

RESOLUTION NO. R-2006-1206

RESOLUTION APPROVING ZONING APPLICATION R-2005-1736
(CONTROL NO. 2005-597)
REQUESTED USE
APPLICATION OF VANGARD REALTY AND DEVELOPMENT CORP.
BY LAND DESIGN SOUTH, INC., AGENT
(YAMATO COURT MUPD)

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 Board of County Commissioners, pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), as amended, is authorized and empowered to consider, approve, approve with conditions or deny Requested Uses; 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 R2005-1736 was presented to the Board of County Commissioners at a public hearing conducted on June 22, 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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) 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 Requested Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Requested Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Requested Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Requested Use, 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 Requested Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Requested Use meets applicable local land development regulations.

7. This Requested Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Requested Use has a concurrency determination and complies with Article 2.F, Concurrency of the ULDC.
9. This Requested Use, 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 Requested Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 2 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 R2005-1736, the application of Vanguard Realty and Development Corp, by Land Design South, Inc., agent, for a Requested Use to allow a Congregate Living Facility Type III, and to allow a private school in the Multiple Use Planned Development Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on June 22, 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 Aaronson and, upon being put to a vote, the vote was as follows:

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

The Chairman thereupon declared that the resolution was duly passed and adopted on June 22, 2006.

Filed with the Clerk of the Board of County Commissioners on 11th day of July, 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

BY: 
COUNTY ATTORNEY

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK

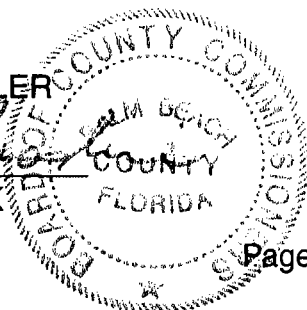


EXHIBIT A

LEGAL DESCRIPTION

PARCEL I

A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 47 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACTS 15, 16 AND 17 OF BLOCK 74, AND THE ABANDONED 25.00 FOOT PALM BEACH FARMS COMPANY PLAT NO. 3 RIGHT OF WAY ADJACENT TO THE WEST BOUNDARY OF THE AFOREMENTIONED TRACTS OF "PALM BEACH FARMS COMPANY PLAT NO. 3" RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF "PLAT OF FOUR FORTY ONE ASSOCIATES" AS RECORDED IN PLAT BOOK 81, PAGES 177 THROUGH 178, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°48'47" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF STATE ROAD 7 (US 441), A DISTANCE OF 800.03 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT L-42 CANAL; THENCE NORTH 89°39'08" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 504.61 FEET TO A POINT ON A LINE 45.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE SAID TRACT 16; THENCE SOUTH 00°20'52" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 313.00 FEET; THENCE SOUTH 89°39'08" WEST, A DISTANCE OF 197.19 FEET; THENCE SOUTH 00°20'52" EAST, A DISTANCE OF 167.00 FEET; THENCE SOUTH 89°39'08" WEST, A DISTANCE OF 183.51 FEET; THENCE SOUTH 00°48'47" EAST, A DISTANCE OF 320.01 FEET TO A POINT ON THE NORTH LINE OF THE AFOREMENTIONED "PLAT OF FOUR FORTY ONE ASSOCIATES"; THENCE SOUTH 89°39'08" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 5.66 ACRES, MORE OR LESS.

PARCEL II

A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 47 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACTS 15,16,17 AND 18 OF BLOCK 74 OF "PALM BEACH FARMS COMPANY PLAT NO. 3" RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF "PLAT OF FOUR FORTY ONE ASSOCIATES", AS RECORDED IN PLAT BOOK 81, PAGES 177 THROUGH 178, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89°39'08" EAST, ALONG THE NORTH LINE OF SAID "PLAT OF FOUR FORTY ONE ASSOCIATES", A DISTANCE OF 324.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 10°56'04" EAST, A DISTANCE OF 161.55 FEET; THENCE NORTH 44°39'07" EAST, A DISTANCE OF 103.50 FEET; THENCE NORTH 45°20'53" WEST, A DISTANCE OF 125.00 FEET; THENCE SOUTH 89°39'08" WEST, A DISTANCE OF 39.49 FEET; THENCE NORTH 00°20'52" WEST, A DISTANCE OF 167.00 FEET; THENCE NORTH 89°39'08" EAST, A DISTANCE OF 197.19 FEET TO A POINT ON A LINE 45.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 16 AND 17; THENCE SOUTH 00°20'52" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 487.00 FEET; THENCE SOUTH 89°39'08" WEST, A DISTANCE OF 174.11 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1.74 ACRES, MORE OR LESS.

PARCEL III

A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 47 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACT 15 OF THE BLOCK 74 OF "THE PALM BEACH FARMS COMPANY PLAT NO. 3" RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 244.94 FEET OF THE WEST 289.94 FEET OF THE SOUTH 313.00 FEET OF THE NORTH 363.00 FEET OF THE SAID TRACT 15, BLOCK 74 OF "THE PALM BEACH FARMS COMPANY PLAT NO. 3".

CONTAINING: 1.76 ACRES, MORE OR LESS.

PARCEL IV

A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 47 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACTS 14, 15, 18 AND 19, ALL OF BLOCK 74 OF "PALM BEACH FARMS COMPANY NO. 3" RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 215 FEET OF TRACT 14 AND THE WEST 215 FEET OF TRACT 19, LESS AND EXCEPT THE NORTH 50 FEET OF TRACT 14 AND LESS AND EXCEPT THE SOUTH 435.60 FEET OF TRACT 19.

TOGETHER WITH:

THE EAST 285 FEET OF TRACT 15 AND THE EAST 285 FEET OF TRACT 18, LESS AND EXCEPT THE NORTH 50 FEET OF TRACT 15 AND LESS AND EXCEPT THE SOUTH 435.60 FEET OF TRACT 18.

TOGETHER WITH:

THE WEST 45 FEET OF THE SOUTH 470 FEET OF TRACT 18, LESS AND EXCEPT THE SOUTH 435.60 FEET THEREFROM.

LESS AND EXCEPT THE FOLLOWING:

THE EAST 244.94 FEET OF THE WEST 289.94 FEET OF THE SOUTH 313.00 FEET OF THE NORTH 363.00 FEET OF THE TRACT 15, BLOCK 74.

ALL OF SAID PROPERTY LYING IN BLOCK 74 OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF THE PALM BEACH COUNTY, FLORIDA.

CONTAINING 7.85 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

