

RESOLUTION NO. R-2012- 0935

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2011-01995  
(CONTROL NO. 1976-00152)  
an Official Zoning Map Amendment  
APPLICATION OF Tri County Humane Society, Inc.  
BY Miller Land Planning, AGENT  
(Tri County Humane Society, Inc)

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-2011-01995 was presented to the Board of County Commissioners at a public hearing conducted on June 28, 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 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-2011-01995, the application of Tri County Humane Society, Inc., by Miller Land Planning, agent, for an Official Zoning Map Amendment to allow a rezoning from the Public Ownership (PO) and the Agriculture Residential (AR) Zoning Districts to the Institutional and Public Facilities (IPF) 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 June 28, 2012 with a Conditional Overlay Zone (COZ) subject to the conditions described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus 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 Shelley Vana, Chair

- Absent

Commissioner Steven L. Abrams, Vice Chairman - Aye  
Commissioner Karen T. Marcus - Aye  
Commissioner Paulette Burdick - Aye  
Commissioner Burt Aaronson - Aye  
Commissioner Jess R. Santamaria - Aye  
Commissioner Priscilla A. Taylor -

The Chairperson thereupon declared that the resolution was duly passed and adopted on June 28, 2012.

Filed with the Clerk of the Board of County Commissioners on July 9, 2012.


