

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2011-01995
(CONTROL NO. 1976-00152)
a Class A Conditional Use
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.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 Z/CA-2011-01995, the petition of Tri County Humane Society, Inc., by Miller Land Planning, agent, for a Class A Conditional Use to allow a Type IV (Animal Shelter) Kennel in the IPF 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 June 28, 2012, subject to the conditions of approval 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 -
Commissioner Jess R. Santamaria - Aye
Commissioner Priscilla A. Taylor - Aye

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
FLORIDA

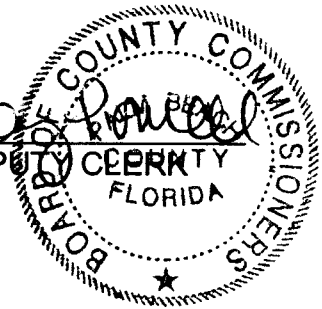


EXHIBIT A

LEGAL DESCRIPTION

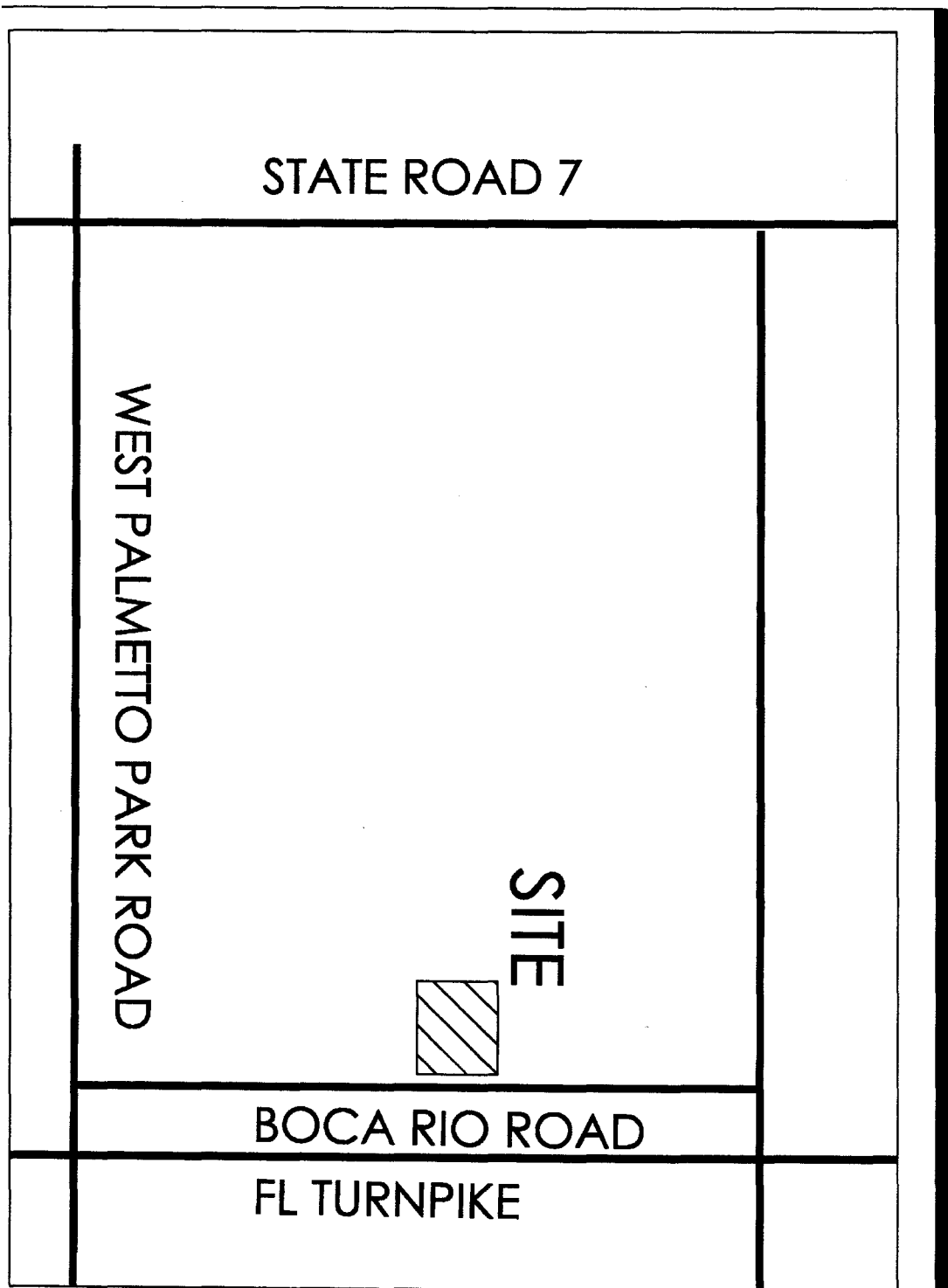
LEGAL DESCRIPTION :

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.The approved Preliminary Site Plan is 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)

ARCHITECTURAL REVIEW

1.At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations for all proposed buildings in Phase one shall be submitted for final architectural review and approval. Architectural elevations for all phases shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). 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)

BUILDING

1.Prior to the issuance of any new building permits (structures or improvements), all inactive building permits shall be re-activated and completed; and, any unpermitted structures removed. (BLDG PERMIT: BUILDING - Building)

ENGINEERING

1. Developer shall file a plat for the pet cemetery. (Previous Condition 1 of Resolution R-76-1026, Control No. 76-152.) [NOTE: COMPLETE]

LANDSCAPE - PERIMETER-WEST PROPERTY LINE AND WEST 480 FEET OF THE SOUTH PROPERTY LINE

1.Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to indicate a Type 2 Incompatibility buffer along the west property line and the west 480 feet of the south property line. In addition to Code requirements, the buffer shall include:

- a. a minimum width of thirty (30) feet; and,
- b. a minimum eight (8) foot high hedge of areca palms planted to create an opaque screen.

(DRO: LANDSCAPE-Zoning)

PALM TRAN

1.Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT:ENG -Palm Tran)

SIGNS

1.Ground mounted freestanding signs shall be limited to the Boca Rio Road frontage and as follows:

- a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. maximum sign face area per side - one hundred (100) square feet;
- c. maximum number of signs - two (2); and,
- d. style - monument style only.

(BLDG PERMIT: BLDG - Zoning)

SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to show a maximum of two (2) phases. Landscaping shall be installed in accordance with the phases as shown on the Landscape Plan and Final Site Plan. (DRO: 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)