

RESOLUTION NO. R-2010- 0304

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2009-00211
(CONTROL NO. 2004-00956)
an Official Zoning Map Amendment
APPLICATION OF Sunshine Commercial Investments Inc
BY South East Architect Services, Inc, AGENT
(Sunshine Medical Office Building)

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 applications 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 as amended), have been satisfied; and

WHEREAS, Zoning Application Z/CA-2009-00211 was presented to the Board of County Commissioners at a public hearing conducted on February 25, 2010; 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, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.1.B.

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 Z/CA-2009-00211, the application of Sunshine Commercial Investments Inc, by South East Architect Services, Inc, agent, for an Official Zoning Map Amendment to allow rezoning from the Agricultural Residential (AR) Zoning District to the Commercial Low Office (CLO) 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 in EXHIBIT B, attached hereto and made a part hereof, was approved on February 25, 2010 subject to the conditions described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Burt Aaronson, Chair	- Aye
Commissioner Karen T. Marcus, Vice Chair	- Absent
Commissioner Jeff Koons	- Absent
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Jess R. Santamaria	- Aye
Commissioner Priscilla A. Taylor	- AYe

The Chairperson thereupon declared that the resolution was duly passed and adopted on February 25, 2010.

Filed with the Clerk of the Board of County Commissioners on March 1, 2010.

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

LEGAL DESCRIPTION OF TRACT 3131 (PARENT LEGAL)

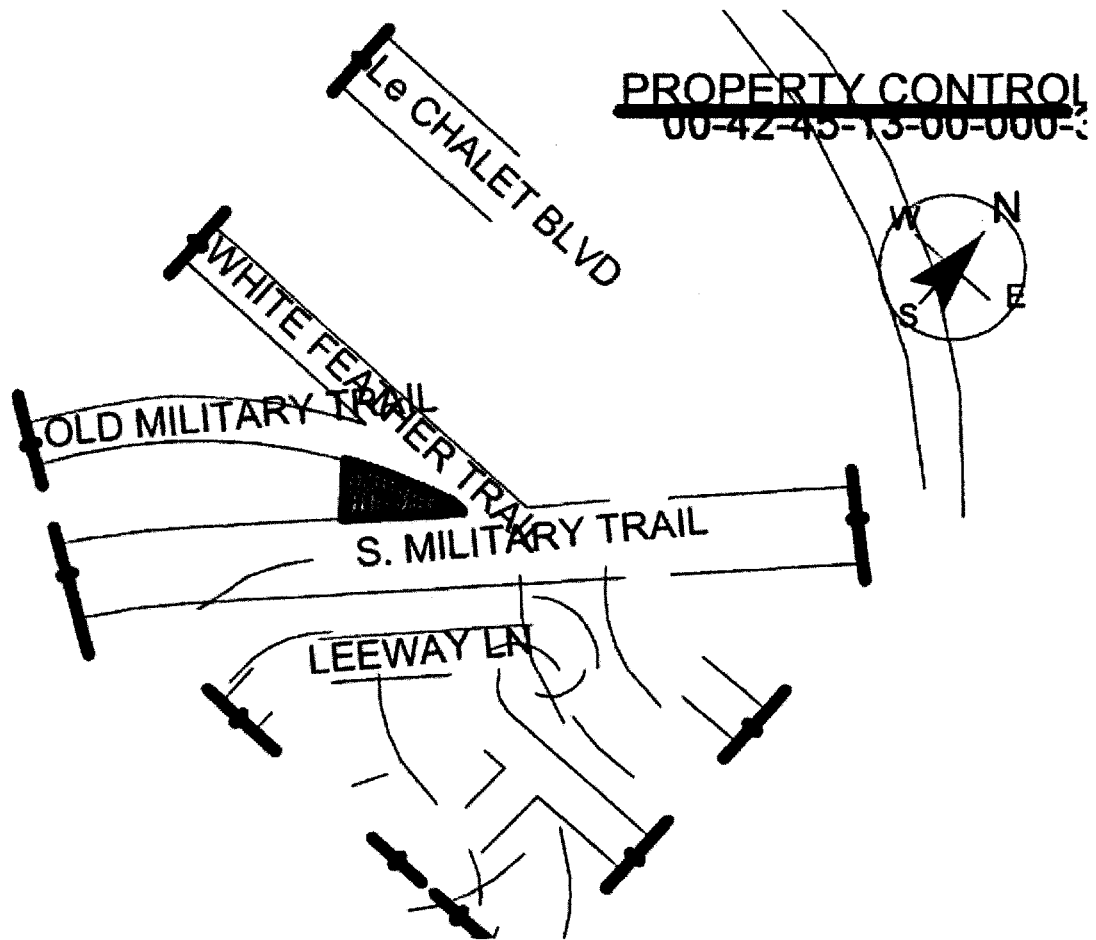
A TRACT OF LAND IN THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE WEST QUARTER CORNER OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST; THENCE N. 00 27' 10" W, ALONG THE WEST LINE OF SECTION 13, A DISTANCE OF 1323.18 FEET A POINT; THENCE N. 89 59' 21" E, A DISTANCE OF 440.54 FEET TO A POINT; THENCE S. 00 27' 32" E, A DISTANCE OF 500 FEET TO A POINT ON A CURVE, SAID POINT ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 809 (MILITARY TRAIL), THENCE NORTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE, HAVING A RADIUS OF 1960.08 FEET, CONCAVE SOUTHEASTERLY THROUGH A CENTRAL ANGLE OF 3 48' 46", A DISTANCE OF 130.43 FEET TO THE END OF SAID CURVE; THENCE N. 44 56' 49" E, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 104.6 FEET TO THE POINT OF BEGINNING; THENCE N. 40 46' 31" W, A DISTANCE OF 181.87 FEET TO A POINT ON A CURVE, SAID POINT ALSO BEING THE SOUTHERLY RIGHT OF WAY LINE OF A 66 FOOT WIDE COUNTY ROAD; THENCE NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 509 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD 809; THENCE S. 44 56' 49" E, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 421.62 FEET MORE OR LESS TO THE POINT OF BEGINNING. LESS THAT PORTION FOR RIGHT OF WAY AS DESCRIBED IN WARRANTY DEED FILED IN OFFICIAL RECORDS BOOK 5906, PAGE 1624, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

