

RESOLUTION NO. R-2012- 1167

RESOLUTION APPROVING ZONING APPLICATION ABN/Z/DOA/CA-2012-00696  
(CONTROL NO. 2005-00589)  
an Official Zoning Map Amendment  
APPLICATION OF Florida Charter Foundation, Inc, Precious Property Management Llc,  
Capstone Resdev LLC  
BY Urban Design Kilday Studios, AGENT  
(Franklin Academy - Boynton)

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 petitions 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 ABN/Z/DOA/CA-2012-00696 was presented to the Board of County Commissioners at a public hearing conducted on August 23, 2012; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner 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 ABN/Z/DOA/CA-2012-00696, the application of Florida Charter Foundation, Inc, Precious Property Management Llc, Capstone Resdev LLC, by Urban Design Kilday Studios, agent, for an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Single Family (RS) 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on August 23, 2012 subject to the voluntary commitments as 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 Aaronson and, upon being put to a vote, the vote was as follows:

Commissioner Shelley Vana, Chair

- Aye

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	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on August 23, 2012.

Filed with the Clerk of the Board of County Commissioners on September 4th, 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 COUNTY  
FLORIDA

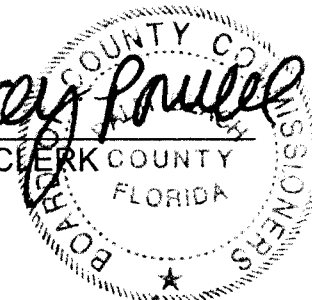


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION- NORTH PARCEL:

A PORTION OF TRACT 15, AMENDED PLAT OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MARY A. LYMAN, ET AL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 74, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; CONSISTING OF A PARCEL OF LAND 132 X 660 FEET FROM THE NORTHERN BOUNDARY OF TRACT 15 OF THE SOUTHEAST QUARTER (1/4), BEING THE SOUTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS RUNNING EAST FROM THE CENTER LINE OF OLD MILITARY TRAIL, SAID CENTER LINE BEING THE WEST LINE OF THE SOUTHEAST QUARTER (1/4) OF SECTION 12, 660 FEET: THENCE SOUTH 132 FEET: THENCE WEST 660 FEET, THENCE NORTH 132 FEET, ALONG OLD MILITARY TRAIL TO CLOSE: AS SET FORTH IN DEED BOOK 1018, PAGE 145, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS.

LESS AND EXCEPT:

THAT PORTION CONVEYED TO THE STATE OF FLORIDA BY VIRTUE OF THAT QUIT CLAIM DEED RECORDED IN DEED BOOK 909, PAGE 208 FOR RIGHT OF WAY OF MILITARY TRAIL (SR 809);

AND ALSO LESS AND EXCEPT:

THAT PORTION VESTED TO PALM BEACH COUNTY BY VIRTUE OF THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 5969, PAGE 1908 UNDER CASE NO. CL-89-308-AI FOR RIGHT OF WAY OF MILITARY TRAIL (SR 809) AS LAID OUT AND IN USE;

AND ALSO LESS AND EXCEPT:

THAT PORTION LYING WITHIN 15 FEET OF THE CENTER LINE OF OLD MILITARY TRAIL, SAID CENTER LINE BEING THE WEST LINE OF THE SOUTHEAST QUARTER (1/4) OF SECTION 12.

EXHIBIT B  
VICINITY SKETCH

