

RESOLUTION NO. R-2009-0009

RESOLUTION APPROVING ZONING APPLICATION DOA/ABN/EAC-2008-01522
(CONTROL NUMBER 2000-00031)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF PALM BEACH COUNTY
BY KILDAY & ASSOCIATES, INC., PALM BEACH COUNTY, AGENT
(FOUR POINTS CENTER)

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 DOA/ABN/EAC-2008-01522 was presented to the Board of County Commissioners at a public hearing conducted on January 8, 2009; 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 DOA/ABN/EAC-2008-01522, the application of Palm Beach County, by Kilday & Associates, Inc., Palm Beach County, agent, for a Development Order Amendment to delete Conditions of Approval 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 January 8, 2009, 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 Greene and, upon being put to a vote, the vote was as follows:

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Absent
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Mary McCarty	-	Absent
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 8, 2009.

Filed with the Clerk of the Board of County Commissioners on January 13, 2009

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

A PARCEL OF LAND LYING WITHIN A PORTION OF THE WEST ONE-HALF (W 1/2) OF TRACTS 3 AND 4, BLOCK 1, SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PLAT NO. 1 (SHEET NO. 1) PALM BEACH PLANTATIONS, (MODEL LAND COMPANY) AS RECORDED IN PLAT BOOK 10 AT PAGE 20 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 1, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID BLOCK 1 AND SAID TRACT 3; THENCE SOUTH 01°25'52" WEST (AS A BASIS OF BEARINGS) ALONG THE WEST LINE OF THE EAST ONE-HALF (E 1/2) OF SAID SECTION 1, ALSO BEING THE CENTERLINE OF MILITARY TRAIL (STATE ROAD 809) PER ROAD PLAT BOOK 2, PAGE 229 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 167.34 FEET TO A POINT BEING ON THE SOUTH LINE OF THE 150 FOOT WIDE EASEMENT IN FAVOR OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT AS RECORDED IN DEED BOOK 1056, PAGE 463 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°52'07" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 67.39 FEET TO A POINT BEING ON THE EAST LINE OF THE NORTHERLY PARCEL NO. 148 STATE ROAD 80 AS RECORDED IN OFFICIAL RECORDS BOOK 14331, PAGE 709 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°52'07" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 602.60 FEET TO A POINT BEING ON THE WEST LINE OF THE PLAT OF GUN CLUB ESTATES AS RECORDED IN PLAT BOOK 24 AT PAGE 189 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 01°27'22" WEST ALONG THE WEST LINE OF SAID PLAT OF GUN CLUB ESTATES, A DISTANCE OF 1,128.47 FEET TO A POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF PARCEL NO. 13 FOR GUN CLUB ROAD ACCORDING TO PALM BEACH COUNTY COMMISSION RESOLUTION NO. R-90-1130 AS RECORDED IN OFFICIAL RECORDS BOOK 8487, PAGE 432 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°47'43" WEST, A DISTANCE OF 196.44 FEET; THENCE NORTH 85°17'54" WEST, A DISTANCE OF 180.34 FEET; THENCE NORTH 88°47'43" WEST, A DISTANCE OF 200.00 FEET; THENCE NORTH 43°40'56" WEST, A DISTANCE OF 56.46 FEET TO A POINT BEING ON A LINE LYING 53.00 FEET EAST OF AND PARALLEL WITH (AS MEASURED AT RIGHT ANGLES) THE WEST LINE OF THE EAST ONE-HALF (E 1/2) OF SAID SECTION 1 ALSO BEING THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL (STATE ROAD 809) AS RECORDED IN ROAD PLAT BOOK 2, PAGE 229 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, (THE PRECEDING FOUR (4) COURSES AND DISTANCES BEING COINCIDENT WITH THE NORTH RIGHT-OF-WAY LINE OF SAID PARCEL NO. 13 FOR GUN CLUB ROAD); THENCE NORTH 01°25'52" EAST ALONG SAID EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL (STATE ROAD 809), A DISTANCE OF 243.45 FEET TO THE MOST SOUTHERLY POINT OF THE SOUTHERLY PARCEL NO. 148 CONVEYED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN OFFICIAL RECORDS BOOK 14331, PAGE 709 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 03°32'30" EAST, A DISTANCE OF 32.83 FEET; THENCE NORTH 01°06'19" EAST, A DISTANCE OF 212.65 FEET TO A POINT BEING ON A LINE LYING 53.00 FEET EAST OF AND PARALLEL WITH (AS MEASURED AT RIGHT ANGLES) THE WEST LINE OF THE EAST ONE-HALF (E 1/2) OF SAID SECTION 1, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL (STATE ROAD 809) AS RECORDED IN ROAD PLAT BOOK 2, PAGE 229 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, (THE PRECEDING TWO (2) COURSES AND DISTANCES BEING COINCIDENT WITH THE EAST LINE OF SAID SOUTHERLY PARCEL NO. 148); THENCE NORTH 01°25'52" EAST ALONG SAID EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL (STATE ROAD 809), A DISTANCE OF 240.76 FEET TO THE MOST SOUTHERLY POINT OF THE NORTHERLY PARCEL NO. 148 CONVEYED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN OFFICIAL RECORDS BOOK 14331, PAGE 709 OF THE PUBLIC RECORDS OF PALM BEACH

