

RESOLUTION APPROVING ZONING APPLICATION Z-2014-02504
(CONTROL NO. 2010-00336)
an Official Zoning Map Amendment
APPLICATION OF Palm Beach County
BY Cotleur & Hearing, Inc., Palm Beach County, AGENT
(Morikami Park Rezoning)

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 Z-2014-02504 was presented to the Board of County Commissioners at a public hearings conducted on April 23, 2015 and May 28, 2015;

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 Z-2014-02504, the application of Palm Beach County, by Cotleur & Hearing, Inc., Palm Beach County, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) and Public Ownership (PO) Zoning Districts to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone (COZ) 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 May 28, 2015 subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on May 28, 2015.

Filed with the Clerk of the Board of County Commissioners on June 1st, 2015.


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



The seal is circular with a double border. The outer border contains the text 'PALM BEACH COUNTY COMMISSIONERS' at the top and 'FLORIDA' at the bottom, separated by a star on the left. The inner border contains the text 'PALM BEACH COUNTY COMMISSIONERS' at the top and 'FLORIDA' at the bottom, separated by a star on the left.

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION (FOR THIS SURVEY):

A PARCEL OF LAND IN THE SOUTHWEST QUARTER (S.W. 1/4) OF SECTION 27 AND THE EAST ONE-HALF (E. 1/2) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SECTION 28, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT THE NORTHWEST CORNER OF THE PLAT OF NORTH OAKS P.U.D., RECORDED IN PLAT BOOK 80 PAGE 187;
THENCE ALONG THE BOUNDARY OF SAID PLAT, S00°17'09"E A DISTANCE OF 625.20 FEET;
THENCE CONTINUE ALONG SAID BOUNDARY, S89°22'34"W A DISTANCE OF 334.75 FEET;
THENCE S00°17'36"E A DISTANCE OF 0.09 FEET TO THE NORTH LINE OF THE ROSLYN AND RAYMOND SLOMIN CAMPUS, RECORDED IN PLAT BOOK 117 PAGE 34;
THENCE ALONG THE BOUNDARY OF SAID PLAT, S89°23'18"W A DISTANCE OF 334.69 FEET;
THENCE CONTINUE ALONG SAID BOUNDARY, S00°15'53"E A DISTANCE OF 650.10 FEET TO THE SOUTHWEST CORNER OF SAID PLAT;
THENCE ALONG THE NORTH LINE OF A ROAD RIGHT-OF-WAY PARCEL RECORDED IN OFFICIAL RECORD BOOK 2215, PAGE 454, S89°23'14"W A DISTANCE OF 177.00 FEET;
THENCE S00°36'46"E A DISTANCE OF 60.42 FEET TO THE SOUTH LINE OF A ROAD RIGHT-WAY RECORDED IN OFFICIAL RECORD BOOK 2233, PAGES 1957 THROUGH 1964, AND OFFICIAL RECORD BOOK 2447, PAGE 103;
THENCE ALONG SAID SOUTH LINE, N89°23'14"E A DISTANCE OF 2480.65 FEET TO THE WEST RIGHT-OF-WAY LINE OF JOG ROAD AND LAID OUT AND IN USE, BEING A LINE LYING 60.00 FEET WEST OF, AND PARALLEL WITH, THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 27, AS ESTABLISHED BY THE PALM BEACH COUNTY SURVEY DEPARTMENT;
THENCE ALONG SAID RIGHT-OF-WAY LINE, S00°34'56"E A DISTANCE OF 1235.13 FEET TO THE NORTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL L-38, RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761, LYING 84.48' NORTH OF, AND PARALLEL WITH, THE SOUTH LINE OF SECTION 27, PER PALM BEACH COUNTY SURVEY DEPARTMENT SECTION DATA;
