

RESOLUTION NO. R-97- 969

RESOLUTION APPROVING ZONING PETITION Z/COZ97-44
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
PETITION OF CAPITAL RESOURCES SOUTHEAST LIMITED
BY KIERAN KILDAY, AGENT
(HRS PARKING LOT)

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/COZ97-44 was presented to the Board of County Commissioners at a public hearing conducted on July 24, 1997; 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) 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) 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) 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/COZ97-44, the petition of Capital Resources Southeast Limited by Kieran Kilday, agent, for an Official Zoning Map Amendment (Z) from Residential Medium Density (RM) to General Commercial (CG) 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on July 24, 1997, 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 Roberts and, upon being put to a vote, the vote was as follows:

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Absent
Ken Foster	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on July 24, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Burt Aaronson*
COUNTY ATTORNEY

BY: *Jan Hawerly*
DEPUTY CLERK

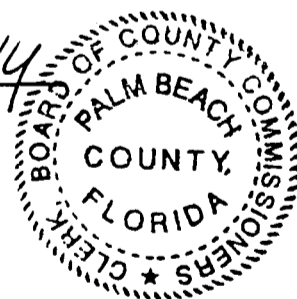


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR HRS PARKING LOT EXPANSION

PARCEL C:

THE SOUTH 50 FEET ~~OF~~ THE WEST 227.21 FEET ~~OF~~ THE NORTH 1/2 ~~OF~~ THE NORTH 1/2 OF THE EAST 1/2 ~~OF~~ THE WEST 1/2 OF THE NORTHEAST 1/4 ~~OF~~ SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL D:

THE NORTH 132 FEET OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, LESS THE WEST 10 FEET THEREOF, ALL IN PALM BEACH COUNTY, FLORIDA.

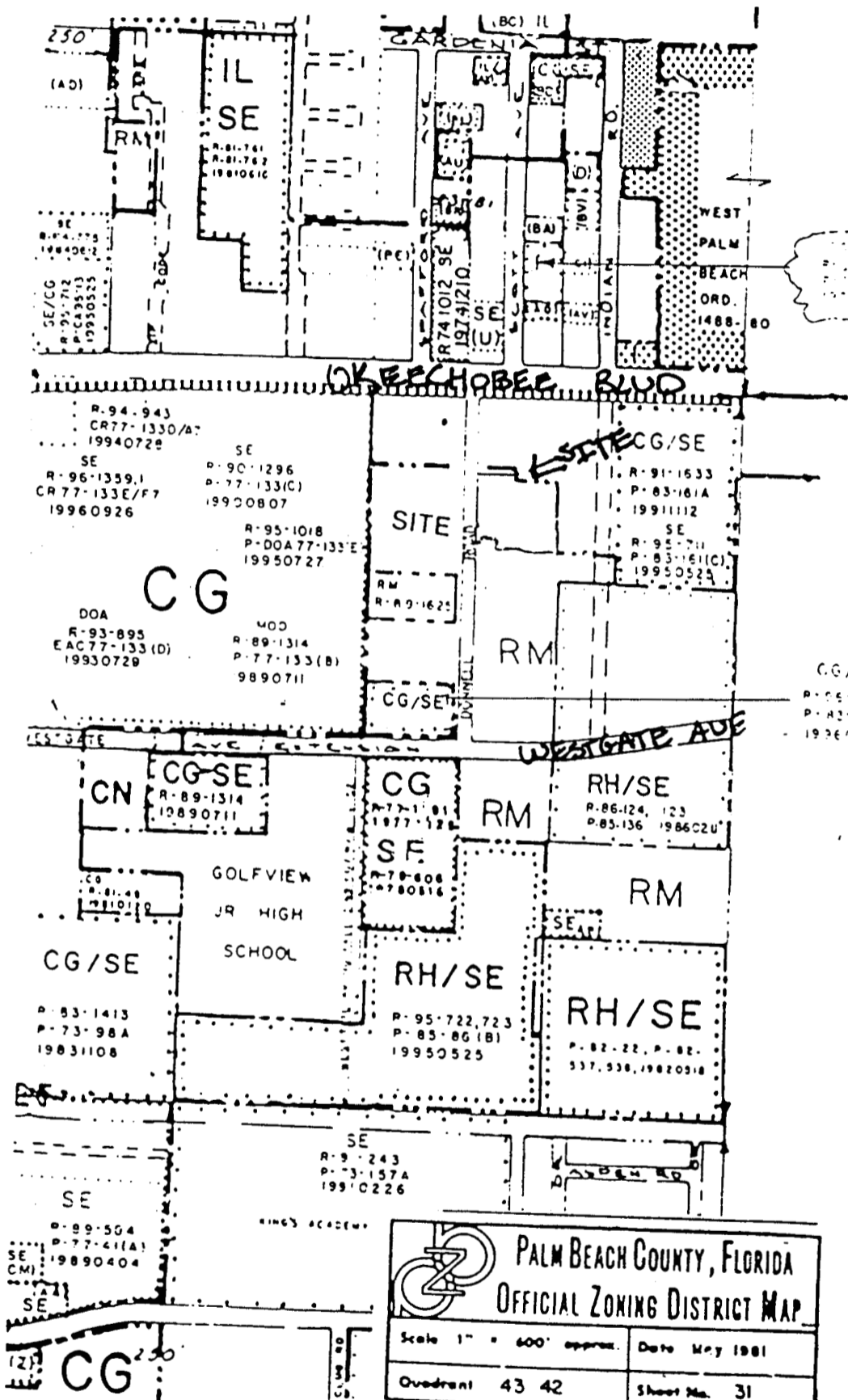
PARCEL D-1:

