

RESOLUTION NO. R-2005-0374

RESOLUTION APPROVING ZONING PETITION Z2004-447  
(CONTROL NO. 2004-327)  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
PETITION OF STEVEN ZEIGER  
BY LAND DESIGN SOUTH, AGENT  
(ZEIGER PROPERTY)

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 Z2004-447 was presented to the Board of County Commissioners at a public hearing conducted on February 24, 2005; 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 Z2004-447, the petition of Steven Zeiger, by Land Design South, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential Zoning District to the Residential Transitional 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 February 24, 2005 subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

The Chairman thereupon declared that the resolution was duly passed and adopted on February 24, 2005.


Filed with the Clerk of the Board of County Commissioners on 9 day of March, 2005.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK  


## EXHIBIT A

### LEGAL DESCRIPTION

#### PARCEL 1

A parcel of land in Section 20, Township 41 South, Range 43 East, Palm Beach County, Florida, described as Lot 2, in that certain Affidavit of Exemption recorded in Official Record Book 3321, Page 985, of the Public Records of Palm Beach County, Florida, and more particularly described as follows:

**COMMENCING** at the point of intersection of the North Line of the Northwest Quarter (NW 1/4) of Section 20, Township 41 South, Range 43 East, with the West Right-of-Way line of the Intracoastal Waterway Canal in Section 20, Township 41 South, Range 43 East, and continue thence from said point in a Southerly direction a distance of 450.00 feet along the West Right-of-Way line of said Canal; thence Westerly on a line parallel to the North line of said Northwest quarter (NW 1/4) a distance of 100.00 feet; thence Northerly parallel to the Westerly Right-of-Way line of said Canal a distance of 50.00 feet to the **POINT OF BEGINNING**; thence Westerly on a line parallel to the North line of said Northwest quarter (NW 1/4) a distance of 247.64 feet to the Easterly Right-of-Way line of Palmwood Road; thence Southeasterly along said Right-of-Way line a distance of 100.00 feet more or less to a point in the North boundary line of property described in deed recorded in Official Record Book 1949, Page 893, of the Public Records of Palm Beach County, Florida; thence Easterly along said property line and parallel to the North line of said Northwest quarter (NW 1/4) a distance of 215.52 feet; thence Northerly along the aforesaid property line and said parallel to the Westerly Right-of-Way of said Canal a distance of 100.00 feet to the **POINT OF BEGINNING**.

#### PARCEL 3

**STARTING** at the point of intersection of the North line of the Northwest Quarter (NW 1/4) of Section 20, Township 41 South, Range 43 East, Palm Beach County, Florida, with the West right-of-way line of the Intracoastal Waterway Canal in Section 20, Township 41 South, Range 43 East, and continue from said point in a Southerly direction 300 feet; thence West parallel to the North line of the Northwest Quarter (NW 1/4) of said Section 20, a distance of 120 feet to the **POINT OF BEGINNING**; thence continue West 261.75 feet to the Easterly right-of-way line of Palmwood Road; thence Southerly along said right-of-way line 109.33 feet; thence Easterly parallel to the North line of said Section 20, a distance of 227.64 feet; thence Northerly 100 feet to the **POINT OF BEGINNING**.

#### PARCEL 4

A parcel of land in the Northwest Quarter (NW 1/4) of Section 20, Township 41 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

