

RESOLUTION NO. R-2011- 0222

RESOLUTION APPROVING ZONING APPLICATION ZV/Z/CA-2010-01433
(CONTROL NO. 2009-02385)
an Official Zoning Map Amendment
with a Conditional Overlay Zone (COZ)
APPLICATION OF Delray Dunes Golf & Country Club
BY Anna S. Cottrell & Associates, AGENT
(Delray Dunes Golf and Country Club)

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 ZV/Z/CA-2010-01433 was presented to the Board of County Commissioners at a public hearing conducted on February 24, 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.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 ZV/Z/CA-2010-01433, the application of Delray Dunes Golf & Country Club, by Anna S. Cottrell & Associates, agent, for an Official Zoning Map Amendment to allow a rezoning from the Multi-family Residential (RM) Zoning District and the Public Ownership (PO) Zoning District to the Residential Transitional (RT) Zoning District with a CONDITIONAL OVERLAY ZONE (COZ) 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 24, 2011 subject to the conditions of the CONDITIONAL OVERLAY ZONE 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	-	Aye
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 February 24, 2011.

Filed with the Clerk of the Board of County Commissioners on February 25th, 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

DESCRIPTION:

PARCEL G, LESS THE WEST 7.0 FEET THEREOF FOR ROAD RIGHT OF WAY AS RECORDED IN OFFICIAL RECORDS BOOK 3752, PAGE 352 AND OFFICIAL RECORDS BOOK 4140, PAGE 455 AND PARCELS M, N AND P, DELRAY DUNES FIRST SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGES 222, 223 AND 224, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND:

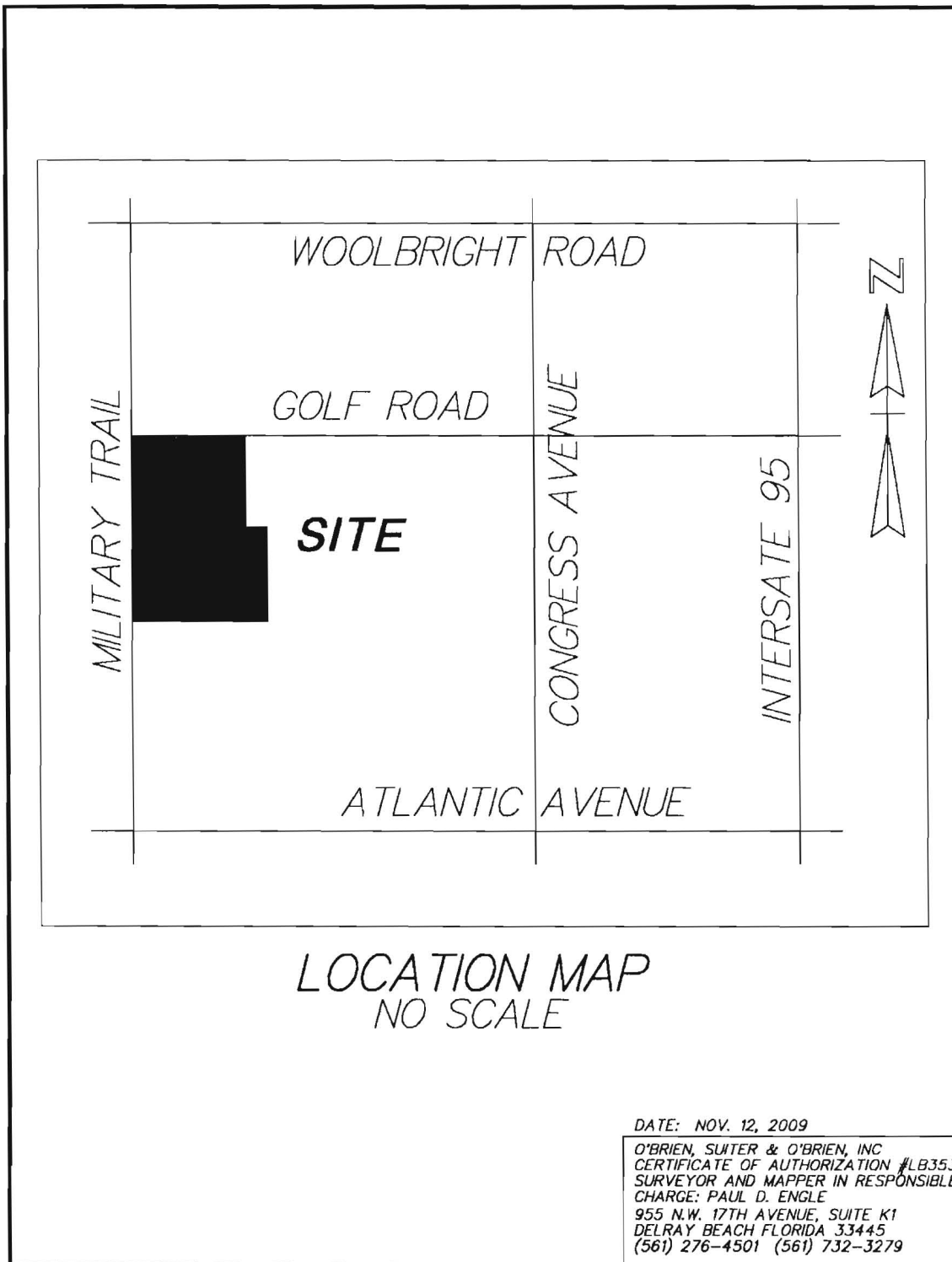
PARCEL G, DELRAY DUNES SECOND SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 29, PAGES 91, 92 AND 93, PUBLIC RECORDS OF PALM BEACH, COUNTY, FLORIDA.