THENCE ALONG SAID LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY LINE, S89°17'16"W A DISTANCE OF 301.97 FEET TO THE EAST LINE OF THE WEST ONE-HALF (W. 1/2), OF THE SOUTHEAST QUARTER (S.E. 1/4), OF THE SOUTHEAST QUARTER (S.E. 1/4), OF THE SOUTHWEST QUARTER (S.W. 1/4) OF SAID SECTION 27;
THENCE ALONG SAID EAST LINE, N00°17'19"W A DISTANCE OF 0.52 FEET TO THE NORTH RIGHT-OF-WAY OF SAID CANAL L-38, RECORDED IN DEED BOOK 129, PAGE 1, LYING 85.00 FEET NORTH OF, AND PARALLEL WITH, THE SAID SOUTH LINE OF SECTION 27;
THENCE ALONG SAID LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY LINE, S89°17'16"W A DISTANCE OF 334.84 FEET TO THE WEST LINE OF THE SAID WEST ONE-HALF (W. 1/2), OF THE SOUTHEAST QUARTER (S.E. 1/4), OF THE SOUTHEAST QUARTER (S.E. 1/4), OF THE SOUTHWEST QUARTER (S.W. 1/4) OF SAID SECTION 27;
THENCE ALONG SAID WEST LINE, S00°17'05"E A DISTANCE OF 0.52 FEET TO THE SAID NORTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL L-38, RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761, LYING 84.48' NORTH OF, AND PARALLEL WITH, THE SOUTH LINE OF SECTION 27;
THENCE ALONG SAID LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY LINE, S89°17'16"W A DISTANCE OF 669.68 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER (S.W. 1/4), OF THE SOUTHWEST QUARTER (S.W. 1/4), OF SAID SECTION 27, PER PALM BEACH COUNTY DRAWING NO.C-3-90-035;
THENCE ALONG SAID EAST LINE, N00°16'38"W A DISTANCE OF 2.31 FEET TO THE SAID NORTH RIGHT-OF-WAY LINE OF CANAL L-38, LYING 86.79 FEET NORTH OF, AND PARALLEL WITH, THE SAID SOUTH LINE OF SECTION 27;
THENCE ALONG SAID LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY LINE, S89°17'16"W A DISTANCE OF 1313.90 FEET TO THE EAST LINE OF SAID SECTION 28, PER PALM BEACH COUNTY SURVEY DEPARTMENT SECTION DATA;
THENCE ALONG SAID EAST LINE, N00°31'57"W A DISTANCE OF 0.33 FEET TO THE SAID NORTH RIGHT-OF-WAY LINE OF SAID CANAL L-38, RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761, LYING 87.12 FEET NORTH OF, AND PARALLEL WITH, THE SAID SOUTH LINE OF SAID SECTION 28;
THENCE ALONG SAID LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY LINE, S88°58'34"W A DISTANCE OF 1342.86 FEET TO THE EAST LINE OF ADDISON RESERVE PLAT FOUR, RECORDED IN PLAT BOOK 79, PAGE 76;
THENCE ALONG SAID EAST LINE, N00°42'39"W A DISTANCE OF 2576.06 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL L-37, RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761, LYING 55.44 FEET SOUTH OF, AND PARALLEL WITH, THE SOUTH LINE OF THE NORTHEAST QUARTER (N.E. 1/4) OF SAID SECTION 28, AS SHOWN ON ADDISON RESERVE PLAT ONE, RECORDED IN PLAT BOOK 75 PAGE 143;
THENCE ALONG SAID RIGHT-OF-WAY LINE, N89°01'23"E A DISTANCE OF 1351.16 FEET;
THENCE CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY LINE, LYING 55.44 FEET SOUTH OF, AND PARALLEL WITH, THE SOUTH LINE OF THE NORTHWEST QUARTER (N.W. 1/4) OF SAID

