

RESOLUTION NO. R-2006- 0276

RESOLUTION APPROVING ZONING APPLICATION DOA2005-150  
(CONTROL NUMBER 2001-032)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF FOLKE PETERSON CENTER FOR WILDLIFE  
BY ELLEN SMITH, AICP, AGENT  
(FOLKE PETERSON CENTER FOR ANIMAL WELFARE)

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 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application DOA2005-150 was presented to the Board of County Commissioners at a public hearing conducted on February 23, 2006; 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 2.E (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 2.K.3.b 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 DOA2005-150, the petition of Folke Peterson Center for Wildlife, by Ellen Smith, AICP, agent, for a Development Order Amendment to reconfigure the site plan, delete land area and add square footage 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 February 23, 2006, subject to the conditions of approval 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 McCarty and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on February 23, 2006.

Filed with the Clerk of the Board of County Commissioners on 23rd day of February, 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 BOCK, CLERK &  
COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

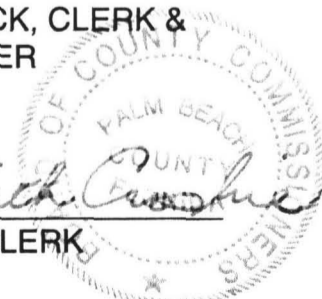


EXHIBIT A

LEGAL DESCRIPTION

PARCEL C

A tract of land in Section 1, Township 44 South, Range 41 East, Palm Beach County, Florida, more particularly described as follows:

BEGINNING at the northwest corner of Section 1, Township 44 South, Range 41 East, Palm Beach County, Florida; thence easterly along the north line of said Section 1, a distance of 547.35 feet; thence southerly parallel to the west line of said Section 1, a distance of 1598.16 feet, more or less, to point in the north line of the tract of land described in deed recorded in Official Records Book 169, Page 29, Public Records of Palm Beach County, Florida; thence westerly along said north line, a distance of 547.31 feet, more or less, to a point in the west line of said Section 1; thence northerly along said section line, a distance of 1586.10 feet to the POINT OF BEGINNING.

CONTAINING 889,184.15 SQUARE FEET OR 20.41 ACRES, MORE OR LESS

TOGETHER WITH:

PARCEL D

A tract of land in Section 1, Township 44 South, Range 41 East, Palm Beach County, Florida, more particularly described as follows:

From the northwest corner of Section 1, Township 44 South, Range 41 East, Palm Beach County, Florida; run easterly along the north line of said Section 1, a distance of 547.35 feet to the POINT OF BEGINNING of the tract of land hereinafter described; thence continue easterly along the north line of said Section 1, a distance of 271.86 feet; thence southerly parallel to the west line of said Section 1, a distance of 1604.15 feet, more or less, to a point in the north line of the tract of land described in Deed, recorded in Official Record Book 169, Page 29, Public Records of Palm Beach County, Florida; thence westerly along said north line, a distance of 271.84 feet more or less, to a point in a line parallel to the west line of said Section 1; thence northerly along said parallel line, a distance of 1598.16 feet to the POINT OF BEGINNING.

CONTAINING 441,639.33 SQUARE FEET OR 10.14 ACRES, MORE OR LESS

LESS AND EXCEPTING:

"ACCESS TRACT"

