

RESOLUTION NO. R-2009- 0496

RESOLUTION APPROVING ZONING APPLICATION ZV/Z/DOA-2008-00456
(CONTROL NO. 1988-00059)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
APPLICATION OF Palm Beach County
BY JPR Planning Services, Inc., AGENT
(PBC Water Treatment Plant No. 9)

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-2008-00456 was presented to the Board of County Commissioners at a public hearing conducted on March 30, 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-2008-00456, the application of Palm Beach County, by JPR Planning Services, Inc., agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential (AR) Zoning District and the Single-family Residential (RS) Zoning District to the Public Ownership (PO) 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 C, attached hereto and made a part hereof, was approved on March 30, 2009.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner Burt Aaronson and, upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on March 30, 2009.

Filed with the Clerk of the Board of County Commissioners on May 6th, 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: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PORTIONS OF LOTS 38, 39, 46, 47 AND 48, BLOCK 81, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THAT CERTAIN 30 FOOT PLATTED ROAD RESERVATIONS LYING SOUTH OF AND ADJACENT TO SAID LOTS 46 AND 47, AND BEING ALL MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF TRACT 20 OF SAID BLOCK 81, THE PALM BEACH FARMS CO. PLAT NO. 3, AND THE CENTERLINE OF THAT CERTAIN 30 FOOT ROAD RESERVATION LYING SOUTH OF AND ADJACENT TO SAID TRACT 20; THENCE SOUTH 41°55'16" WEST, A DISTANCE OF 429.99 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 37°35'47" EAST, A DISTANCE OF 399.73 FEET; THENCE SOUTH 42°06'31" EAST, A DISTANCE OF 350.46 FEET; THENCE SOUTH 27°11'53" EAST, A DISTANCE OF 188.97 FEET TO A POINT OF CURVE; THENCE SOUTHERLY THROUGH SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 110°23'20", AN ARC DISTANCE OF 289.00 FEET TO A POINT OF TANGENCY; THENCE SOUTH 83°11'27" WEST, A DISTANCE OF 319.56 FEET; THENCE NORTH 06°33'33" WEST, A DISTANCE OF 109.00 FEET; THENCE SOUTH 84°42'50" WEST, A DISTANCE OF 150.53 FEET; THENCE SOUTH 44°16'50" WEST, A DISTANCE OF 129.15 FEET; THENCE NORTH 48°58'22" WEST, A DISTANCE OF 45 FEET; THENCE SOUTH 41°01'38" WEST, A DISTANCE OF 78.07 FEET TO A POINT ON A CURVE; THENCE WESTERLY THROUGH NORTHERLY ALONG A CURVE TO THE RIGHT, WHOSE TANGENT BEARS NORTH 72°55'59" WEST, WITH A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 82°05'43", AN ARC DISTANCE OF 214.93 FEET TO A POINT OF TANGENCY; THENCE NORTH 09°09'44" EAST, A DISTANCE OF 825.76 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 133°14'29", AN ARC DISTANCE OF 232.55 FEET TO A POINT OF TANGENCY AND A POINT OF BEGINNING.