SECTION 27, AS SHOWN ON SAID ADDISON RESERVE PLAT ONE, N89°18'38"E A DISTANCE OF 990.47 FEET TO THE NORTHERLY EXTENSION OF THE WESTERLY BOUNDARY OF SAID NORTH OAKS P.U.D.;
THENCE ALONG SAID NORTHERLY EXTENSION, S00°17'09"E A DISTANCE OF 3.47 FEET TO THE POINT OF BEGINNING.

ALL REFERENCES TO RECORDED DOCUMENTS ARE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 173.17 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

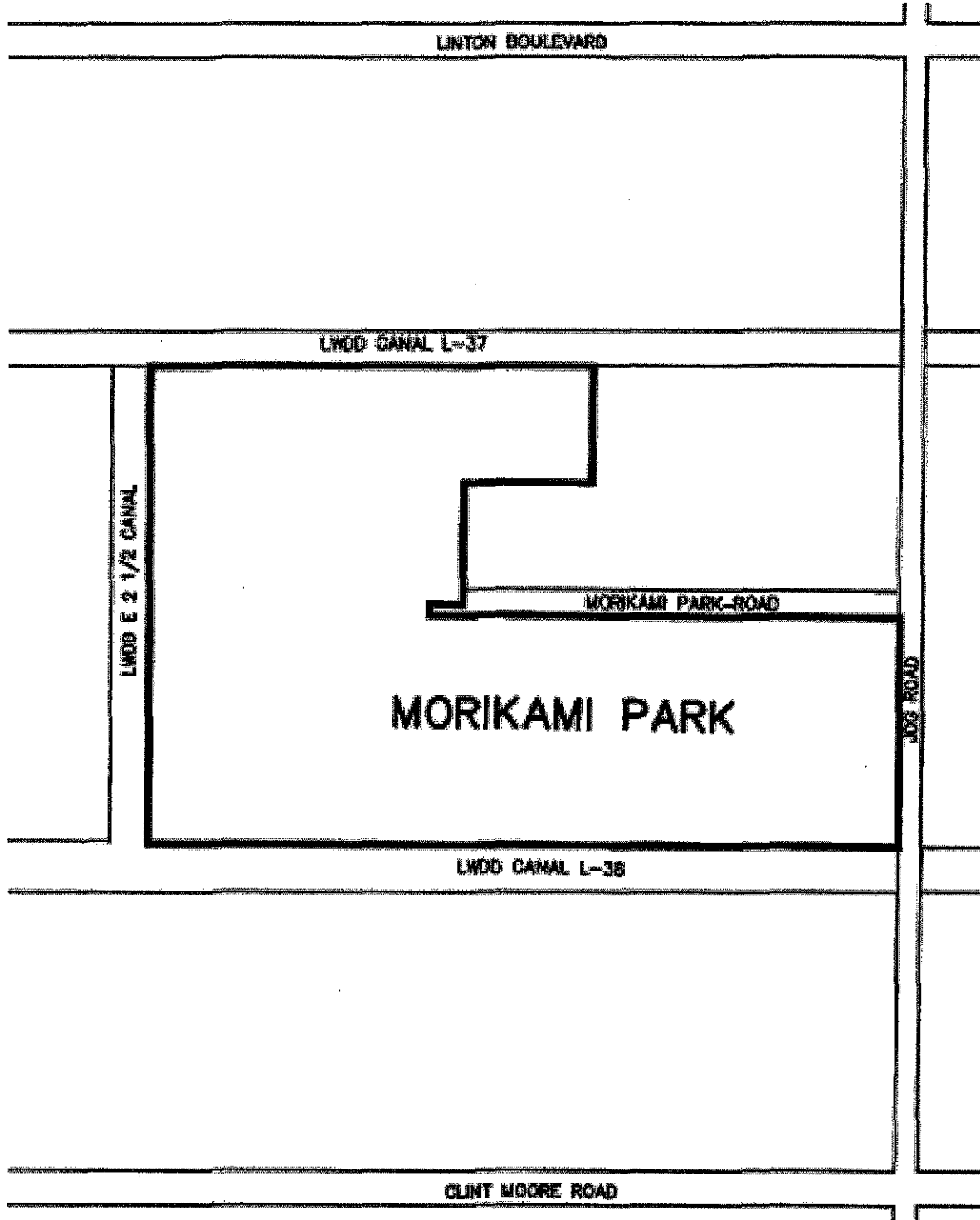


EXHIBIT C

CONDITIONS OF APPROVAL

Official Zoning Map Amendment

ENGINEERING

1. Prior to the issuance of a building permit, the Property Owner shall designate ten (10) feet of additional right of way for Jog Road for a total of sixty (60) feet from centerline. The additional designated right of way shall include 25 foot corner clip at the intersection of Jog Road and Morikami Park Road. (BLDGPM: MONITORING - Engineering)

PARKS

1. Prior to the commencement of construction of future park improvements, the Parks and Recreation Department (P&RD) shall solicit public comment, including that of property owners within the surrounding residential communities, regarding planned improvements and amenities to be constructed within Morikami Park. Any issues that remain unresolved at the completion of program development shall be presented to the Board of County Commissioners (BCC) by P&RD for direction and resolution at a regularly scheduled BCC meeting. Any material changes in the program made subsequent to any BCC direction shall require the solicitation of comment from the public and surrounding residential communities, and if necessitated by any outstanding issue(s), further direction by the BCC.

This commitment shall not apply to:

- a. the maintenance, repair, renovation and/or reconstruction of any existing improvement(s);
- b. an expansion of the existing museum, gardens and/or WUD water storage structure, including any ancillary site improvements related thereto;
- c. any accessory structure, and/or;
- d. any improvement(s) that requires approval through the Public Hearing Procedures of ULDC Article 2.A.1.K. (as may be amended or the equivalent thereto). (ONGOING: PARKS AND RECREATION - Parks and Recreation)

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: ZONING - 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; 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; the 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 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 of Approval; 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: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.