

RESOLUTION NO. R-2011- 0004

RESOLUTION APPROVING ZONING APPLICATION CA-2010-01721
(CONTROL NO. 2010-00319)
a Class A Conditional Use
APPLICATION OF Canada Court Investments LLC
BY Urban Design Kilday Studios, AGENT
(Canada Court II)

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 CA-2010-01721 was presented to the Board of County Commissioners at a public hearing conducted on January 6, 2011; 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.2.B for a Class A Conditional Use.

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 CA-2010-01721, the petition of Canada Court Investments LLC, by Urban Design Kilday Studios, agent, for a Class A Conditional Use to allow a Congregate Living Facility, Type 3 in the RM Zoning District 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 6, 2011, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson 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 Karen T. Marcus, Chair	-	Aye
Commissioner Shelley Vana, Vice Chair	-	Aye

Commissioner Paulette Burdick	- Absent
Commissioner Steven L. Abrams	- Aye
Commissioner Burt Aaronson	- Aye
Commissioner Jess R. Santamaria	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 6, 2011.

Filed with the Clerk of the Board of County Commissioners on January 11th, 2011.

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

PARCEL 1

The east ½ of Lot A, Block 126, Less the North 26 feet, Palm Beach Farms Company Plat No. 7, according to the plat thereof recorded in Plat Book 5, Page 72, of the Public Records of Palm Beach County, Florida.

PARCEL 2

Lot E, Block 99, Less the South 34 feet and Less the West 235 feet, Palm Beach Farms Company No. 7, according to the plat thereof, as recorded in Plat Book 5, Page 72 of the Public Records of Palm Beach County, Florida.

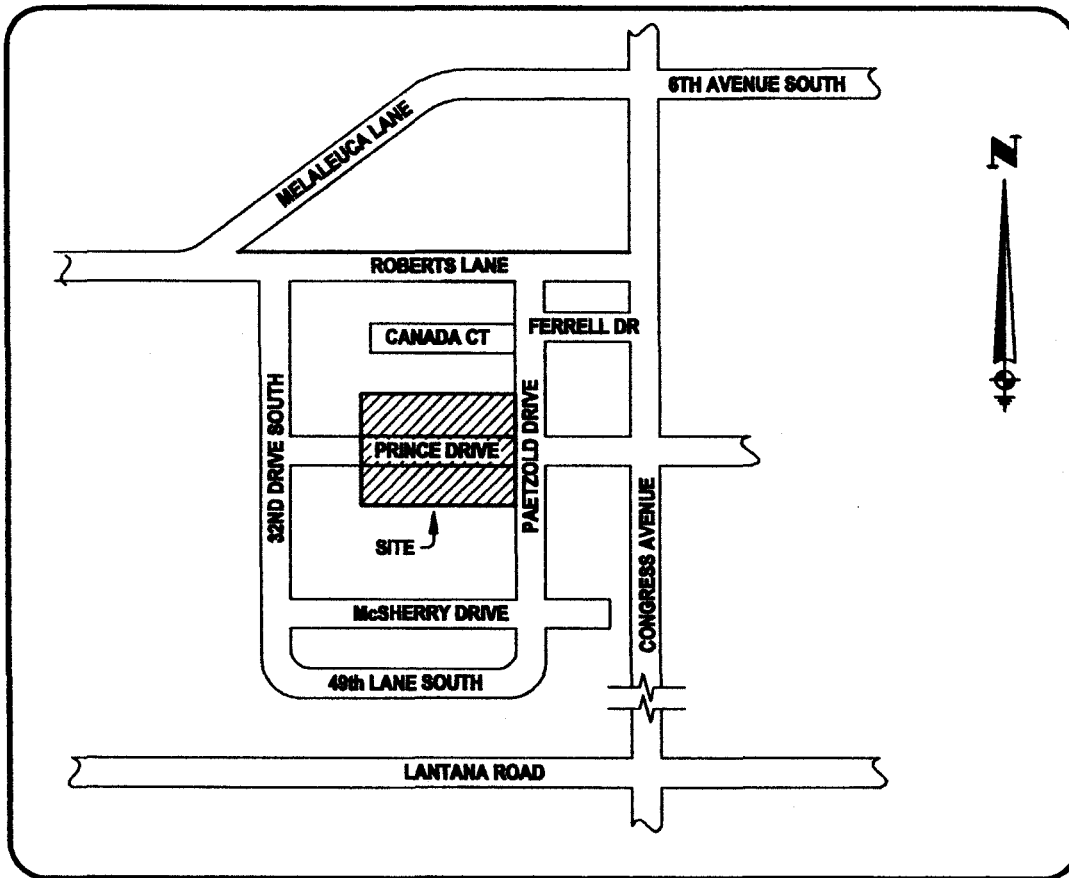
PARCEL 3

The West 95 feet of Lot E, Block 99, being in Palm Beach Farms Company, Plat No. 7, recorded in Plat Book 5, Page 72, of the Public Records of Palm Beach County, Florida; and
The East 140 feet of the West 235 feet of Lot E, Block 99, being in Palm Beach Farms Company Plat No. 7, Plat Book 5, Page 72, of the Public Records of Palm Beach County, Florida; Less part in road right of way.

PARCEL 4

The West half (W ½) of Tract A, in Block 126, The Palm Beach Farms Company, Plat No. 7, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 5, Page 72, LESS the North 26 feet of the West ½ of Tract A, conveyed to the County of Palm Beach for road right of way as contained in instrument(s) recorded in Official Records Book 2225, Page 1073, of the Public Records of Palm Beach County, Florida. Said land situate. lying and being in Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH



VICINITY SKETCH


	THIS INSTRUMENT WAS PREPARED BY:	DONALD D. DANIELS	SCALE: NONE
	IN THE OFFICES OF DONALD D. DANIELS, INC.	PROFESSIONAL SURVEYOR & MAPPER	DWG. NUMBER: 06-038.5
	FLORIDA CERTIFICATE L.B. NO. 4165 725 NORTH A1A SUITE C111 JUPITER, FL 33477 PHONE (561) 747-8894	FLORIDA CERTIFICATE L.B. 2608	DATE: June 15, 2010

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.The approved Preliminary Site Plan is dated October 18, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ENGINEERING

1.Prior to January 27, 2012 or issuance of the first building permit, whichever shall occur first, the property owner shall combine the property in accordance with provisions of Article 11 of the Unified Land Development Code. (DATE/BLDG PERMIT: MONITORING-Eng)

2.Prior to issuance of a building permit for additional impervious area for this project, the property owner shall obtain Drainage Review approval from the Land Development Division and may be subject to stormwater management improvements to be in compliance with the current code at time of approval. (BLDG PERMIT: MONITORING - Eng)

3.The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for the 25-foot corner clips on the west side of Paetzold Drive on both the north and south side of Prince Drive.All right of way deed(s) and associated documents shall be provided and approved prior to January 27, 2012, prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. 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 Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. 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. (DATE/BLDG PERMIT/ONGOING: MONITORING-Eng)

USE LIMITATIONS

1.The Type 3 Congregate Living Facility shall be limited to a maximum of 25 residents. (ONGOING: ZONING-Zoning)

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)