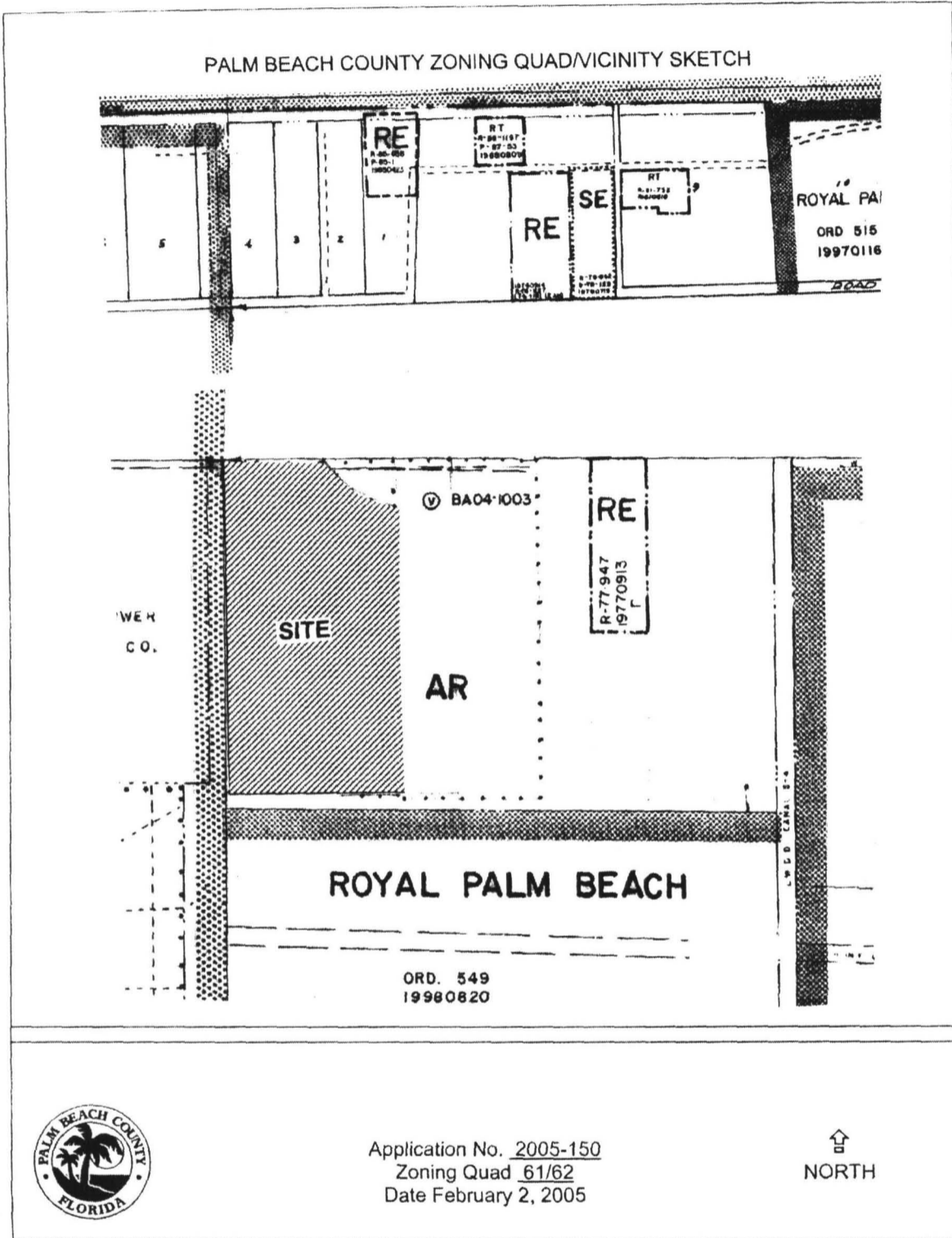
A TRACT OF LAND LOCATED IN SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST; SITUATE AND LYING IN PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF SECTION 1 AFORESAID, RUN EASTERLY ALONG THE NORTH LINE OF SECTION 1 AFORESAID A DISTANCE OF 486.38 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE EASTERLY ALONG THE NORTH LINE OF SECTION 1 AFORESAID A DISTANCE OF 332.83 FEET TO A POINT; THENCE RUN SOUTHERLY ON A LINE PARALLEL TO THE WEST LINE OF SECTION 1, AFORESAID, A DISTANCE OF 204.54 FEET TO A POINT ON A NON RADIAL CURVE CONCAVE TO THE SOUTHWEST; THENCE EAST AND NORTH ALONG THE ARC OF SAID CURVE WHOSE RADIUS IS 786.71 FEET, AND WHOSE CENTRAL ANGLE IS 7 DEGREES 16 MINUTES AND 26 SECONDS FOR A DISTANCE OF 99.88 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST WHOSE RADIUS IS 460.00 FEET AND CENTRAL ANGLE IS 36 DEGREES 51 MINUTES AND 31 SECONDS FOR A DISTANCE OF 295.92 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 42,112.85 SQUARE FEET OR 0.97 ACRES MORE OR LESS.

TOTAL AREA OF PARCELS C&D LESS "ACCESS TRACT IS 128,871.63 SQUARE FEET OR 29.58 ACRES MORE OR LES

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Development of the site is limited to the uses or site design approved by the Board of County Commissioners. The approved site plan is dated November 3, 2006. 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. (DRO: ZONING - Zoning)

#### ENGINEERING

1. No Engineering Conditions.

#### HEALTH

1. The site shall be served by sanitary sewer and a community water system. Neither an onsite sewage treatment and disposal system (OSTDS) nor potable water wells shall be approved for use on the property. All existing OSTDS must be abandoned in accordance with Chapter 64E-6, FAC and Palm Beach County ECR-I. All existing onsite potable water supply systems shall be abandoned in accordance with Chapter 64E-8, FAC, and Palm Beach County ECR-II. (ONGOING: CODE ENF - Health)
2. Property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF - Health)

#### 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 Article 2.E 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)