

RESOLUTION NO. R-2004-2420

RESOLUTION APPROVING ZONING PETITION Z2004-346  
(CONTROL NO. 200400268)  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
PETITION OF PBC FACILITIES DEVELOPMENT & OPERATIONS  
BY MELANIE BORKOWSKI, AGENT  
(DISTRICT PARK "F")

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 public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Petition Z2004-346 was presented to the Board of County Commissioners at a public hearing conducted on November 18, 2004; 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 has considered the findings in the staff report and 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 Standards) of the Palm Beach County Unified Land Development Code; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 2.K.3.b (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 Z2004-346, the petition of Palm Beach County, by PBC Facilities Development & Operations, agent, for an OFFICIAL ZONING MAP AMENDMENT from the Agricultural Residential Zoning District to the Public Ownership Zoning District 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 November 18, 2004, subject to the voluntary commitments 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:

Karen T. Marcus	- AYE
Tony Masilotti	- AYE
Jeff Koons	- AYE
Warren H. Newell	- AYE
Mary McCarty	- AYE
Burt Aaronson	- AYE
Addie L. Greene	- AYE

The Chair thereupon declared that the resolution was duly passed and adopted on November 18, 2004.

Filed with the Clerk of the Board of County Commissioners on 10th day of JANUARY, 2005.

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~~


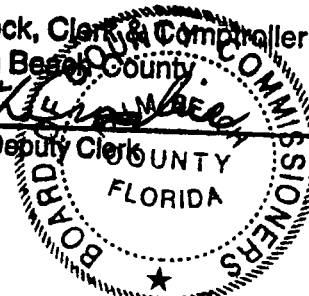
Sharon R. Bock, Clerk & Comptroller  
Palm Beach County  
By   
Deputy Clerk  


EXHIBIT A  
LEGAL DESCRIPTION

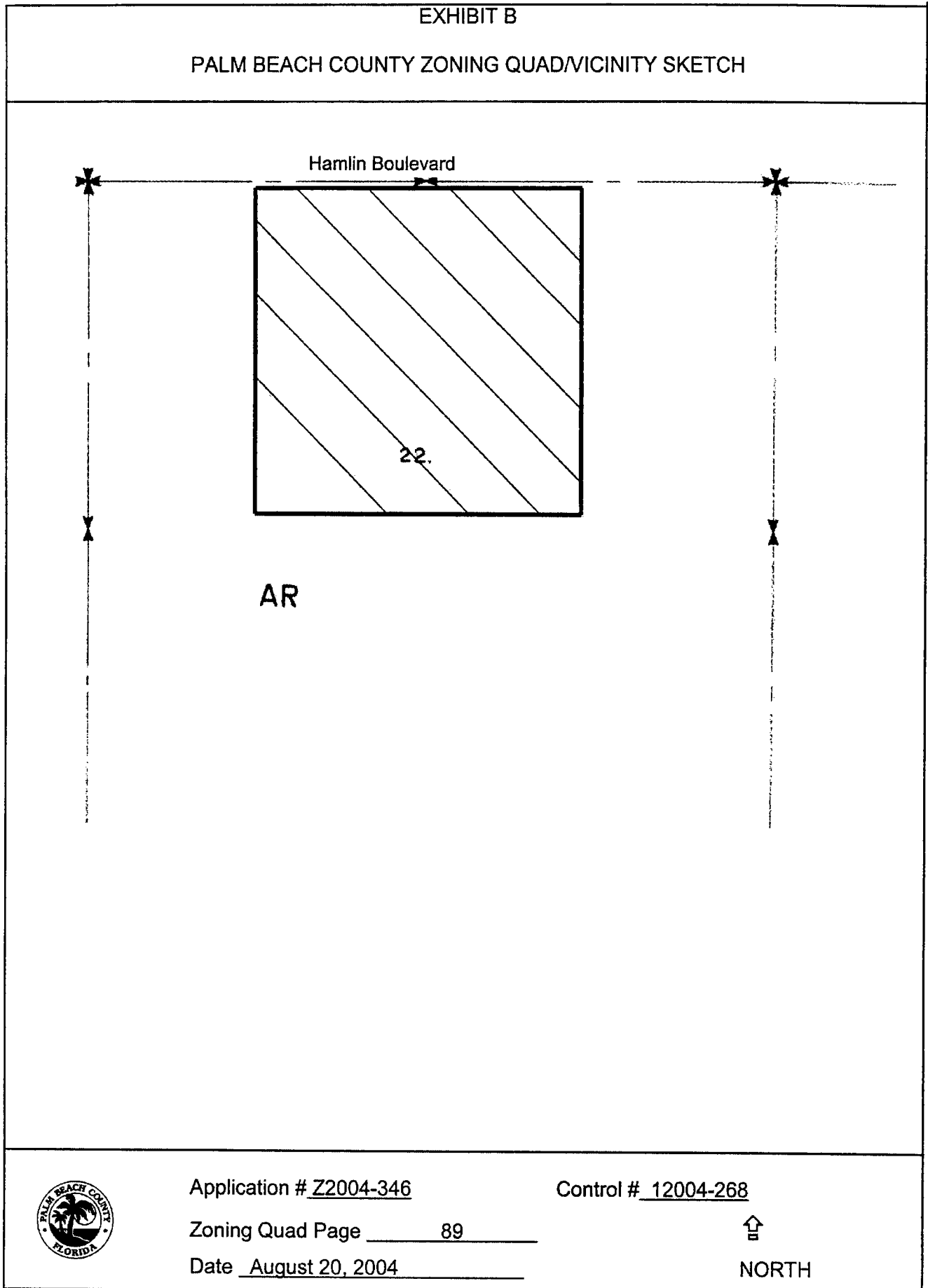
A PARCEL OF LAND LYING AND BEING WITHIN A PORTION OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, LESS THE WEST 195 FEET THEREOF AND LESS THE NORTH 50 FEET THEREOF.

NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, LESS THE EAST 425 FEET THEREOF AND LESS THE NORTH 50 FEET THEREOF.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, CONTAINING 60 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### VOLUNTARY COMMITMENTS

#### A. ARCHITECTURAL REVIEW

1. Prior to the issuance of a building permit for each building, architectural elevations shall be submitted for final architectural review and approval. The elevations shall be designed to be consistent with all applicable provisions of Section 5.C of the ULDC, and shall be generally consistent with the elevations prepared by MPA Architects, Inc. dated June 2, 2004. Development shall be consistent with the approved architectural elevations. (BLDG PERMIT: ARCH REVIEW - Zoning)

#### B. HEALTH

1. Phase I of the project may be developed to utilize an onsite sewage treatment and disposal system (OSTDS) for wastewater management and a non-community water system for potable water service, subject to the following:
  - a. after the completion of Phase I of the project, no further development of the site shall be approved to utilize an onsite sewage treatment and disposal system (OSTDS) for wastewater management and/or an onsite well for potable water supply. (ONGOING: HEALTH/CODE ENF - Health)

#### C. PLANNING

1. Prior to the issuance of a building permit, the property owner shall submit a site layout plan acceptable to Planning Staff, to ensure that the site layout plan contains pedestrian and/or vehicular connections, pathways, and pervious parking areas that are generally consistent with the certified conceptual master plan dated August 25, 2004, unless the Planning Division, School Board, and Parks and Recreation Department determine a connection/connections are not feasible. Development of the site shall be consistent with the approved site layout plan. (BLDG PERMIT: MONITORING - Planning)

There are no Voluntary Commitments D.

#### E. ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
  - a. Improvement of no more than 55 acres of the active park (which includes sports fields, picnic structures, restrooms and other ancillary facilities) plus building permits for no more than the 21,000 square foot community center shall be issued until the contract has been awarded for the construction of Seminole Pratt Whitney Road as a 4-lane section from Northlake Boulevard to Orange Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)
  - b. No Building Permits for the site may be issued after January 1, 2009. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at

the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING - Eng)

2. Prior to issuance of the certificate of occupancy for the community center, the property owner shall construct a left turn lane east approach on Hamlin Boulevard at the Project's Entrance Road. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
  - a. Permits required by Palm Beach County for this left turn lane construction shall be obtained prior to the issuance of the first Building Permit for the community center. (BLDG PERMIT: MONITORING - Eng)
  - b. Construction for this left turn lane shall be completed prior to the issuance of the first Certificate of Occupancy for the community center. (CO: MONITORING -Eng)

#### 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 voluntary commitments of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the voluntary commitments 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 voluntary commitments reasonably related to the failure to comply with existing voluntary commitments; 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any voluntary commitment.

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)