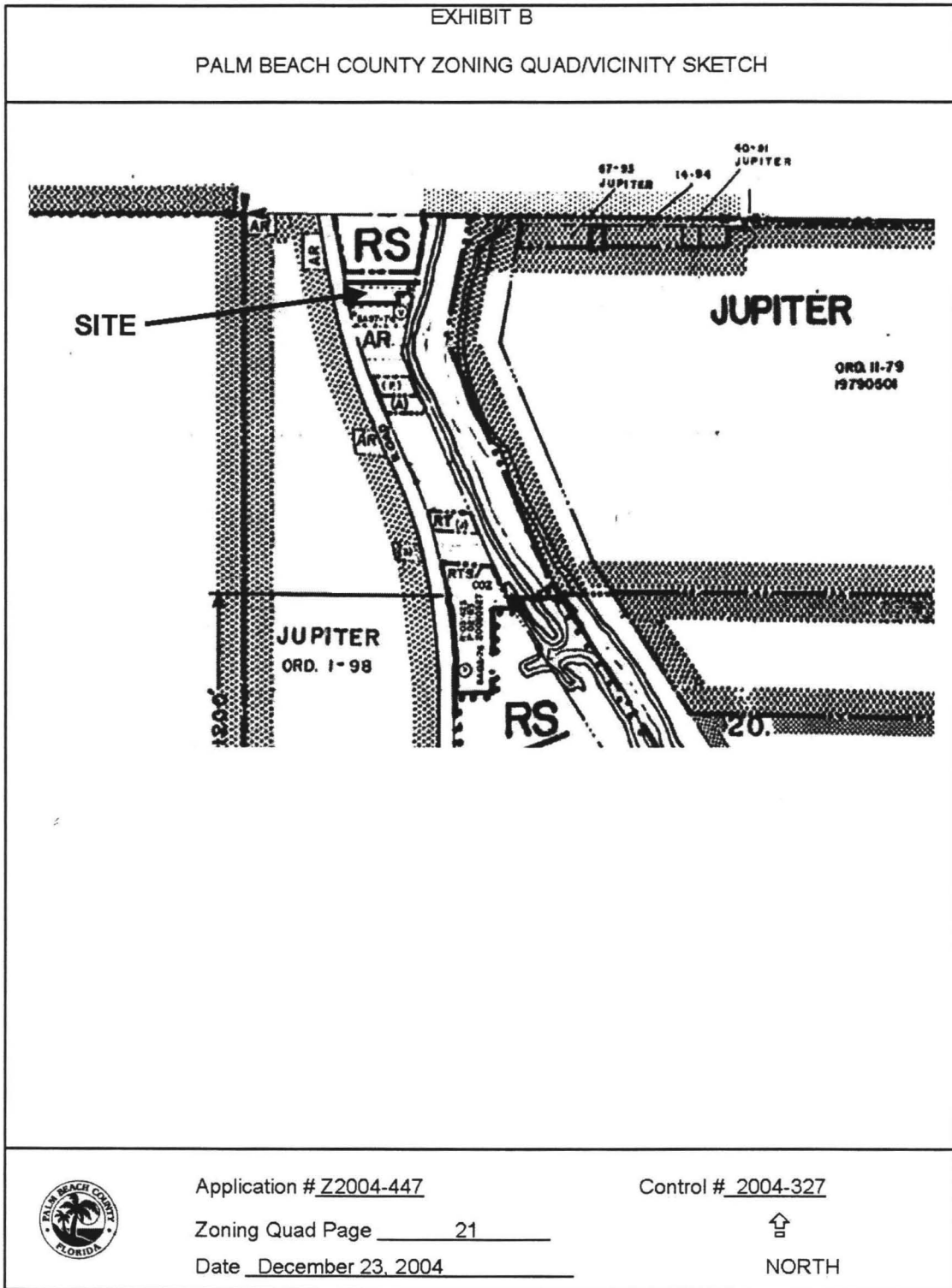
**BEGINNING** at the point of intersection of the North line of the Northwest Quarter (NW 1/4) of Section 20, Township 41 South, Range 43 East, with the West Right-of-Way line of the Intracoastal Waterway Canal in Section 20, Township 41 South, Range 43 East; and continue thence from said point in a Southerly direction 300 feet along the West Right-of-Way line of said Canal to the **POINT OF BEGINNING**; thence continuing Southerly along the West Right-of-Way line of said Canal, 150 feet to a point; thence Westerly on a line parallel to the North line of said Northwest Quarter (NW 1/4) a distance of 100 feet; thence Northerly parallel to the Westerly Right-of-Way line of said Canal 50 feet; thence Westerly on a line parallel to the North line of said Northwest Quarter (NW 1/4), 20 feet; thence Northerly parallel to the Westerly Right-of-Way line of said Canal a distance of 100 feet; thence Easterly 120 feet to the **POINT OF BEGINNING**.

**TOGETHER WITH:**

The North 150 feet, as measured along the West right-of-way lines of the Intracoastal Waterway Canal of the following described parcel:

**BEGINNING** at the point of intersection of the North line of the Northwest quarter (NW $\frac{1}{4}$ ) of Section 20, Township 41 South, Range 43 East with the West right-of-way line of the Intracoastal Waterway Canal in Section 20, Township 41 South, Range 43 East, and continue from said point in a Southerly direction 300 feet more or less along the West right-of-way line of said Canal to the Northeast corner of that parcel of land conveyed by the Grantor herein to the Grantees herein by Quit-Claim Deed recorded in Official Record Book 16169, Page 1304, Public Records of Palm Beach County, Florida for a **point of beginning**; from said **point of beginning** continue Southerly along the West right-of-way line of said Canal to the point of intersection of the South line of that parcel of land conveyed by the Grantor herein to the Grantees herein by said deed; thence run Easterly on a line parallel to the North line of said Northwest quarter (NW $\frac{1}{4}$ ) to the point of intersection with the center line of said Canal; thence run Northerly along the center line of said Canal 300 feet more or less to a point; thence run Westerly along a line parallel to the North line of said Section to the **place of beginning**.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### VOLUNTARY COMMITMENTS

#### 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 is dated November 8, 2004. 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)

#### B. PLANNING

1. Prior to final Development Review Officer (DRO) site plan approval, the site plan shall be revised to include a notation indicating the proposed/future location of the sidewalk along Palmwood Road. (DRO: PLANNING - Planning)

There are no Voluntary Commitments C and D.

#### E. ENGINEERING

1. The property owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed for Palmwood Road (Prosperity Farms Road extension), 55 feet from centerline on or before, June 1, 2005. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. The property owner 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. (DATE: MONITORING - Eng)
2. Prior to June 1, 2005, the property owner shall convey a temporary roadway construction easement along Palmwood Road (Prosperity Farms Road extension), to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE: 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 condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the voluntary commitments 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any voluntary commitments.

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)