

RESOLUTION NO. R-2014-0565

RESOLUTION APPROVING ZONING APPLICATION ZV/W/TDD/DOA-2013-02609
(Control No.2004-00616)

TYPE II WAIVER
APPLICATION OF KRG Atlantic Delray Beach, LLC
BY Urban Design Kilday Studios, AGENT
(Delray Marketplace)

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 petitions relating to zoning;

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;

WHEREAS, Zoning Application ZV/W/TDD/DOA-2013-02609 was presented to the Board of County Commissioners at a public hearing conducted on April 24, 2014;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various County review agencies, and the recommendation of the Zoning Commission;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

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.G.3 for a Type II Waiver; and,

WHEREAS, Article 2.K.3.b (Action by Board of County Commissioners) 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 ZV/W/TDD/DOA-2013-02609, the application of KRG Atlantic Delray Beach, LLC, by Urban Design Kilday Studios, agent, for a Type II Waiver to allow a Waiver of the requirement for structured parking in the Agricultural Reserve Tier 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 24, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

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

Commissioner Mary Lou Berger
Commissioner Jess R. Santamaria

- Aye
- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on April 24, 2014.

Filed with the Clerk of the Board of County Commissioners on April 25th, 2014.


This resolution shall not become effective unless or until the effective date of Large Scale Land Use Amendment No. LGA-2014-005.


APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK
FLORIDA



The seal is circular with a double-line border. The outer ring contains the text 'PALM BEACH COUNTY COMMISSIONERS' at the top and 'BOCA RATON FLORIDA' at the bottom, separated by a star. The center of the seal contains the text 'PALM BEACH COUNTY' and 'DEPUTY CLERK'.

EXHIBIT A

LEGAL DESCRIPTION

DEVELOPABLE AREA

DESCRIPTION:

ALL OF THE PLAT OF, DELRAY MARKETPLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 115, AT PAGE 19 THROUGH 26 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS CONTAIN 35.839 ACRES, MORE OR LESS.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL (RURAL PARKWAY):

ALL OF TRACTS B, C, D AND A PORTION OF TRACT A, DELRAY MARKETPLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 115, AT PAGE 19 THROUGH 26 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT NORTHEAST CORNER OF SAID TRACT D, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 01°03'00" EAST ALONG THE EAST LINE OF SAID PLAT, FOR 1,288.38 FEET TO A SOUTHERLY LINE OF SAID PLAT, THE FOLLOWING TWO (2) COURSES BEING ALONG SAID SOUTHERLY AND SOUTH LINES OF SAID PLAT; THENCE SOUTH 44°29'01" WEST, FOR 45.09 FEET; THENCE SOUTH 89°00'55" WEST, FOR 67.82 FEET TO THE WEST LINE OF SAID TRACT B; THENCE NORTH 01°03'00" WEST ALONG SAID WEST LINE AND THE NORTHERLY EXTENSION THEREOF, FOR 470.27 FEET TO THE WEST LINE OF SAID TRACT C; THENCE CONTINUE NORTH 01°03'00" WEST ALONG SAID WEST LINE AND THE NORTHERLY EXTENSION THEREOF, FOR 402.34 FEET TO THE WEST LINE OF SAID TRACT D; THENCE CONTINUE NORTH 01°03'00" WEST ALONG SAID WEST LINE, FOR 447.39 FEET TO THE NORTH LINE OF SAID PLAT; THENCE NORTH 89°00'55" EAST ALONG SAID NORTH LINE, FOR 100.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAIN 3.019 ACRES, MORE OR LESS.

TOGETHER WITH:

A PORTION OF TRACT "B", DELRAY MARKETPLACE PRESERVE 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 111, AT PAGE 95 THROUGH 97 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT "B", SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 89°08'50" WEST ALONG THE SOUTH LINE OF SAID TRACT "B", FOR 258.64 FEET; THENCE NORTH 00°51'10" WEST, FOR 659.09 FEET TO THE NORTH LINE OF SAID TRACT "B", THE FOLLOWING TWO (2) COURSES BEING ALONG THE NORTH AND THE EAST LINE OF SAID TRACT "B"; THENCE NORTH 89°00'55" EAST, FOR 256.15 FEET; THENCE SOUTH 01°04'09" EAST, FOR 659.69 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAIN 3.896 ACRES, MORE OR LESS.

FOR A COMBINED TOTAL OF 36.716 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

