

RESOLUTION NO. R-2001- 1360

RESOLUTION APPROVING ZONING PETITION DOA1974-158(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF FOUR JR. CORPORATION
BY H. P. TOMPKINS, AGENT
(SHALOM MEMORIAL PARK)

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1974-158(B) was presented to the Board of County Commissioners at a public hearing conducted on August 23, 2001; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), 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 made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions **as** adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Petition DOA1974-158(B), the petition of Four JR. Corporation, by H. P. Tompkins, agent, for a Development Order Amendment (DOA) to delete land area 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on August 23, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on August 23, 2001.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

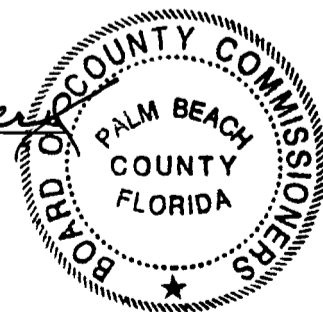


EXHIBIT A
LEGAL DESCRIPTION

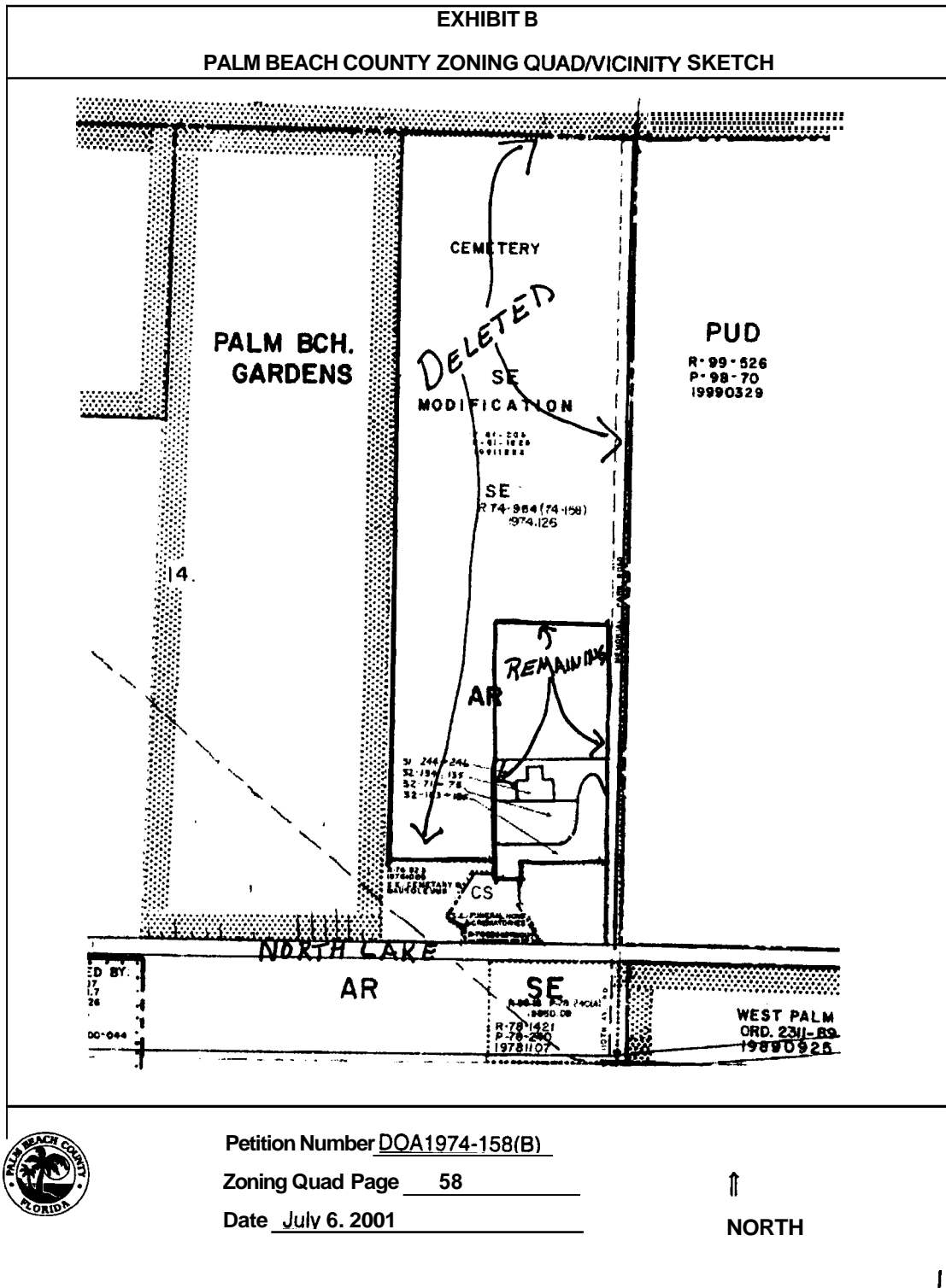
DESCRIPTION OF A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 14, TOWNSHIP 42 SOUTH, RANGE 41 EAST, SAID CORNER BEING THE NORTHEAST CORNER OF THE PLAT OF ASHALOM MEMORIAL PARK@ AS RECORDED IN PLAT BOOK 31, PAGES 194 AND 195, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE RUN NORTH 88E26'41" WEST, ALONG THE NORTH LINE OF SAID PLAT AND SAID SECTION 14, A DISTANCE OF 1317.58 FEET; THENCE SOUTH 01E50'04" WEST, ALONG THE WEST LINE OF SAID PLAT, A DISTANCE OF 4158.45 FEET; THENCE SOUTH 88E26'41" EAST, ALONG THE SOUTH LINE OF SAID PLAT, A DISTANCE OF 548.54 FEET TO THE WEST LINE OF A 30 ACRE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 3713 AT PAGE 1201; THENCE NORTH 01E37'03" EAST, ALONG THE WEST LINE OF SAID 30 ACRE PARCEL, A DISTANCE OF 1777.37 FEET TO THE NORTHWEST CORNER OF SAID 30 ACRE PARCEL, THENCE SOUTH 88E26'41" EAST, ALONG THE NORTH LINE OF SAID 30 ACRE PARCEL, A