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

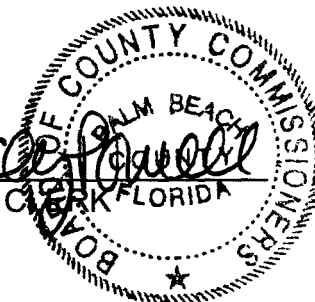


EXHIBIT A

LEGAL DESCRIPTION

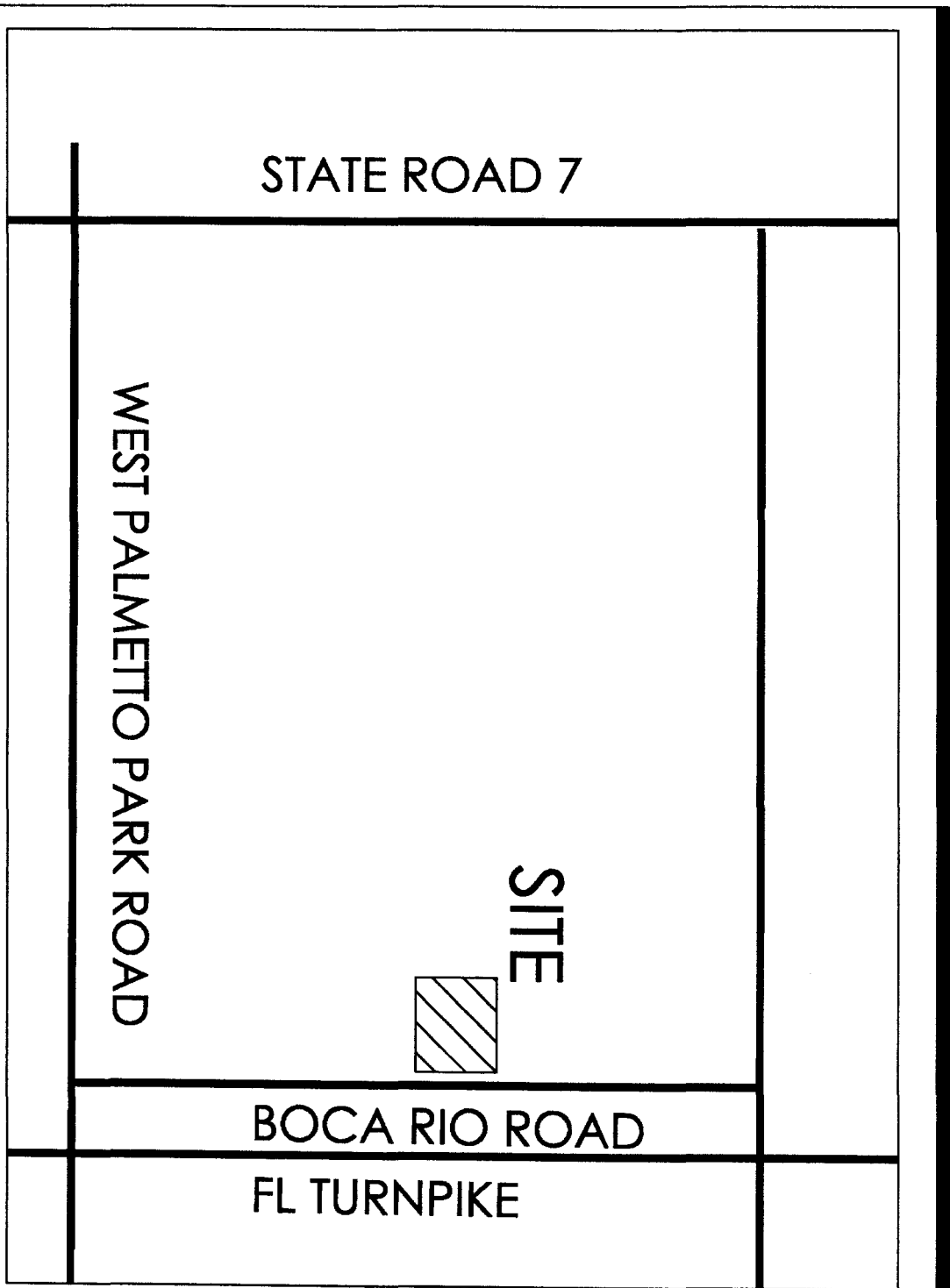
**LEGAL DESCRIPTION :**

**ALL OF TRACT 33, BLOCK 79, PALM BEACH COUNTY FARMS PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF THE PLAT OF BOCA RATON HUMANE SOCIETY INC. ANIMAL CARE CENTER AND PET CEMETERY AS RECORDED IN PLAT BOOK 36, PAGE 36, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 33, BLOCK 79 OF SAID PLAT OF PALM BEACH FARMS COMPANY SUBDIVISION PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, PALM BEACH COUNTY PUBLIC RECORDS; THENCE NORTH 90°00'00" EAST ALONG THE NORTH LINE OF SAID TRACT 33, BLOCK 79 AND THE SOUTH RIGHT OF WAY LINE OF VIA ANCHO ROAD A DISTANCE OF 330.00 FEET TO THE NORTHWEST CORNER OF SAID PLAT OF BOCA RATON HUMANE SOCIETY INC. ANIMAL CARE CENTER AND PET CEMETERY; THENCE SOUTH 00°00'00" EAST ALONG THE WEST LINE OF SAID PLAT OF BOCA RATON HUMANE SOCIETY INC. AND THE EAST LINE OF SAID TRACT 33, A DISTANCE OF 20.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF VIA ANCHO ROAD AS SET FORTH BY THAT RIGHT OF WAY DEED RECORDED IN OFFICAL RECORD BOOK 9685,PAGE 1367, PALM BEACH COUNTY PUBLIC RECORDS; THENCE NORTH 90°00'00" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 587.70 FEET; THENCE SOUTH 45°21'26" EAST, A DISTANCE OF 21.08 FEET TO THE POINT ON A LINE 10 FEET WEST OF THE ORIGINAL EAST LINE OF SAID PLAT OF BOCA RATON HUMANE SOCIETY INC. ANIMAL CARE CENTER AND PET CEMETERY AND THE CURRENT WEST RIGHT OF WAY LINE OF BOCA RIO ROAD; THENCE SOUTH 00°42'52" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 625.24 FEET TO A POINT THAT LIES 10 WEST OF THE ORIGINAL SOUTHEAST CORNER OF SAID PLAT OF BOCA RATON HUMANE SOCIETY INC. ANIMAL CARE CENTER AND PET CEMETERY PLAT; THENCE NORTH 90°00'00" WEST ALONG THE SOUTH LINE OF SAID PLAT A DISTANCE OF 940.49 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 33; THENCE NORTH 00°00'00 EAST ALONG THE WEST LINE OF SAID TRACT 33 A DISTANCE OF 660.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT 33 AND THE POINT OF BEGINNING.**

**SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 605,850 SQUARE FEET, 13.908 ACRES MORE OR LESS.**

EXHIBIT B  
VICINITY SKETCH



Vicinity Sketch

## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-76-1026 (Control 76-152), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. The approved Preliminary Site Plan and Regulating Plans are dated March 15, 2012. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### ENGINEERING

1. 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:

i) Via Ancho Road, 40 feet measured from centerline of the existing right of way,  
ii) Boca Rio Road, 80 feet measured from eastern edge of the existing right of way, and  
iii) a 25-foot corner clip at the southwest corner of the intersection of Via Ancho Road with Boca Rio Road. All right of way deed(s) and associated documents shall be provided and approved 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. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. 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, including a topographic survey. 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. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. 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. (BLDG PERMIT/ONGOING: MONITORING-Eng)

2. The property owner shall:

a. Remove the individual parcel lines to be replatted from the site plan prior to Final Site Plan approval by the DRO. (DRO: ENGINEERING - Eng)

b. Combine the property into a legal lot of record, in accordance with Article 11 of the Unified Land Development Code, prior to issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

3. Prior to the issuance of the first building permit, the property owner shall provide a temporary roadway construction easement to Palm Beach County along Boca Rio Road. This roadway construction easement shall also contain an isosceles trapezoid connecting the Corner Clips across this property owners entrance. The property owner shall not record

these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT: 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)