COUNTY, FLORIDA; THENCE NORTH 16°04'29" EAST, A DISTANCE OF 55.40 FEET; THENCE NORTH 01°30'21" EAST, A DISTANCE OF 195.09 FEET; THENCE SOUTH 88°34'08" EAST, A DISTANCE OF 1.64 FEET; THENCE NORTH 01°25'52" EAST, A DISTANCE OF 6.56 FEET; THENCE NORTH 88°34'08" WEST, A DISTANCE OF 1.63 FEET; THENCE NORTH 01°30'21" EAST, A DISTANCE OF 91.84 FEET TO A POINT BEING ON THE SOUTH LINE OF SAID 150 FOOT WIDE EASEMENT IN FAVOR OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT AS RECORDED IN DEED BOOK 1056, PAGE 463 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING, (THE PRECEDING SIX (6) COURSES AND DISTANCES BEING COINCIDENT WITH THE EASTERLY LIMITS OF SAID NORTHERLY PARCEL NO. 148).

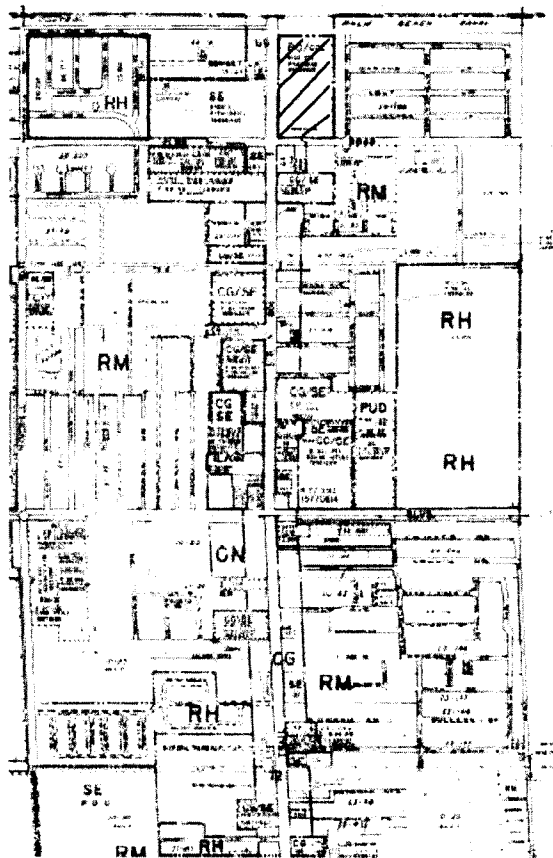
SAID LANDS SITUATE, LYING AND BEING IN SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 686,588 SQUARE FEET OR 15.76 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH

Figure 1 Zoning Quad Map



Application No. 2008-1522
Zoning Quad 32



NORTH