

RESOLUTION NO. R-2002- 0292

RESOLUTION APPROVING ZONING PETITION Z/COZ2000-031(A)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
PETITION OF PBC FACILITIES DEVELOPMENT & OPERATIONS
BY MELANIE BORKOWSKI, AGENT
(FOUR POINTS CENTER GOVERNMENTAL COMPLEX)

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; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition Z/COZ2000-031(A) was presented to the Board of County Commissioners at a public hearing conducted on January 31, 2002 and February 28, 2002; and

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; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20, as amended; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (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 Petition Z/COZ2000-031(A), the petition of PBC Facilities Development & Operations by Melanie Borkowski, agent, for an Official Zoning Map Amendment with Conditional Overlay Zone from General Commercial to Public Ownership with a Conditional Overlay Zone 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 January 31, 2002 and February 28, 2002, subject to the conditions of the CONDITIONAL OVERLAY ZONE (COZ) described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson 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	-	Absent
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on February 28, 2002.

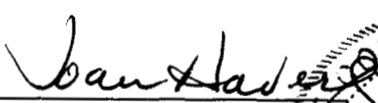
Filed with the Clerk of the Board of County Commissioners on 12 day of March, 2002.

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

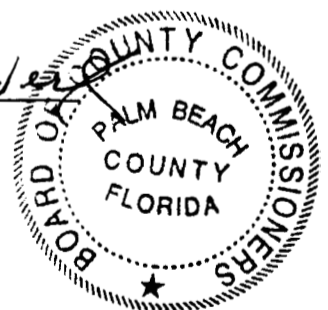


EXHIBIT A

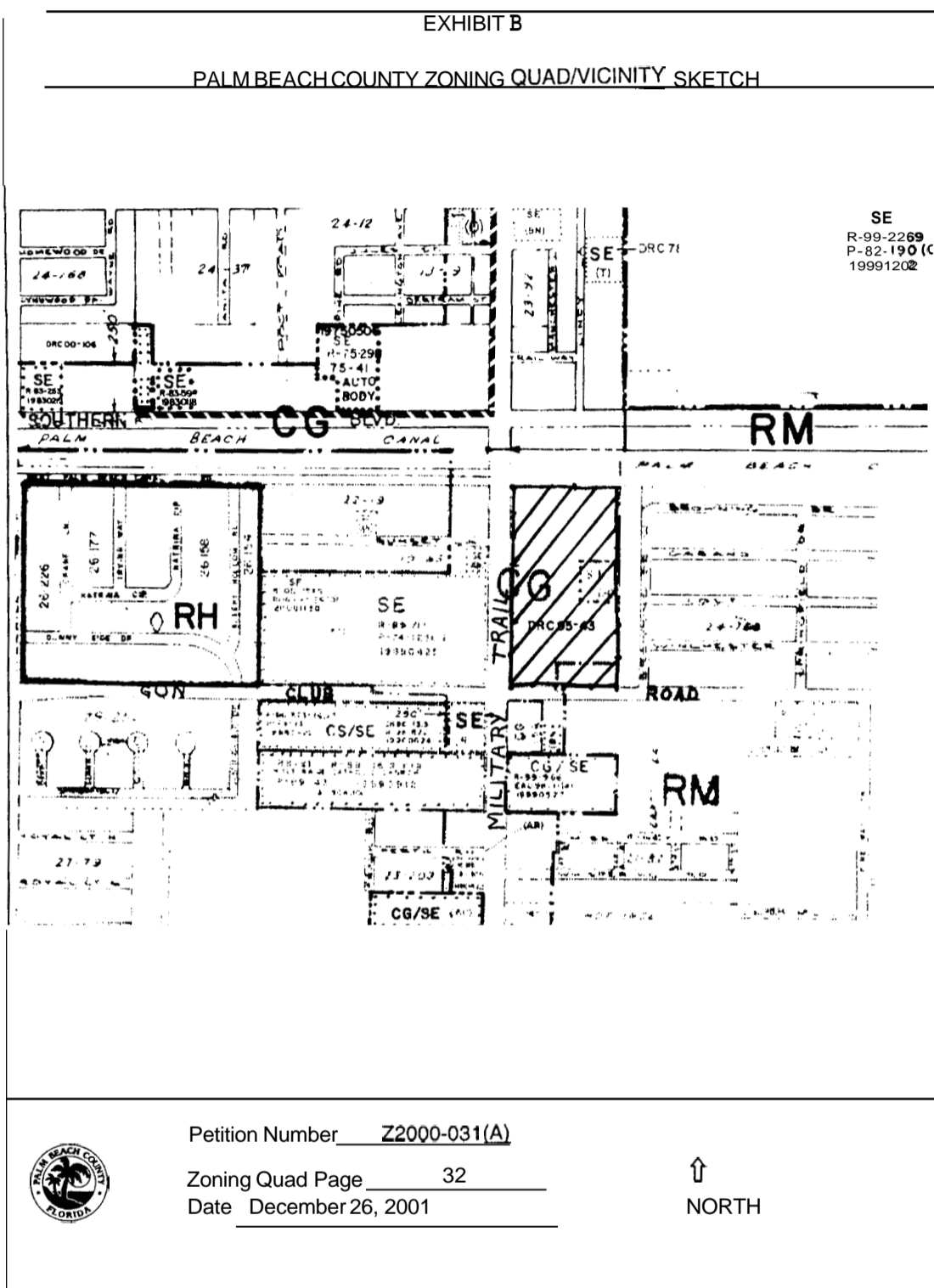
LEGAL DESCRIPTION

A PARCEL OF LAND IN SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING A PORTION OF THE WEST ONE HALF OF TRACTS 3 AND 4, BLOCK 1, SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PLAT NO. 1 (SHEET NO. 1) PALM BEACH PLANTATIONS, PLAT NO. 1 (MODEL LAND COMPANY) AS RECORDED IN PLAT BOOK 10 AT PAGE 20 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOW.

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 1, SAID POINT IS COMMON TO THE NORTHWEST CORNER OF BLOCK 1 AND TRACT 3 CITED ABOVE; THENCE S 1E 25' 52" W ALONG THE WEST LINE OF BLOCK 1 AND TRACT 3 AND THE NORTH SOUTH QUARTER SECTION LINE OF SECTION 1 AND TRACT 3 AND THE NORTH SOUTH QUARTER SECTION LINE OF SECTION 1 (SAID LINE IS ALSO THE CENTERLINE OF MILITARY TRAIL [STATE ROAD 809] PER ROAD PLAT BOOK 2, PAGE 229 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, FLORIDA [HEREINAFTER REFERRED TO