

RESOLUTION NO. R-2008- 0263

RESOLUTION APPROVING ZONING APPLICATION DOA2007-2044
(CONTROL NUMBER 2004-616)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF ASCOT AG LAND LLC
BY ASCOT DEVELOPMENT, AGENT
(DELRAY MARKETPLACE TMD)

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, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA2007-2044 was presented to the Board of County Commissioners at a public hearing conducted on February 28, 2008; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, 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.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) 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 DOA2007-2044, the application of Ascot Ag Land, LLC, by Ascot Development, agent, for a Development Order Amendment to delete land area 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 28, 2008.

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 February 28, 2008.

Filed with the Clerk of the Board of County Commissioners on February 28, 2008.

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

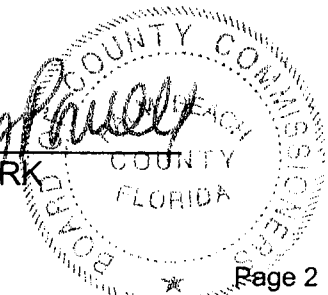


EXHIBIT A

LEGAL DESCRIPTION

SURVEY: DELRAY MARKETPLACE TMD PRESERVE PARCEL 2

00-41-45-14-00-000-5110 & 00-41-45-14-00-000-5050

THE NORTH ONE HALF (N. ½) OF THE SOUTHEAST QUARTER (S.E. ¼) OF THE SOUTHEAST QUARTER (S.E. ¼) OF THE SOUTHEAST QUARTER (S.E. ¼) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA. SUBJECT TO EASEMENTS, COVENANTS, RESTRICTIONS AND RESERVATIONS OF RECORD, MUNICIPAL ORDINANCES AND ZONING CODES, AND TAXES FOR THE YEAR OF CONVEYANCE AND SUBSEQUENT YEARS.

• TOGETHER WITH

THE SOUTH ONE HALF (S. ½) OF THE SOUTHEAST QUARTER (S.E. ¼) OF THE SOUTHEAST QUARTER (S.E. ¼) OF THE SOUTHEAST QUARTER (S.E. ¼) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA. TOGETHER WITH A NON-EXCLUSIVE RIGHT OF INGRESS AND EGRESS OVER THE PROPERTY ON WHICH FLORIDA POWER AND LIGHT COMPANY PRESENTLY HOLDS AN EASEMENT, SUBJECT HOWEVER, TO THE EASEMENT RIGHTS OF FLORIDA POWER AND LIGHT COMPANY SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS AND COVENANTS OF RECORD, IF ANY, TO THE EXTENT THAT THE SAME ARE VALID AND ENFORCEABLE.

CONTAINING 437902 . 9400 SQUARE FEET OR 10.05 ACRE, MORE OR LESS.

