

RESOLUTION NO. R-2006-0156

RESOLUTION APPROVING ZONING APPLICATION Z2005-299  
(CONTROL NO. 1991-043)  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
APPLICATION OF JOSEPH BEVERLY, GARY HORVATH BUSS COOPER  
BY KILDAY & ASSOCIATES, INC., AGENT  
(GROVE MEDICAL PLAZA)

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), as amended, have been satisfied; and

WHEREAS, Zoning Application Z2005-299 was presented to the Board of County Commissioners at a public hearing conducted on January 26, 2006; 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 2.F (CONCURRENCY - 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 Application Z2005-299, the application of Joseph Beverly, Gary Horvath and Buss Cooper, by Kilday & Associates, Inc., agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential Zoning District to the Commercial Low Office 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 January 26, 2006.

Commissioner Koons moved for the approval of the Resolution.

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

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

The Chairman thereupon declared that the resolution was duly passed and adopted on January 26, 2006.

Filed with the Clerk of the Board of County Commissioners on 26th day of January, 2006.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

THE SOUTH 700 FEET OF THE WEST 310 FEET OF THAT PART OF TRACT 5, BLOCK K, LYING NORTH OF STATE ROAD 80, "REPLAT OF LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 12, PAGE 29.

LESS AND EXCEPT THAT PORTION ACQUIRED BY THE ORDER OF TAKING RECORDED IN O.R. BOOK 5444, PAGE 1644, DESCRIBED AS FOLLOWS:

THAT PART OF TRACT 5 IN BLOCK K OF "LOXAHATCHEE GROVES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 29 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

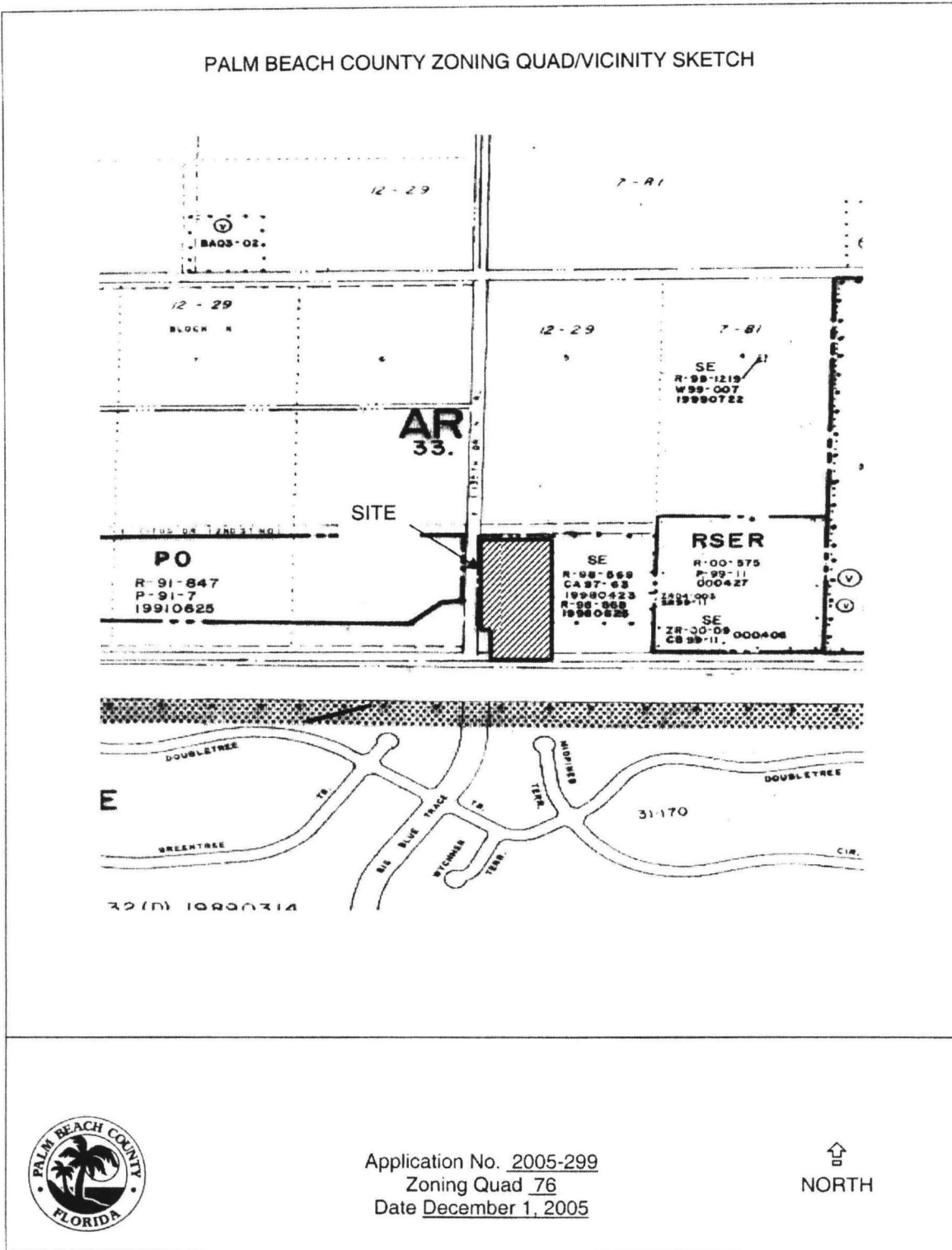
COMMENCING AT THE NORTHWEST CORNER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 41 EAST; THENCE S 01° 22' 50" W ALONG THE WEST LINE OF SAID SECTION 33, A DISTANCE OF 3524.15 FEET TO THE BASELINE OF SURVEY FOR STATE ROAD 80; THENCE S 88° 26' 59" E, A DISTANCE OF 197.34 FEET; THENCE S 88° 29' 13" E, A DISTANCE OF 2418.09 FEET; THENCE N 01° 30' 47" E, A DISTANCE OF 50.00 FEET TO THE NORTHERLY EXISTING RIGHT-OF-WAY FOR STATE ROAD 80 AND THE POINT OF BEGINNING; THENCE N 02° 15' 12" E, A DISTANCE OF 267.84 FEET; THENCE S 87° 44' 48" E, A DISTANCE OF 76.00 FEET; THENCE S 02° 15' 12" W, A DISTANCE OF 111.84 FEET; THENCE S 43° 07' 00" E, A DISTANCE OF 49.18 FEET; THENCE S 88° 29' 13" E, A DISTANCE OF 198.61 FEET; THENCE S 02° 14' 53" W, A DISTANCE OF 120.01 FEET TO THE NORTHERLY EXISTING RIGHT-OF-WAY FOR STATE ROAD 80; THENCE N 88° 29' 13" W, A DISTANCE OF 309.68 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 158,442 SQUARE FEET / 3.637 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B  
VICINITY SKETCH



Application No. 2005-299  
Zoning Quad 76  
Date December 1, 2005

  
NORTH