

RESOLUTION NO. R-2013- 1070

RESOLUTION APPROVING ZONING APPLICATION Z-2012-02793
(CONTROL NO. 2012-00580)
an Official Zoning Amendment
APPLICATION OF Race Trac Petroleum Inc - Cory Hopkins
BY Land Design South, Inc., AGENT
(Rasmussen Residential)

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-2012-02793 was presented to the Board of County Commissioners at a public hearing conducted on August 22, 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.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-2012-02793, the application of Race Trac Petroleum Inc - Cory Hopkins, by Land Design South, Inc., agent, for an Official Zoning Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single-family Residential (RS) Zoning District with a Conditional Overlay Zone (COZ) 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 August 22, 2013 subject to the conditions described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor moved for the approval of the Resolution.

The motion was seconded by Commissioner Burdick 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	- Absent
Commissioner Mary Lou Berger	- Aye
Commissioner Jess R. Santamaria	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on August 22, 2013.

Filed with the Clerk of the Board of County Commissioners on August 29th, 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

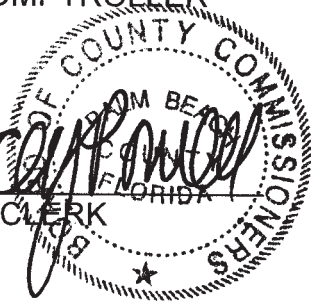


EXHIBIT A

LEGAL DESCRIPTION

**RASMUSSEN RESIDENTIAL
SWC OF NASH TRAIL AND HAVERHILL ROAD
LEGAL DESCRIPTION**

A PARCEL OF LAND LYING IN THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 35, THENCE NORTH 88°26'25" WEST ALONG THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 336.27 FEET; THENCE NORTH 02°07'22" EAST, A DISTANCE OF 60.50 FEET TO THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF LANTANA ROAD AS RECORDED IN OFFICIAL RECORD BOOK 12022, PAGE 197, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE WEST LINE OF SAID EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35; THENCE CONTINUE NORTH 02°07'22" EAST ALONG SAID WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, A DISTANCE OF 360.43 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 88°26'25" EAST, A DISTANCE OF 225.48 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE HAVERHILL ROAD AS RECORDED IN OFFICIAL RECORD BOOK 12022, PAGE 197, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 13°27'33" EAST ALONG SAID WEST RIGHT-OF-WAY LINE OF HAVERHILL ROAD, A DISTANCE OF 10.09 FEET; THENCE NORTH 02°08'57" EAST ALONG SAID WEST RIGHT-OF-WAY LINE OF HAVERHILL ROAD, A DISTANCE OF 166.48 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 8943.75 FEET; THENCE NORTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°31'9", A DISTANCE OF 393.24 FEET TO A POINT OF TANGENCY; THENCE NORTH 04°40'06" EAST ALONG SAID WEST RIGHT-OF-WAY LINE OF HAVERHILL ROAD, A DISTANCE OF 344.92 FEET; THENCE NORTH 42°05'19" WEST, A DISTANCE OF 36.41 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF NASH TRAIL AS RECORDED IN OFFICIAL RECORD BOOK 1689, PAGES 893 AND 894, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°50'44" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NASH TRAIL, A DISTANCE OF 226.32 FEET TO A POINT ON SAID WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35; THENCE SOUTH 02° 07' 22" WEST ALONG THE AFORE DESCRIBED LINE, A DISTANCE OF 938.55 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 5.07 ACRES OR 220,861 SQUARE FEET MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