LESS THAT PORTION, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 32, BLOCK 14, SANDALFOOT COVE SECTION THREE, AS RECORDED IN PLAT BOOK 29, PAGE 140, 141 AND 142, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTHWESTERLY ALONG THE EAST RIGHT-OF-WAY LINE OF S.W. 65TH AVENUE, AS SHOWN ON THE SAID PLAT OF SANDALFOOT COVE SECTION THREE, WHOSE TANGENT BEARS NORTH 43°25'41" WEST, WITH A RADIUS OF 1240.00 FEET AND A CENTRAL ANGLE OF 05°32'41", AN ARC DISTANCE OF 120.00 FEET TO A POINT OF TANGENCY; THENCE NORTH 48°58'22" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 41°01'38" EAST, A DISTANCE OF 196.72 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 41°01'38" EAST, A DISTANCE OF 68.07 FEET; THENCE NORTH 48°58'22" WEST, A DISTANCE OF 35.51 FEET; THENCE NORTH 07°07'13" WEST, A DISTANCE OF 40.00 FEET; THENCE SOUTH 80°55'04" EAST, A DISTANCE OF 40.00 FEET; THENCE NORTH 09°04'56" EAST, A DISTANCE OF 31.40 FEET; THENCE NORTH 80°55'04" WEST, A DISTANCE OF 16.60 FEET; THENCE NORTH 09°04'56" EAST, A DISTANCE OF 144.40 FEET; THENCE NORTH 80°55'04" WEST, A DISTANCE OF 147.08 FEET; THENCE SOUTH 09°09'44" WEST, A DISTANCE OF 142.01 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY, ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 82°05'43", AN ARC DISTANCE OF 214.93 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A PORTION OF BLOCK 81, THE PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 32, BLOCK 14, SANDALFOOT COVE SECTION THREE, AS RECORDED IN PLAT BOOK 29, PAGES 140, 141 AND 142, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTHWESTERLY ALONG THE EAST RIGHT-OF-WAY LINE OF S.W. 65TH AVENUE, AS SHOWN ON THE SAID PLAT OF SANDALFOOT COVE SECTION THREE, WHOSE TANGENT BEARS NORTH 43°25'41" WEST, WITH A RADIUS OF 1240.00 FEET AND A CENTRAL ANGLE OF 05°32'41", AN ARC DISTANCE OF 120.00 FEET TO A POINT OF TANGENCY; THENCE NORTH 48°58'22" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 41°01'38" EAST, A DISTANCE OF 274.79 FEET; THENCE SOUTH 48°58'22" EAST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE

SOUTH 41°01'38" WEST, A DISTANCE OF 60.30 FEET TO A POINT ON A CURVE; THENCE EASTERLY ALONG A CURVE TO THE LEFT, WHOSE TANGENT BEARS SOUTH 86°16'52" EAST, WITH A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 10°31'41", AN ARC DISTANCE OF 27.56 FEET TO A POINT OF TANGENCY; THENCE NORTH 83°11'27" EAST, A DISTANCE OF 277.85 FEET; THENCE NORTH 06°33'33" WEST, A DISTANCE OF 109.00 FEET; THENCE SOUTH 84°42'50" WEST, A DISTANCE OF 150.53 FEET; THENCE SOUTH 44°16'50" WEST, A DISTANCE OF 129.15 FEET; THENCE NORTH 48°58'22" WEST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE WITHIN UNINCORPORATED PALM BEACH COUNTY, FLORIDA.

CONTAINING 13.14 ACRES MORE OR LESS.

EXHIBIT C

CONDITIONAL OVERLAY ZONE

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-1989-942 (Control 1988-059), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners unless expressly modified. (ONGOING: MONITORING - Zoning)

ENVIRONMENTAL

1. A meeting with Palm Beach County's Wellfield Protection staff shall occur prior to DRO site plan approval in order to ensure that the site plan is consistent with Wellfield Protection regulations. (DRO:ERM-ERM)

ZONING - LANDSCAPING

1. Condition 1 of Resolution 1989-942, Control No. 1988-059, which currently states:

The Australian pine hedge shall be maintained at a maximum height of fifteen (15) feet. This hedge shall be trimmed to this height commencing with the elimination of the waste water treatment plant. (ONGOING: LANDSCAPE - Zoning)

Is hereby amended to read:

The existing off-site landscape buffer shall be maintained in conformance to the ULDC requirements for Water Treatment Plant Compatibility. (ONGOING: LANDSCAPE - Zoning)

2. Condition 3 of Resolution 1989-942, Control No. 1988-059, which currently states:

All Brazilian pepper shall be eradicated prior to receiving a certificate of occupancy. (CO: BLDG - Landscape)

Is hereby deleted. [Reason: Code requirement]

USE LIMITATIONS

1. Use of the site shall be limited to a water treatment plant, a water storage facility, and a pump station. (ONGOING: ZONING - Code Enforcement) (Previous Condition 2 of Resolution 1989-942, Control No. 1988-059)

ZONING

1. This project shall be submitted to the Development Review Officer (DRO) for final site plan review. However, this project is not subject to the Development Review Officer (DRO) thresholds for minor amendments as established in Article 2.D.1.G.1 in the Unified Land Development Code (ULDC). (ONGOING: ZONING - Zoning)

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;

