

RESOLUTION NO. R-2014-0566

RESOLUTION APPROVING ZONING APPLICATION ZV/W/TDD/DOA-2013-02609
(CONTROL NO. 2004-00616)
a Traditional Development District
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 applications 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 applicant and other interested parties, the recommendations of the various County review agencies, and the recommendation of the Zoning Commission;

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;

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;

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.1.B; and,

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 ZV/W/TDD/DOA-2013-02609, the application of KRG Atlantic Delray Beach, LLC, by Urban Design Kilday Studios, agent, for a Traditional Development District to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Traditional Marketplace Development (TMD) 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 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	-	Aye
Commissioner Jess R. Santamaria	-	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 R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION:

THE EAST 619.00 FEET OF TRACT A, 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 A, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 89°08'50" WEST ALONG THE SOUTH LINE OF TRACT A, FOR 619.00 FEET TO A POINT ON A LINE LYING 619.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT A; THENCE NORTH 01°04'09" WEST ALONG SAID PARALLEL LINE, FOR 656.28 FEET TO THE NORTH LINE OF TRACT A, THE FOLLOWING TWO (2) COURSES BEING ALONG SAID NORTH AND EAST LINES OF TRACT A; THENCE NORTH 89°00'55" EAST, FOR 619.00 FEET; THENCE SOUTH 01°04'09" EAST, FOR 657.71 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAIN 9.336 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