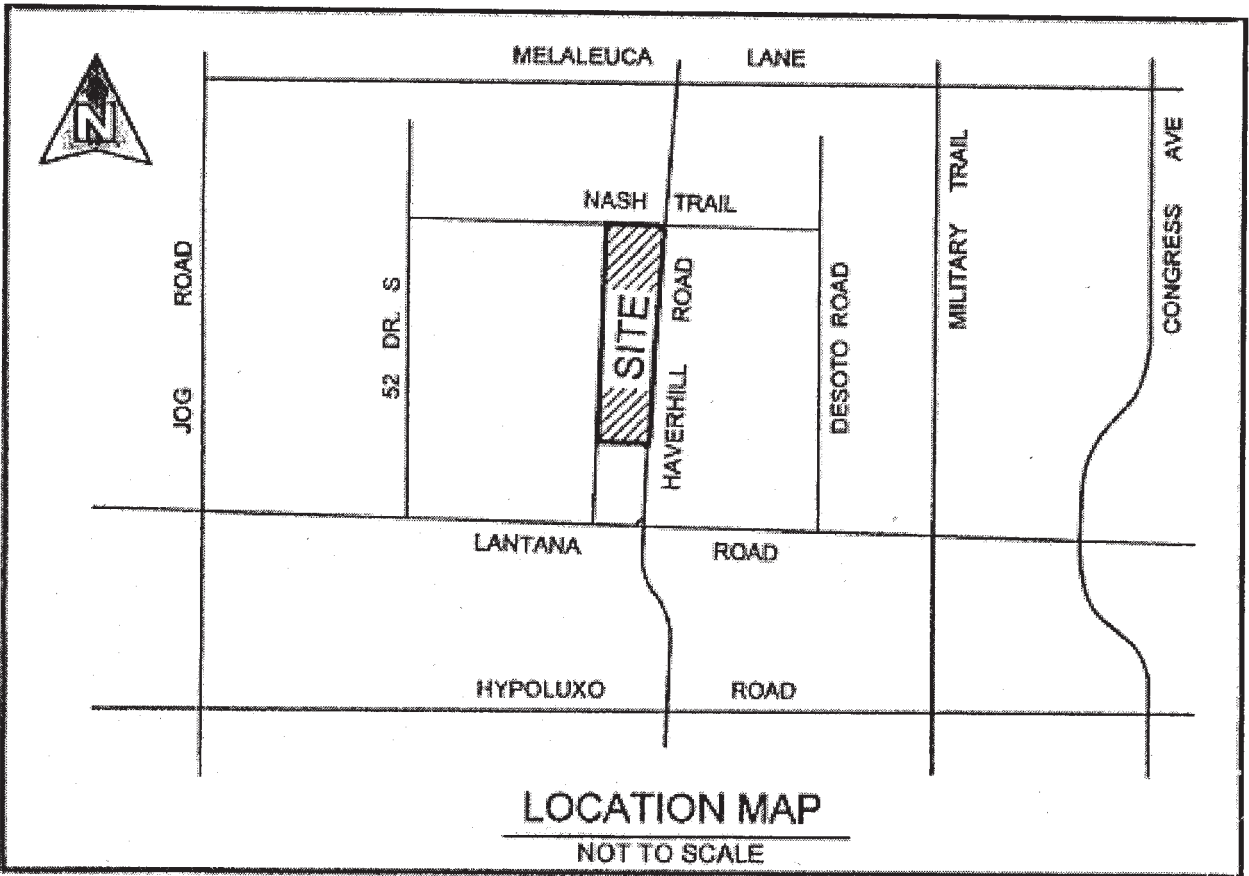


EXHIBIT C

CONDITIONS OF APPROVAL

ENGINEERING

1. Prior to issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code and the approved subdivision plan. (BLDG PERMIT: MONITORING-Eng)

2. The Property Owner shall construct the internal non-plan collector road from Haverhill Road to its terminus to be consistent with Palm Beach County standards for an 80 foot right of way non-plan collector street. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, design, utility relocations and acquisition of any additional required right-of-way.

a. Prior to the issuance of the first Building Permit, permits required for improvements identified above shall be obtained from Palm Beach County. (BLDG PERMIT: MONITORING-Eng)

b. Prior to the issuance of the first Certificate of Occupancy, construction of required improvements identified above shall be completed. (CO: MONITORING-Eng)

PLANNING

1. Per SCA-2013-010; Commercial development on the site shall be subject to the following: The northernmost 200 feet of the site, excluding access and/or publicly dedicated right of way for Nash Trail, shall be cross-hatched. The cross-hatched area shall be limited to water retention, landscaping, and/or drainage. (ONGOING: PLANNING-Planning)

SCHOOL BOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign measuring 11 inches by 17 inches shall be posted in a clear and visible location in all sales offices and models with the following:

“NOTICE TO PARENTS OF SCHOOL AGE CHILDREN”

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD)

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; 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; the 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 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 of Approval; 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)