SURVEY: DELRAY MARKETPLACE TMD PRESERVE PARCEL 4

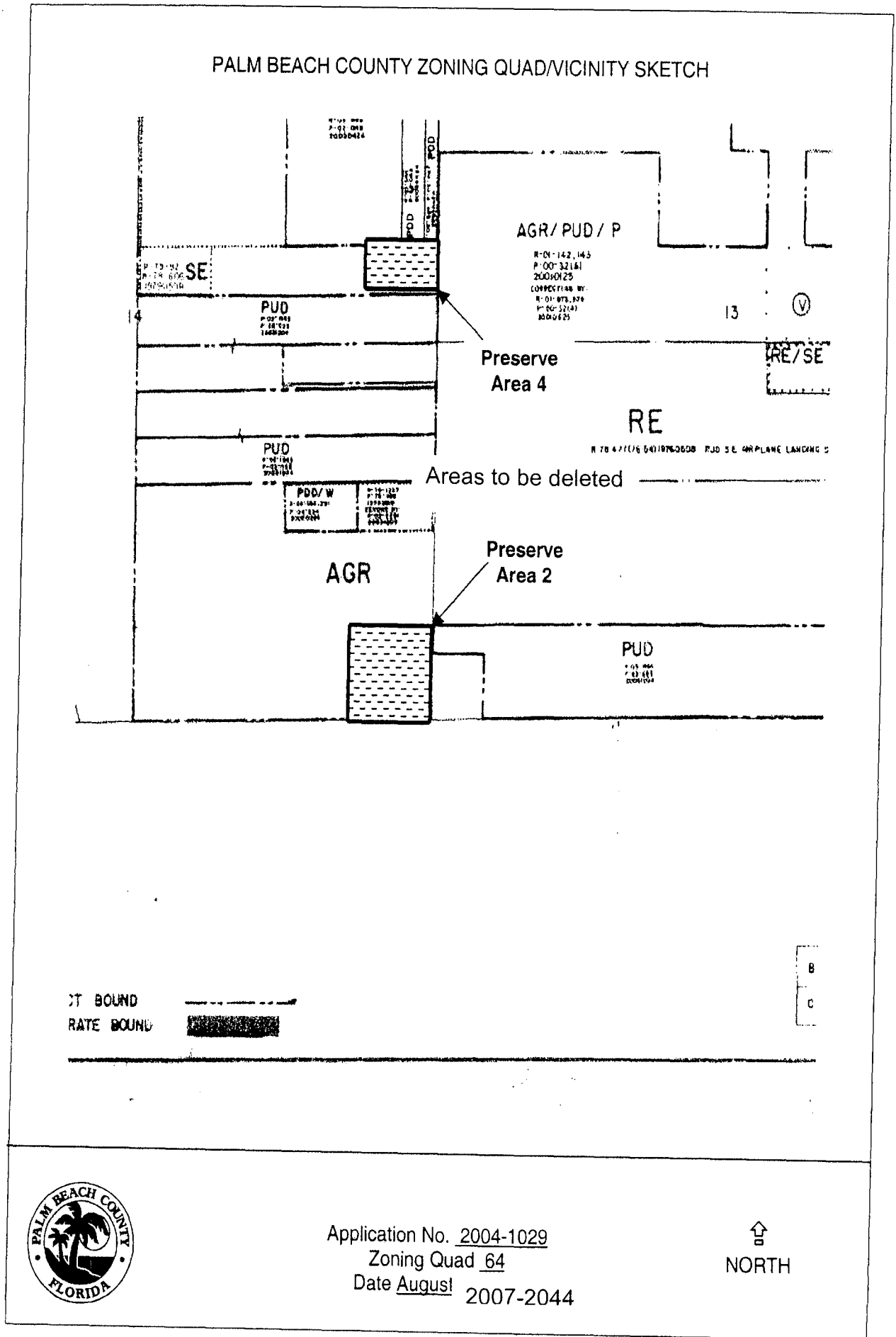
00-41-45-14-000-000-1060

THE NORTH HALF (N. $\frac{1}{2}$) OF THE SOUTHEAST QUARTER (S.E. $\frac{1}{4}$) OF THE SOUTHEAST QUARTER (S.E. $\frac{1}{4}$) OF THE NORTHEAST QUARTER (N.E. $\frac{1}{4}$) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA. SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 30 FEET OF THE AFOREDESCIBED PARCEL.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 50 FEET OF THE SOUTH HALF (S. $\frac{1}{2}$) OF THE NORTH HALF (N. $\frac{1}{2}$) OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND A NON EXCLUSIVE RIGHT OF INGRESS AND EGRESS OVER THE PROPERTY OF WHICH FLORIDA POWER AND LIGHT COMPANY PRESENTLY HOLD AND EASEMENT: SUBJECT HOWEVER, TO THE EASEMENT RIGHTS OF FLORIDA POWER AND LIGHT COMPANY TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 30 FEET OF THE EAST THREE QUARTERS (E. $\frac{3}{4}$) OF THE SOUTH HALF (S. $\frac{1}{2}$) OF THE SOUTH HALF (S. $\frac{1}{2}$) OF THE NORTHEAST QUARTER (N.E. $\frac{1}{4}$) OF SAID SECTION 14.

CONTAINING 5.01 ACRE, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



Application No. 2004-1029
Zoning Quad 64
Date August 2007-2044

↑
NORTH