AS THE PUBLIC RECORDS]) TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE WEST PALM BEACH CANAL PER DEED BOOK 1056 AT PAGE 463 OF THE PUBLIC RECORDS, 167.34 FEET; THENCE S 88E 52' 07" E ALONG SAID SOUTH RIGHT-OF-WAY LINE TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL, SAID LINE LYING 53.0 FEET EAST OF AND PARALLEL WITH THE ABOVE CITED CENTERLINE AND THE POINT OF BEGINNING, 53.0 FEET; THENCE S 1E 25' 52" W ALONG SAID EAST RIGHT-OF-WAY LINE, 1076.68 FEET; THENCE ALONG THE CHORD OF A 40.0 FOOT RADIUS CURVE TO THE EAST, S 43E 40' 56" E, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF GUN CLUB ROAD ACCORDING TO PALM BEACH COUNTY COMMISSION RESOLUTION R-90-1130, (SAID LINE LIES 51.0 FEET NORTH OF AND PARALLEL WITH THE CENTERLINE OF GUN CLUB ROAD AS DEPICTED IN THE SKETCH OF PARCEL 13 GUN CLUB ROAD - HAVERHILL ROAD TO KIRK ROAD, PALM BEACH COUNTY PROJECT NO. 87513 ON RECORD IN THE OFFICE OF THE COUNTY ENGINEER) 56.46 FEET (THE CENTERLINE OF GUN CLUB ROAD IS COMMON WITH THE WEST 40 ACRE LINE IN THE NORTHEAST QUARTER OF SAID SECTION 1 AND THE SOUTH LINE OF TRACTS 1, 2, AND 4, BLOCK 1, SECTION 1 OF SAID PALM BEACH PLANTATIONS); THENCE S 88E 47' 43" E ALONG SAID LINE 200.0 FEET; THENCE S 85E 17' 54" E TO A POINT ON A LINE 40.0 FEET NORTH OF SAID 40 ACRE LINE, 180.34 FEET; THENCE S 88E 47' 43" E ALONG SAID LINE TO THE EAST LINE OF THE WEST ONE HALF OF SAID TRACTS 3 AND 4, 196.44 FEET; THENCE N 1E 27' 22" E ALONG THE EAST LINE OF TRACT 3 AND 4, 196.44 FEET; THENCE N 1E 27' 22" E ALONG THE EAST LINE OF TRACTS 4 AND 3, AND THE WEST LINE OF THE PLAT OF GUN CLUB ESTATES, RECORDED IN PLAT BOOK 24, PAGE 189 OF THE PUBLIC RECORD TO THE AFOREMENTIONED SOUTH RIGHT-OF-WAY LINE OF THE WEST PALM BEACH CANAL, 1128.47 FEET; THENCE N 88E 52' 07" W ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING 619.98 FEET.

PARCEL CONTAINS 691,289.02 SQUARE FEET OR 15.87 ACRES

EXHIBIT B
VICINITY SKETCH



Petition Number Z2000-031(A)

Zoning Quad Page 32

Date December 26, 2001



↑
NORTH

EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan and support documents are dated October 17, 2001. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)
2. The previously approved site plans shall be consolidated into one overall exhibit. (DRC: ZONING)

(There are no conditions B, C or D).

E. ENGINEERING

(No Engineering Conditions regarding this rezoning).

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.

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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)