

RESOLUTION NO. R-2013- 0977

RESOLUTION APPROVING ZONING APPLICATION ABN/DOA/R-2013-00497
(CONTROL NO. 1975-00069)

a Requested Use

APPLICATION OF Asia Pacific Sovereign Fund LLC, WellTreat - Robert A Moran
BY Urban Design Kilday Studios, AGENT
(WellTreat at Sam's Wholesale Club Plaza)

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 ABN/DOA/R-2013-00497 was presented to the Board of County Commissioners at a public hearing conducted on July 25, 2013; 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 a Requested 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 ABN/DOA/R-2013-00497, the petition of Asia Pacific Sovereign Fund LLC, WellTreat - Robert A Moran, by Urban Design Kilday Studios, agent, for a Requested Use to allow a Type III, Congregate Living Facility in the General Commercial (CG) Zoning District with a Special Exception to allow a Large Scale Planned Community Commercial and Shopping Complex, 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 July 25, 2013, subject to the conditions of approval described in EXHIBIT C, of the concurrent Development Order Amendment request of Application ABN/DOA/R-2013-00497.

Commissioner Taylor moved for the approval of the Resolution.

The motion was seconded by Commissioner Berger and, upon being put to a vote, the vote was as follows:

Commissioner Steven L. Abrams, Mayor	-	Aye
Commissioner Priscilla A. Taylor, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 25, 2013.

Filed with the Clerk of the Board of County Commissioners on July 26th, 2013.


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

WELL TREAT AT SAM'S WHOLESALE CLUB PLAZA
(Official Record Book 23842, Page 1919)

Parcel 2, of HY-CREST CENTER, according to the Plat thereof, as recorded in Plat Book 64, Pages 177 and 178, of the Public Records of Palm Beach County, Florida; less and except the Water Management Tract as shown on said Plat.

Also, less and except from the above lands that portion conveyed by Special Warranty Deed recorded February 12, 2004 in Official Records Book 16544, Page 1289, of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

COMMENCING at the Northwest corner of said Parcel 2, thence North 61 degrees 09 minutes 47 seconds East along the Northerly boundary of said Parcel 2 and along the Southerly right-of-way of Hypoluxo Road per Palm Beach County Right-of-Way Map 1-95 to U.S. No. 1 Palm Beach County Project No. 860918 Drawing No. 860918 sheet 7 of 50 a distance of 79.15 feet to the Point of Curvature of a curve concave to the Southwest, having a radius of 15.00 feet and a central angle of 90 degrees 00 minutes 00 seconds and the POINT OF BEGINNING; (1) thence Southeasterly along the arc of said curve a distance of 23.56 feet; (2) thence South 28 degrees 50 minutes 13 seconds East a distance of 10.00 feet; (3) thence South 11 degrees 31 minutes 20 seconds East a distance of 21.97 feet to an intersection with a non-tangent curve concave to the Southeast, having a radius of 45.00 feet and a central angle of 29 degrees 12 minutes 27 seconds; to which point of intersection a radial line bears North 37 degrees 17 minutes 59 seconds West; (4) thence Southwesterly along the arc of said curve a distance of 22.94 feet; (5) thence North 82 degrees 34 minutes 36 seconds West a distance of 17.26 feet; (6) thence South 07 degrees 25 minutes 24 seconds West a distance of 80.19 feet; the previous six (6) courses being along the Westerly lines of said Parcel 2 and the Easterly lines of the Water Management Tract; thence South 87 degrees 27 minutes 43 seconds East a distance of 255.59 feet to a point on the Easterly boundary of said Parcel 2; thence North 02 degrees 29 minutes 14 seconds East along said Easterly boundary and along the Westerly boundary of Parcel 3, a distance of 205.62 feet to the Northerly boundary of said Parcel 2 and the Southerly Right-of-Way line of Hypoluxo Road; (1) thence South 78 degrees 28 minutes 40 seconds West a distance of 224.23 feet; (2) thence South 61 degrees 09 minutes 47 seconds West a distance of 37.29 feet to the POINT OF BEGINNING the previous two (2) courses being along said Northerly boundary and along said Southerly Right-of-Way. Said lands lying and being in Palm Beach County, Florida.

VICINITY SKETCH