THE NORTH 50 FEET OF THE SOUTH 100 FEET OF THE EAST 172.21 FEET ~~OF~~ THE WEST 187.21 FEET ~~OF~~ THE NORTH HALF (N 1/2) ~~OF~~ THE EAST HALF (E 1/2) OF THE WEST HALF (W 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL F:

THE SOUTH 1/2 ~~OF~~ THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 LESS THE NORTH 132.00 FEET AND THE SOUTH 75.00 FEET ~~OF~~ THE EAST 115.00 FEET OF THE WEST 125.00 FEET OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA,

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



PALM BEACH COUNTY, FLORIDA
OFFICIAL ZONING DISTRICT MAP

Scale 1" = 600' approx.	Date May 1981
Quadrant 43 42	Sheet No. 31



Petition Number _____
 Zoning Quad Page 31
 Date: 4-16-97



EXHIBIT C

CONDITIONS OF APPROVAL

A. USE LIMITATIONS

1. The north 1.47 acres of the subject petition shall be limited to an accessory parking lot for the HRS facility to the north. (ONGOING: Zoning)
2. Prior to July 31, 1998 the petitioner shall record in the public record a unity of title for the subject Parcels D-1, C, D, (1.47 acres) and the property to the north, Lot 1011, which supports the HRS/Governmental Facility. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DATE: MONITORING-Zoning - Co Att)
3. If the southern 1.36 acres of this rezoning petition, (Parcel F) is not utilized as an accessory parking area a Certificate of Concurrency Reservation shall be required prior to final Building Permit application. (BLDG PERMIT: BLDG - Zoning)

E. ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey a roadway construction easement along the project entire frontage of Donnell Road to Palm Beach County. Construction within this easement shall conform to Palm Beach County Standards (BLDG PERMIT: MONITORING-Eng)
2. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Donnell Road, 30 feet from centerline on or before January 1, 1998. Right of way conveyance shall be along the project's entire frontage and shall be free of all encumbrance; and encroachments. The developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)

F. COMPLIANCE

1. 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; 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 noncompliance, 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 majority vote of ~~the~~ Code Enforcement Board 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)