

RESOLUTION NO. R-2003-0755

RESOLUTION APPROVING ZONING PETITION EAC1980-192A
DEVELOPMENT ORDER AMENDMENT
PETITION OF JOHN A. MCCARTHY
BY CHARLES PUTMAN AND ASSOCIATES, AGENT
(MCCARTHY)

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 EAC1980-192A was presented to the Board of County Commissioners at a public hearing conducted on May 22, 2003; 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 has considered the findings in the staff report and 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 EAC1980-192A, the petition of John A. McCarthy, by Charles Putman and Associates, agent, for a Development Order Amendment/Expedited Application Consideration to modify/delete conditions of approval 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 May 22, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons 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:

Karen T. Marcus, Chair	-	Nay
Tony Masilotti, Vice Chairman	-	Absent
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on May 22, 2003.

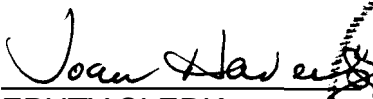
Filed with the Clerk of the Board of County Commissioners on 3 day of June, 2002.

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

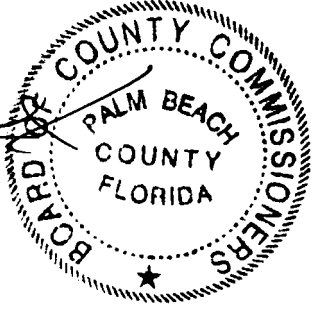
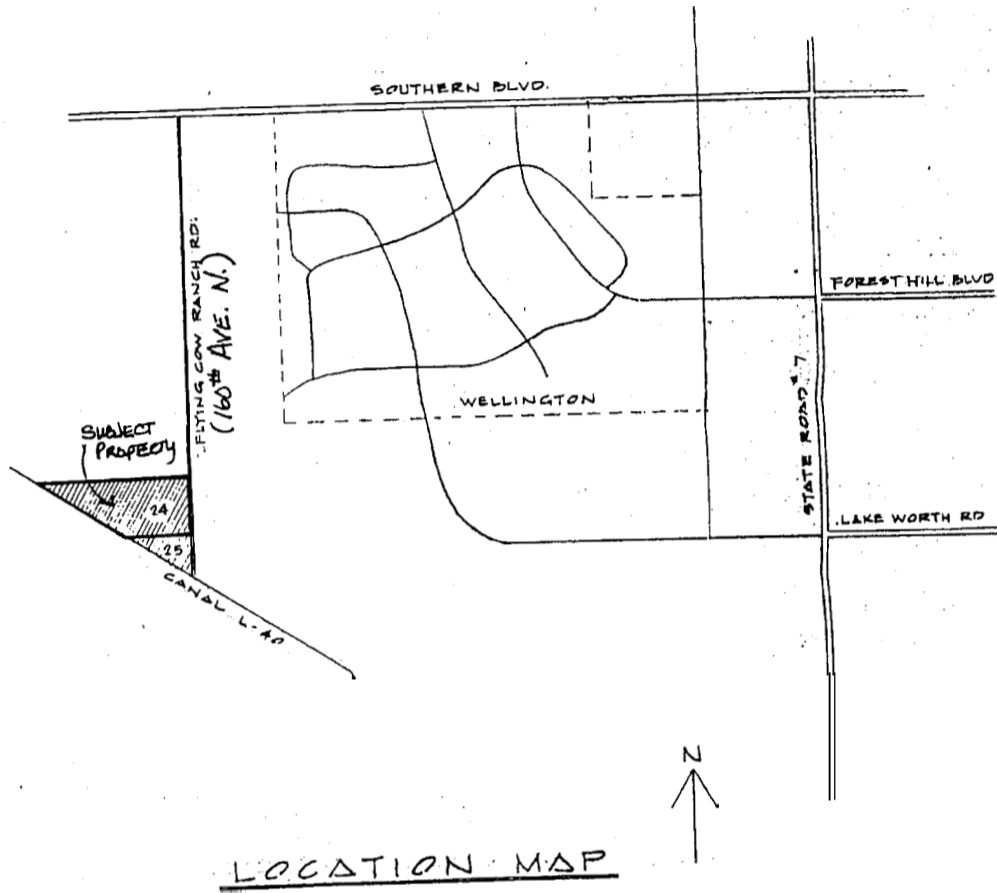


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND IN THE SOUTH ONE HALF (S1/2) OF SECTION 24, TOWNSHIP 44 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SECTION, TOWNSHIP 44 SOUTH, RANGE 40 EAST, RUN NORTH 01-100080 EAST, ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 1207.80 FEET; THENCE RUN SOUTH 89-42°16' WEST, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 24, A DISTANCE OF 4541.35 FEET, MORE OR LESS, TO A POINT THAT INTERSECTS THE EASTERLY RIGHT OF WAY LINE OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT CANAL L-40; THENCE RUN SOUTH 58-55°11' EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 2194.62 FEET, MORE OR LESS, TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 24; THENCE RUN NORTH 89-42°16' EAST, ALONG THE SOUTH LINE OF SAID SECTION 24, A DISTANCE OF 2674.64 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SECTION 24 AND THE POINT OF BEGINNING. CONTAINING 100.0 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



McCARTHY PROJECT

1980-192A
05-Mar-2003
FILE COPY

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-81-58 (Petition 80-192), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Development of the site is limited to the uses as approved by the Board of County Commissioners. The site plan dated March 5, 2003. 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-Zoning)

There are no conditions B, C, and D.

E. ENGINEERING

1. Condition 1 of R-81-58, Petition SE1981-58, which currently states:

Petitioner shall reserve 384 ft. for ultimate right-of-way for University Parkway through the project limits. The alignment to be determined by the County Engineer.

Is hereby deleted. [REASON: no longer applicable]

2. Condition 2 of R-81-58, Petition SE1981-58, which currently states:

There shall be no buildings or structures placed within this reserved right-of-way for University Parkway.

Is hereby deleted. [REASON: no longer applicable]

3. Condition 3 of R-81-58, Petition SE1981-58, which currently states:

Flying Cow Ranch Road shall not be used by the petitioner to gain access to the subject parcel unless permission is granted by Acne Improvement District.

Is hereby deleted. [REASON: no longer applicable]

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. (ONGOING:MONITORING-Zoning)