001-0000	00-43-43-30-22-001-0000

EXHIBIT B
VICINITY SKETCH

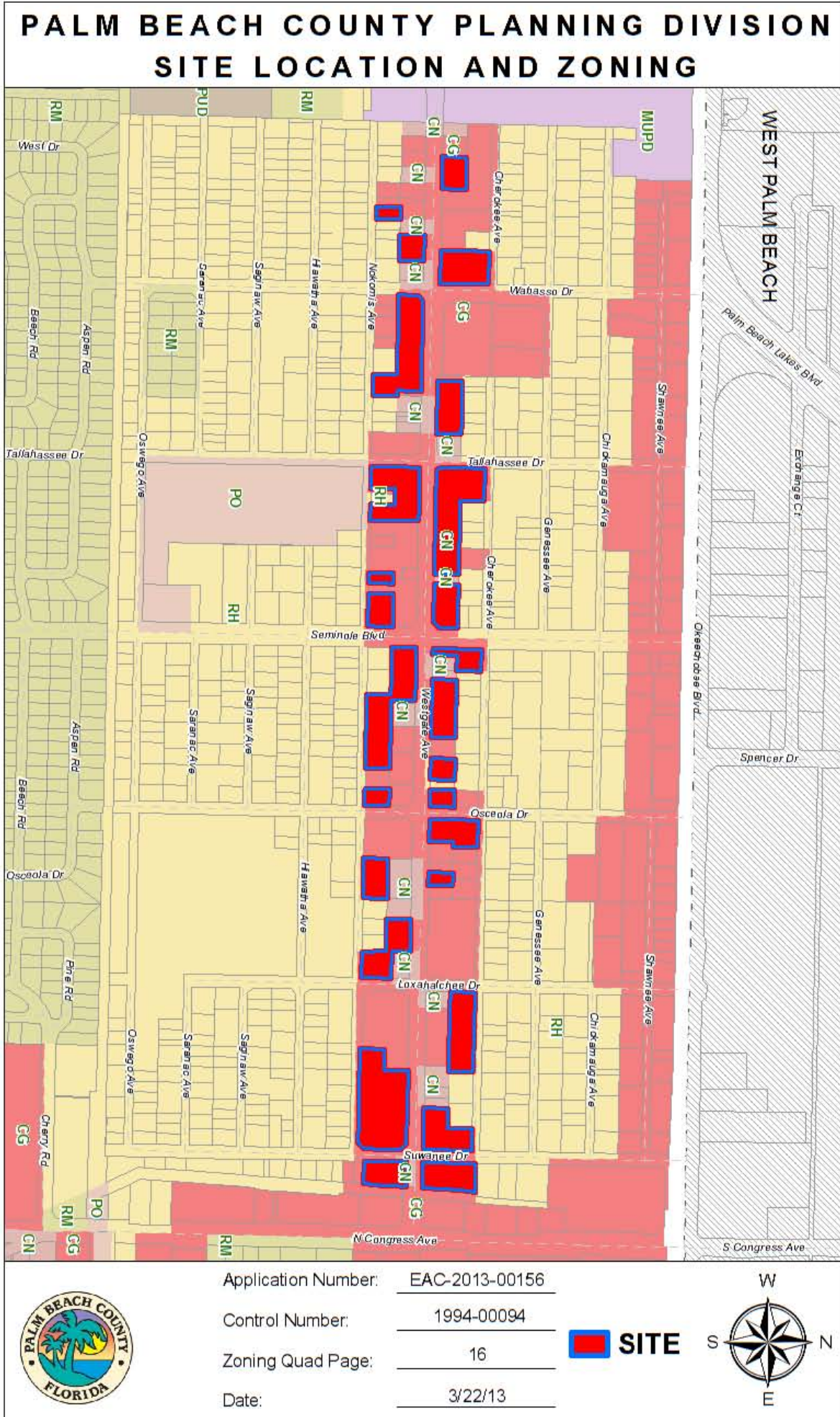


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS-SITE PLAN APPROVAL

1. Previous Condition B.1 of Resolution R-1995-427, Control No. 1994-94) which currently states:

Prior to commencement of commercial development or use, each property shall receive approval of a site plan by the Development Review (DRC) and a concurrency reservation, exemption, equivalency or other determination. The site plan shall be approved prior to application for any permits including but not limited to, building, paving, drainage, or vegetation removal. BUILDING/ZONING

