

RESOLUTION NO. R-2008- 0127

RESOLUTION REVOKING RESOLUTION R-2004-2101
(CONTROL NO. 2004-269)
AFFIRMING THE ADMINISTRATIVE ABANDONMENT
OF ZONING APPLICATION ABN 2008-014
(DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapters 125 and 163, Florida Statutes, is authorized and empowered to consider applications related to zoning; and

WHEREAS, Resolution R-2004-2101 approving this application was adopted by the Board of County Commissioners on September 20, 2004 and October 13, 2004; and

WHEREAS, pursuant to F.S. 380.06(26) and Fla. Admin. Code Rule 9J-2.0251, an Application for Abandonment of Development of Regional Impact has been filed with the Treasure Coast Regional Planning Council and the Division of Community Planning, Florida Department of Community Affairs; and

WHEREAS, the Zoning Director has determined the request to administratively abandon the development order, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) meets the requirements contained therein; and

WHEREAS, this request satisfies the requirements for abandonment of a development of regional development order contained in F.S. 380.06(26) and Fla. Admin. Code Rule 9J-2.0251

WHEREAS, the Zoning Director presented the abandonment of the development order to the Board of County Commissioners on January 24, 2008; and

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that action of the Board of County Commissioners be adopted by resolution.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Whereas clauses are true and correct and are incorporated herein.
2. The Development Order of the Development of Regional Impact, which was granted under Resolution R-2004-2101 has been officially abandoned with no concurrency available to the subject property except for Pod S.
3. The entire subject property has been rezoned from Planned Industrial Park Development Zoning District to Agricultural Residential (AR) Zoning District. The other development order approvals granted pursuant to Resolutions R-2004-2103 (Requested Uses) and R-2003-2104 (Waiver) have also been administratively abandoned.
4. Phase 1 of Pod S of the subject property is consistent with the AR Zoning District, and has been developed in compliance with the Unified Land Development Code and other applicable regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Resolution R-2004-2101, approving Zoning Application Petition 2004-352 (DEVELOPMENT OF REGIONAL IMPACT), the application of The Board of County Commissioners by PBC Facilities & Operations is hereby revoked and is repealed in its entirety.

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:

Addie L. Greene, Chairperson	- Aye
Jeff Koons, Vice Chair	- Aye
Karen T. Marcus	- Aye
Robert J. Kanjian	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye
Jess R. Santamaria	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 24, 2008.

Filed with the Clerk of the Board of County Commissioners on January 24, 2008

This resolution shall be rendered within 30 days after the public hearing by transmitting a certified copy of the resolution to the Division of Community Planning, Florida Department of Community Affairs and the Treasure Coast Regional Planning Council by first Class certified U.S. Mail or other delivery service for which a receipt as proof of service is required.

This resolution is effective upon transmittal of the resolution to the Florida Department of Community Affairs and the Treasure Coast Regional Planning Council.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
COMMISSIONERS

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A
LEGAL DESCRIPTION

THE WEST ½ OF SECTION 5, ALL OF SECTIONS 6 AND 7, AND THE WEST ½ OF SECTION 8, ALL LYING IN TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE RIGHT OF WAY OF THE C-18 CANAL AS RECORDED IN DEED BOOK 1097, PAGE 261, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 1,919.23 ACRES, MORE OR LESS.

BEARINGS BASIS: N89°56'58"E ALONG THE NORTH LINE OF SECTION 6, TOWNSHIP 42 SOUTH, RANGE 41 EAST.