

RESOLUTION NO. R-2012- 0282

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2011-00404
(CONTROL NO. 1999-00033)
a Class A Conditional Use
APPLICATION OF AS Hagen Ranch LLC
BY Cotleur & Hearing, Inc., AGENT
(Stunkel 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-2011-00404 was presented to the Board of County Commissioners at a public hearing conducted on February 23, 2012; 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 finds that the Zoning application meets all the standards contained in Article 2.B.2.B for a 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 Z/CA-2011-00404, the petition of AS Hagen Ranch LLC, by Cotleur & Hearing, Inc., agent, for a Class A Conditional Use to allow Medical or Dental Office in 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 shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on February 23, 2012, subject to the conditions of approval 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 Taylor and, upon being put to a vote, the vote was as follows:

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| Commissioner Shelley Vana, Chair | - | Aye |
| Commissioner Steven L. Abrams, Vice Chairman | - | Aye |

Commissioner Karen T. Marcus - Nay
Commissioner Paulette Burdick - 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 23, 2012.

Filed with the Clerk of the Board of County Commissioners on March 5th, 2012.

This resolution shall not become effective unless or until the effective date of Small Scale Land Use Amendment (SCA 2011-001).

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

Stunkel Medical Office
OVERALL LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN TRACT 40 OF SUBDIVISION OF THE HIATUS BETWEEN TOWNSHIP 44 SOUTH AND TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF (E ½) OF LOT 2 OF SAID TRACT 40; THENCE SOUTH 88°08'56" EAST ALONG THE NORTH LINE OF SAID TRACT 40, BEING ALSO THE CENTERLINE OF STATE ROAD S-812, A DISTANCE OF 1135.0 FEET; THENCE SOUTH 23°18'35" EAST, A DISTANCE OF 44.19 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID STATE ROAD S-812 AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 23°18'35" EAST, A DISTANCE OF 376.43 FEET; THENCE SOUTH 89°43'11" WEST, PARALLEL WITH THE SOUTH LINE OF SAID TRACT 40, A DISTANCE OF 283.86 FEET; THENCE NORTH 22°52'52" WEST, A DISTANCE OF 386.75 FEET TO AN INTERSECTION WITH THE SAID SOUTH RIGHT-OF-WAY LINE OF STATE ROAD S-812; THENCE SOUTH 88°08'56" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 285.36 FEET TO THE POINT OF BEGINNING.

SUBJECT TO AN EASEMENT FOR ROAD AND UTILITIES PURPOSES OVER THE WEST 25 FEET THEREOF, AS MEASURED AT RIGHT ANGLES.

LESS AND EXCEPT THE FOLLOWING:

BEING A PORTION OF LAND FOR ADDITIONAL RIGHT-OF-WAY PURPOSES FOR HAGEN RANCH ROAD (OFFICIAL RECORDS BOOK 5298, PAGE 738) IN THE HIATUS IN TOWNSHIP 44-1/2 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; SAID PORTION BEING PART OF LOT 1, TRACT 40 OF THE PALM BEACH FARMS COMPANY, PLAT NO. 13, AMENDMENT TO SHEET NO. 4 OF PLAT 3, PALM BEACH COUNTY, FLORIDA AS RECORDED IN PLAT BOOK 6, PAGES 98 AND 99, INCLUSIVE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 44, RANGE 42 EAST; THENCE NORTH 88°32'15" WEST (BEARINGS USED FOR THIS PROJECT AND HEREIN ARE BASED ON PALM BEACH COUNTY SECTIONAL DATA, NORTH-SOUTH MID-SECTION LINE, SECTION 3-45-42, BEARING NORTH 00°47'13" WEST) ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 852.45 FEET; THENCE SOUTH 01°27'45" WEST, A DISTANCE OF 67.00 FEET TO A POINT ON THE SOUTH LINE OF LANTANA ROAD AND THE POINT OF BEGINNING; THENCE SOUTH 23°41'35" EAST, A DISTANCE OF 731.37 FEET TO A POINT WHICH IS 380.31 FEET NORTHERLY OF THE SOUTH LINE OF SAID TRACT 40; THENCE SOUTH 89°19'28" WEST ALONG A LINE WHICH IS PARALLEL WITH THE SOUTH LINE OF SAID TRACT 40, A DISTANCE OF 1.17 FEET; THENCE NORTH 23°51'21" WEST, A DISTANCE OF 732.39 FEET TO A POINT ON THE SOUTH LINE OF LANTANA ROAD; THENCE SOUTH 88°32'15" EAST ALONG SAID LINE, A DISTANCE OF 3.48 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EXISTING EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS AND RESERVATIONS OF RECORD.

