

RESOLUTION NO. R-2010- 1762

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2010-00975  
(CONTROL NO. 2005-00147)  
an Official Zoning Map Amendment  
with a Conditional Overlay Zone (COZ)  
APPLICATION OF Haverhill Quadplex LLC  
BY Land Design South, Inc., AGENT  
(Haverhill Road Medical Office)

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-2010-00975 was presented to the Board of County Commissioners at a public hearing conducted on October 28, 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-2010-00975, the application of Haverhill Quadplex LLC, by Land Design South, Inc., agent, for an Official Zoning Map Amendment to allow a rezoning from the Multifamily Residential High Density (RH) Zoning District to the Commercial Low Office (CLO) Zoning District with a CONDITIONAL OVERLAY ZONE 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 October 28, 2010 subject to the conditions of the CONDITIONAL OVERLAY ZONE described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

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

|  |   |        |
|--|---|--------|
| Commissioner Burt Aaronson, Chair        | - | Aye    |
| Commissioner Karen T. Marcus, Vice Chair | - | Absent |
| District 2                               | - |        |
| 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 October 28, 2010.

Filed with the Clerk of the Board of County Commissioners on October 29th, 2010.

The Chair thereupon declared that this resolution shall not become effective until the Small Scale Land Use Amendment No. SCA2010-019 is effective.

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**

THE SOUTHERLY 132.55 FEET OF THE WEST 270.40 FEET OF THE SOUTH ONE-QUARTER OF NORTHWEST ONE-QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA LESS ROAD RIGHT-OF-WAY

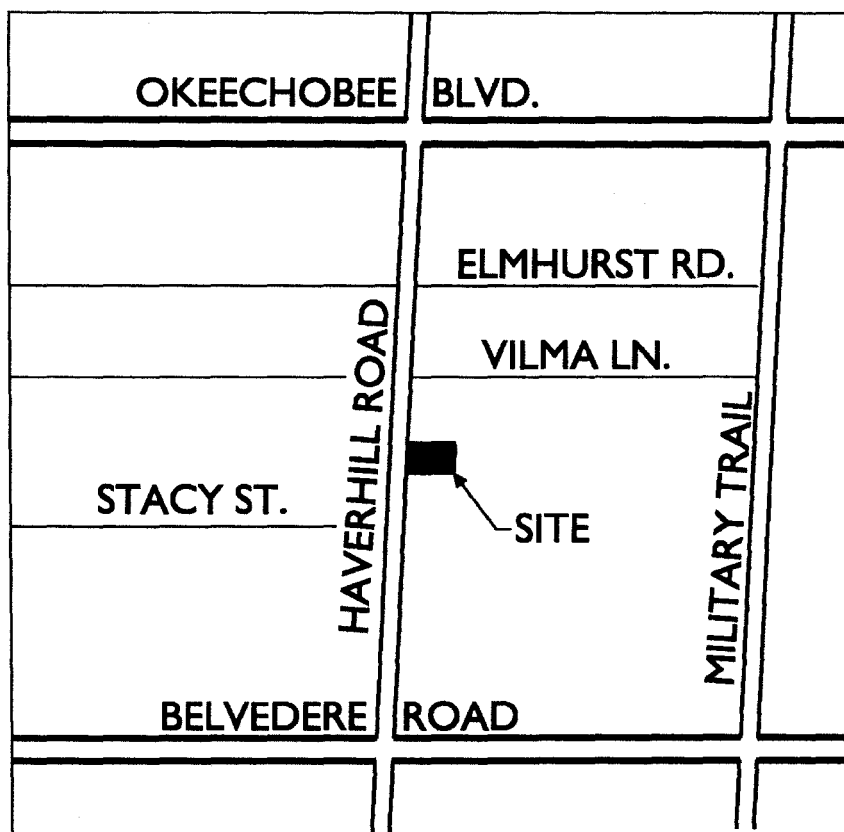
**PCN#**

00-42-43-25-00-000-3450

EXHIBIT B  
VICINITY SKETCH

VICINITY SKETCH

NTS.



## 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, 2013. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. The property owner shall re-stripe the center lane on Haverhill Road to allow left turns from the subject site.

a. Permits shall be obtained from Land Development Division prior to issuance of the first building permit. (BLDG PERMIT: MONITORING - Eng)

b. Construction shall be complete prior to issuance of the first certificate of occupancy. (CO: MONITORING - Eng)

3. Prior to final approval of the Site Plan by the DRO, the property owner shall abandon, and relocate if necessary, the existing utility easements in conflict with the proposed building location. (DRO: ENGINEERING - Eng)

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

5. The property owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The property owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING-Eng)

b. Any required drainage easements shall be recorded prior to issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

#### LAKE WORTH DRAINAGE DISTRICT

1. Prior to final approval by the Development Review Officer (DRO), LWDD will require that the property owner of Haverhill Road Medical provide proof of no objection from the adjacent property owner in order to allow the parking and turn around to extend within the adjacent property. (DRO: ENG - LWDD)

2. Prior to final approval by the Development Review Officer (DRO), LWDD will require that the overlapped portion of the 20' U.E. overlapping LWDD's exclusive easement per ORB 4874, PG 1773 be extinguished. (DRO: ENG - LWDD )

## 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)