Is hereby deleted. [Reason: This is a staff initiated EAC to delete all prior conditions of approval to streamline the approval process and comply with the ULDC]

ALL PETITIONS-GENERAL

1.Previous Condition A.1 of Resolution R-1995-427, Control No. 1994-94) which currently states:

All previously approved special exceptions on any of the subject properties are hereby abandoned and repealed. (ZONING)

Is hereby deleted. [Reason: This is a staff initiated EAC to delete all prior conditions of approval to streamline the approval process and comply with the ULDC]

ENGINEERING

1.Previous Condition E1 of Resolution R-1995-427, Control No. 1994-94, which currently states:

If required by the County Engineer or the South Florida Water Management District the drainage system design by the property owner shall be such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (ENGINEERING)

Is hereby deleted. [Reason: This is a staff initiated EAC to delete all prior conditions of approval to streamline the approval process and comply with the ULDC]

2.Previous Condition E2 of Resolution R-1995-427, Control No. 1994-94, which currently states:

Each individual property owner shall obtain an onsite Drainage Review from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit. Each individual property owner shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. (BUILDING - Engineering)

Is hereby deleted. [Reason: This is a staff initiated EAC to delete all prior conditions of approval to streamline the approval process and comply with the ULDC]

3.Previous Condition E3 of Resolution R-1995-427, Control No. 1994-94, which currently states:

Each property owner at the time of the issuance a building permit shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. (IMPACT FEE COORDINATOR)

Is hereby deleted. [Reason: This is a staff initiated EAC to delete all prior conditions of approval to streamline the approval process and comply with the ULDC]

4.Previous Condition E4 of Resolution R-1995-427, Control No. 1994-94, which currently states:

Prior to the issuance of a building permit for corner lots which are part of this rezoning request, the property owner shall convey at no cost to Palm Beach County Land Development Division by road right-of-way warranty deed, additional right of way to provide for "corner clips" at the intersection of two road right of ways. These corner clips shall be the long cord of a 40 foot radius for the intersection of two thoroughfare plan right of ways, and the long cord of a 25 foot radius for the intersection of two non-thoroughfare plan rights of way. The 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. (BUILDING Engineering)

Is hereby deleted. [Reason: This is a staff initiated EAC to delete all prior conditions of approval to streamline the approval process and comply with the ULDC]

USE LIMITATIONS

1.Previous Condition C.1 of Resolution R-1995-427, Control No. 1994-94, which currently states:

Uses on lots fronting only on Wabasso Drive, Tallahassee Drive, Seminole Boulevard, Osceola Drive, Loxahatchee Drive, Suwanee Drive, Cherokee Avenue or Nokomis Avenue shall be limited as required by the ULDC, Section 6,7,8, WCRA Overlay District Regulations. (ZONING)

Is hereby deleted. [Reason: This is a staff initiated EAC to delete all prior conditions of approval to streamline the approval process and comply with the ULDC]

COMPLIANCE

1.Previous Condition D.1 of Resolution R-1995-427, Control No. 1994-94, which currently states:

All site plans certified pursuant to Condition B.I. shall be valid for four years from the date of certification with no provision for a time extension. All concurrency reservations, exemptions, equivalencies or other determinations shall only be valid during the time period the site plan for each property is valid. (MONITORING/ CONCURRENCY)

Is hereby deleted. [Reason: This is a staff initiated EAC to delete all prior conditions of approval to streamline the approval process and comply with the ULDC]

2.Previous Condition D.2 of Resolution R-1995-427, Control No. 1994-94, which currently states:

Failure to comply with any of the conditions of approval or requirements of the ULDC at any time may result in:

- a. The denial or revocation of a building permit; the issuance of a stop work order; the issuance a cease and desist order; the denial of a certificate of Occupancy on any building or structure; the denial or revocation of any permit or approval for any developer, owner, commercial-owner, lessee, or user of the subject property;
- b. The revocation of the CG zoning on the subject property;
- c. A requirement for the subject property to conform with the updated standards of development applicable 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;
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity restrictions.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of zoning or other action based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

Is hereby deleted. [Reason: This is a staff initiated EAC to delete all prior conditions of approval to streamline the approval process and comply with the ULDC]