LESS AND EXCEPT THE FOLLOWING:

BEING A PORTION OF LAND FOR ADDITIONAL RIGHT-OF-WAY PURPOSES FOR LANTANA ROAD (C.R. 812) IN THE HIATUS PARCEL IN TOWNSHIP 44-1/2 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; SAID PORTION BEING PART OF LOT 1, TRACT 40 OF THE PALM BEACH FARMS COMPANY, PLAT NO. 13, AMENDMENT TO SHEET NO. 4 OF PLAT 3, PALM BEACH COUNTY, FLORIDA AS RECORDED IN PLAT BOOK 6, PAGES 98 AND 99, INCLUSIVE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 44, RANGE 42 EAST; THENCE NORTH 88°32'15" WEST (BEARINGS USED FOR THIS PROJECT AND HEREIN ARE BASED ON PALM BEACH COUNTY SECTIONAL DATA, NORTH-SOUTH MID-SECTION LINE, SECTION 3-45-42, BEARING NORTH 00°47'13" WEST) ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 865.12 FEET; THENCE SOUTH 01°27'45" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH LINE OF LANTANA ROAD AND THE POINT OF BEGINNING; THENCE SOUTH 23°41'35" EAST, A DISTANCE OF 29.83 FEET; THENCE NORTH 88°32'15" WEST, A DISTANCE OF 173.49 FEET; THENCE NORTH 84°43'24" WEST, A DISTANCE OF 115.92 FEET; THENCE NORTH 23°15'49" WEST, A DISTANCE OF 21.24 FEET TO THE SOUTH LINE OF LANTANA ROAD; THENCE SOUTH 88°32'15" EAST ALONG SAID LINE 285.36 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

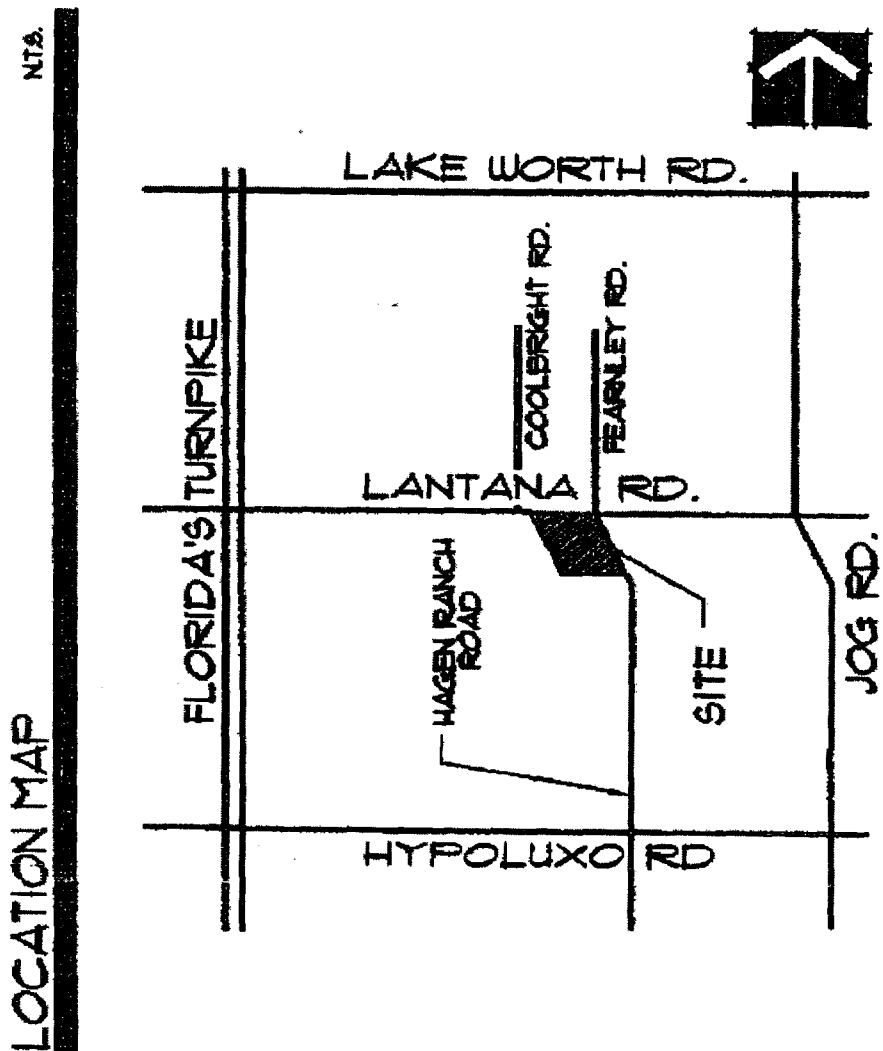


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the use of a Medical, Dental or Professional Office Facility approved by the Board of County Commissioners. Professional Offices may not exceed thirty percent (30%) of the gross floor area. The approved Preliminary Site Plan is dated January 11, 2012. All modifications to the Development Order must be approved by the Board of County Commissioners or Zoning Commission, unless the proposed changes are required to meet Conditions of Approval. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations for the medical offices shall be submitted for final architectural review and approval. Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be designed to be generally consistent with the facade elevations prepared by Kenneth Carlson - Architect, P.A. and dated January 11, 2012. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - 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)