

RESOLUTION NO. R-2011- 1114

RESOLUTION APPROVING ZONING APPLICATION Z-2010-02816
(CONTROL NO. 2009-00281)
an Official Zoning Map Amendment
APPLICATION OF Jin Chung
BY Land Design South, Inc., AGENT
(US Martial Arts)

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-2010-02816 was presented to the Board of County Commissioners at a public hearing conducted on July 28, 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 Z-2010-02816, the application of Jin Chung, by Land Design South, Inc., agent, for an Official Zoning Map Amendment to allow a rezoning from the General Commercial (CG) Zoning District to the Community Commercial (CC) 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 July 28, 2011 with a Conditional Overlay Zone (COZ) subject to the conditions described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson 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	-	Absent
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 28, 2011.

Filed with the Clerk of the Board of County Commissioners on August 2, 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

A PORTION OF THE NORTH 340.00 FEET OF LOT 4, TARCT 41, PALM BEACH FARMS COMPANY, PLAT NO. 13, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGES 98 THROUGH 99 INCLUSIVE OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LESS THE NORTH 40.00 FEET THEREOF, THE EAST 384.29 FEET THEREOF AND THE WEST 818.59 FEET THEREOF.

ALSO LESS THEREFROM, RIGHT-OF-WAY DEDICATION AS RECORDED IN OFFICIAL RECORDS BOOK 11238, PAGES 1097 THROUGH 1100 PALM BEACH COUNTY, FLORIDA RECORDS.

SAID LANDS LYING AND BEING IN THE HIATUS TRACT OF TOWNSHIP 44 ½ SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

EXHIBIT B

VICINITY SKETCH

LOCATION MAP

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:

a. Development of the property is limited to no more than a 5,000 sf Health Club or traffic equivalent uses unless the Property Owner submits a new Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request and is approved by the County Engineer. (ON-GOING: ENGINEERING-Eng)

2. Prior to issuance of the first building permit or July 28, 2012, whichever shall occur first, the property owner shall legally create the lot into a lot of record in accordance with ULDC Article 11. (BLDG PERMIT: MONITORING - Eng)

3. Prior to issuance of the first building permit, the property owner shall obtain Drainage Review approval, including a 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. Any required drainage easements shall be dedicated prior to Drainage Review approval. (BLDG PERMIT: MONITORING-Eng)

4. The Property Owner shall construct paved vehicular access and provide unobstructed vehicular connectivity to the parcels immediately east and west of the subject site. The eastern connection shall be located on the east property line approximately 155 feet from the northeast corner of the subject site, or as approved by the County Engineer. The western connection shall be located on the west property line approximately 185 feet from the northwest corner of the subject site, or as approved by the County Engineer. The respective connections shall be constructed to the property line prior to issuance of a certificate of occupancy. (CO: MONITORING-Eng)

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)