

RESOLUTION NO. R-2009- 0021

RESOLUTION APPROVING ZONING APPLICATION ZV/Z/DOA-2008-01192
(CONTROL NO. 1994-00080)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
APPLICATION OF ROYAL PALM PRESBYTERIAN CHURCH INC
BY MILLER LAND PLANNING, AGENT
(ROYAL PALM PRESBYTERIAN CHURCH)

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

WHEREAS, Zoning Application ZV/Z/DOA-2008-01192 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 petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan.
2. This official zoning map amendment (rezoning) is consistent with the stated purpose and intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations.
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land.
4. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment.
5. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
6. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern.
7. This official zoning map amendment is consistent with applicable Neighborhood Plans.
8. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY) of the Palm Beach County Unified Land Development Code.

WHEREAS, Article 2.A.1.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 ZV/Z/DOA-2008-01192, the application of Royal Palm Presbyterian Church Inc, by Miller Land Planning, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the AR, RT Zoning District to the RT Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 8, 2009.

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 R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1

A PARCEL OF LAND IN PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 42 EAST, EXCEPTING THEREFROM THE NORTHERLY 56 FEET AND THE SOUTHERLY 30 FEET, WHICH ARE SPECIFICALLY RESERVED FOR ROAD PURPOSES.

ALSO KNOWN AS LOT 6, BLOCK 1, PALM BEACH RANCHES, UNRECORDED PLAT.

PARCEL 2

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 45 SOUTH RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 10, RUN THENCE SOUTHERLY ON THE WEST LINE OF THE SAID NORTHEAST QUARTER A DISTANCE OF 684.68 FEET; THENCE RUN EASTERLY, ANGLING 86°04'29" FROM NORTH TO EAST, A DISTANCE OF 506.56 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED, THENCE CONTINUE EASTERLY ON THE SAME COURSE A DISTANCE OF 166.56 FEET; THENCE RUN NORTHERLY, ANGLING 94°01'52" FROM WEST TO NORTH, A DISTANCE OF 342.21 FEET, THENCE RUN WESTERLY, ANGLING 85°53'38" FROM SOUTH TO WEST, A DISTANCE OF 167.30 FEET; THENCE RUN SOUTHERLY, PARALLEL TO THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 10, A DISTANCE OF 342.88 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, LESS AND EXCEPTING THEREFROM THE SOUTHERLY 30 FEET (WHICH SUCH PARCEL IS ALSO KNOWN AS THE EASTERLY 166.56 FEET OF LOT 8, BLOCK 1, PALM BEACH RANCHES, AN UNRECORDED PLAT [AM65]).

CONTAINING 5.827 ACRES, MORE OR LESS.

SUBJECT TO RESERVATIONS, RESTRICTIONS, EASEMENTS AND RIGHTS OF WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

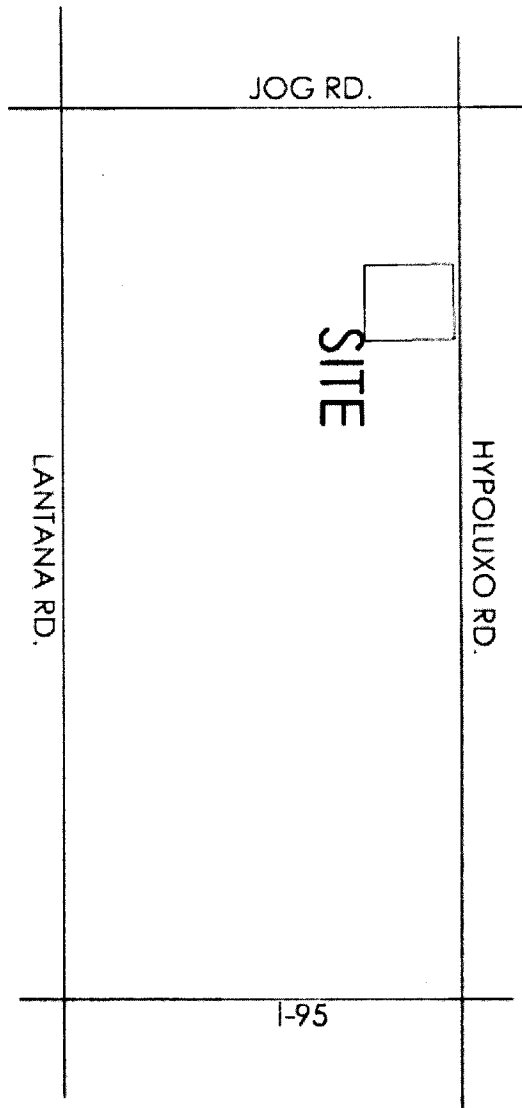


EXHIBIT C

VOLUNATARY COMMITMENTS

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)