A TRACT OF LAND IN THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE WEST QUARTER CORNER OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST; THENCE NORTH 00 51' 28" EAST, ALONG THE WEST LINE OF SECTION 13, A DISTANCE OF 1323.27 FEET A POINT, ON THE NORTH LINE OF THE SOUTHWEST QUARTER LINE OF THE NORTHWEST QUARTER OF SECTION 13; THENCE WITH A BEARING OF NORTH 89 34' 51" EAST, ALONG SAID QUARTER LINE A DISTANCE OF 440.54 FEET TO A POINT; THENCE WITH A BEARING OF SOUTH 00 51' 28" EAST, A DISTANCE OF 485.57 FEET TO A POINT ON A CURVE, SAID POINT ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 809 (MILITARY TRAIL), AS RECORDED IN OFFICIAL RECORD BOOK 5906, PAGE 1624, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WITH A CURVE TO THE RIGHT, ALONG SAID WEST RIGHT OF WAY WITH A RADIUS OF 1970.08 FEET, A CENTRAL ANGLE OF 3 29' 25", AN ARC LENGTH OF 120.02 FEET, AND A CHORD BEARING OF NORTH 42 47' 13" EAST. TO A POINT; THENCE NORTH 44 31' 56" EAST, ALONG THE WESTERLY RIGHT OF WAY, A DISTANCE OF 105.35 FEET TO A POINT; SAID POINT BEING THE POINT OF BEGINNING; THENCE WITH A BEARING OF NORTH 41 11' 29" WEST, A DISTANCE OF 176.06 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF OLD MILITARY TRAIL, AS RECORDED IN OFFICIAL RECORD BOOK 192, PAGE 206, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 1009.04 FEET, A CENTRAL ANGLE OF 25 05' 38", AND ARC LENGTH OF 441.93 FEET, HAVING A CHORD BEARING OF NORTH 68 08' 24.4" EAST TO A POINT, OF INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF MILITARY TRAIL AS DESCRIBED; THENCE WITH A BEARING OF SOUTH 44 31' 56" WEST, ALONG THE WESTERLY RIGHT OF WAY LINE OF MILITARY TRAIL A DISTANCE OF 414.85 FEET MORE OR LESS TO THE POINT OF BEGINNING

CONTAINING 43,478 SQUARE FEET (1.00 ACRES) MORE OR LESS. AND SUBJECT TO EASEMENTS, RESERVATIONS AND RIGHTS OF WAY OF RECORD

EXHIBIT B
VICINITY SKETCH



LOCATION MAP N.T.S.

EXHIBIT C

CONDITIONS OF APPROVAL

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2012. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. The property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for a 25 foot corner clip right of way at the northeast corner of the property, prior to the issuance of the first building permit. Right of way conveyance shall be free and clear of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the property owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT: MONITORING-Eng)

3. Prior to issuance of the first building permit the property owner shall create a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

4. Prior to final site plan approval by the DRO, the site plan for Application Z/CA-2009-211 shall be revised to include 5 foot utility easements along all rights of way, or as otherwise approved by the County Engineer. (DRO: ENGINEERING- Eng)

PLANNING

1. Prior to final site plan approval by the DRO a notation shall be placed on the south property line that will state: "Proposed future vehicular and/or pedestrian cross access to be built to the property line at a time when the abutting south property submits an application to the DRO". When this occurs, if a vehicular cross-access is feasible, the property owners shall record a cross access easement for the subject property in a form and location acceptable to the Planning Division, Traffic Division and the County Attorney. (DRO: CTY ATTY/PLANNING - Planning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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 (CO); 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 Unified Land Development Code (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 the 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 Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)