DISTANCE OF 710.56 FEET TO THE NORTHEAST CORNER OF SAID 30 ACRE PARCEL; THENCE SOUTH 01E28'43" WEST, ALONG A LINE 80 FEET WEST OF, AS MEASURED AT RIGHT ANGLE TO, THE EAST LINE OF SAID SECTION 14, AND THE WEST LINE OF AN 80 FOOT WIDE ROAD RIGHT-OF-WAY AS SHOWN ON SAID PLAT OF ASHALOM MEMORIAL PARK@, A DISTANCE OF 1833.40 FEET; THENCE SOUTH 88E26'41" EAST, A DISTANCE OF 80.00 FEET TO ITS INTERSECTION WITH THE EAST LINE OF SAID SECTION 14; THENCE NORTH 01E28'43" EAST, ALONG SAID EAST LINE OF SECTION 14, A DISTANCE OF 4214.42 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 4,270,450.17 SQUARE FEET (98.036 ACRES) MORE OR LESS.

BEARINGS ARE BASED ON PALM BEACH COUNTY SECTIONAL DATA, WITH THE NORTH LINE OF SECTION 14, TOWNSHIP 42 SOUTH, RANGE 41 EAST BEARING SOUTH 88E26'41" EAST.

EXHIBIT B
VICINITY SKETCH



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Date July 6, 2001

↑
NORTH

EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-81-1629 (Petition 81-205) and Resolutions R-74-964, R-76-923 and R-76-924 (Petition 74-158), shall remain full force and in effect. (ONGOING: MONITORING-Zoning)

B. HEALTH

1. Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF)
2. Any biomedical waste, which may be generated at this site, shall be properly handled and disposed of in accordance with Rule 64E-16FAC (ONGOING: HEALTH/CODE ENFORCEMENT)
3. Any toxic or hazardous waste, which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH/CODE ENFORCEMENT)

Items C, and D omitted intentionally

E. ENGINEERING

No new Engineering Conditions of approval.

F. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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; 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 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 a 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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 an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)