TOGETHER WITH THAT PORTION OF PARCEL NO. 8, DELRAY DUNES SECOND SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 29, PAGES 91, 92 AND 93, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL NO. 8; THENCE S.89|02'21"W. (SURVEY), ALONG THE BOUNDARY OF SAID PARCEL NO. 8, A DISTANCE OF 80.94 FEET; THENCE N.47|42'24"W., CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 118.65 FEET TO THE POINT OF BEGINNING; THENCE N.31|38'28"W., A DISTANCE OF 120.16 FEET; THENCE N.26|38'33"W., A DISTANCE OF 172.00 FEET; THENCE N.7|20'15"E., A DISTANCE OF 173.65 FEET (SURVEY) TO A POINT ON THE SOUTH LINE OF THE LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL NO. 28 AND A POINT ON A CURVE CONCAVE TO THE NORTH HAVING A CENTRAL ANGLE OF 18|36'27" (SURVEY) AND A RADIUS OF 180.00 FEET; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE WHOSE CURVE BEARS N.82|47'45"W. (SURVEY), A DISTANCE OF 58.46 FEET (SURVEY); THENCES.0|57'34"E. (SURVEY), A DISTANCE OF 48.78 FEET (SURVEY) TO A POINT ON A CURVE CONCAVE TO THE EAST HAVING A CENTRAL ANGLE OF 46|44'50" AND A RADIUS OF 535.00 FEET; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, WHOSE CHORD BEARS S.24|19'59"W., A DISTANCE OF 436.50 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THAT PORTION OF THE ROAD RIGHT OF WAY FOR BARWICK ROAD AS SHOWN ON SAID PLAT OF DELRAY DUNES SECOND SECTION ABANDONED IN OFFICIAL RECORDS BOOK 2491, PAGE 1727, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH



O:\Drawings\GENERAL CAD\DWG\DELRAY DUINE LOCATION MAP -- 09/23/2010 -- 09:28 AM -- Scale 1 : 1440 0000

EXHIBIT C

CONDITIONS OF APPROVAL

ENGINEERING

1. Prior to issuance of the first building permit for the Clubhouse the property owner shall create the new Clubhouse parcel in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to final approval by the Development Review Officer (DRO), LWDD will require that the lands owned per Chancery Case 407, as recorded in ORB 6495, PG 761, be resolved. LWDD owns the south 15.18 feet of the SW quarter of the NW quarter of Section 1-46-42. 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)