

RESOLUTION NO. R-2013- 1760

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R-2013-01841
(CONTROL NO. 1973-00091)
a Requested Use
APPLICATION OF LW Jog SC, Ltd
BY Perry & Taylor PA, AGENT
(Lake Worth Plaza West)

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;

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;

WHEREAS, Zoning Application ZV/DOA/R-2013-01841 was presented to the Board of County Commissioners at a public hearing conducted on December 5, 2013;

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;

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;

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;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

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 Requested Use; and

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 ZV/DOA/R-2013-01841, the petition of LW Jog SC, by Perry & Taylor PA, agent, for a Requested Use to allow a Fitness Center in the Multiple Use Planned Development (MUPD) 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 December 5, 2013.

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on December 5, 2013.

Filed with the Clerk of the Board of County Commissioners on December 9, 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:

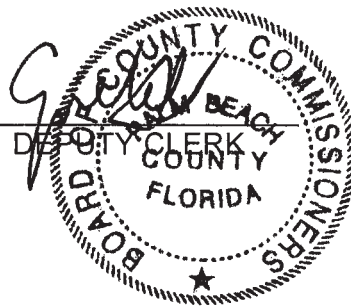


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

A parcel of land in the Northeast 1/4 of Section 27, Township 44 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast 1 /4 of Section 27; thence South 00°58'18" West (State Plane Grid Datum), along the West line of the Northeast 1/4 of Section 27, a distance of 1339.12 feet to the South line of the Northwest 1/4 of the Northeast 1/4 of Section 27; thence South 88°32'45" East, along said South line, 80.00 feet to the Easterly right-of-way line of Jog Road, and to the Point of Beginning of the parcel described herein; thence continue South 88°32'45" East, along said South line, 933.37 feet to the East line of the West 1/2 of the East 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 27; thence North 00°55'50" East, along said East line, 1104.20 feet to a point that is 236.03 feet South of the North line of Section 27, as measured along said East line; thence North 89°04'10" West, 188.18 feet to a point of curvature; thence Northwesterly, along an arc of a curve concave to the Northeast, having a radius of 30.00 feet, a central angle of 38°19'04", an arc length of 20.06 feet to a non-tangent line; thence North 02°33'43" West, 197.51 feet to the South right-of-way line of Lake Worth Road (S.R. 802), being a non-tangent curve; thence Westerly, along the said South right-of-way line, being an arc of a curve concave to the South, having a calculated radius of 2798.11 feet, a central angle of 01°38'18", a chord length of 80.00 feet, which bears South 87°26'17" West, an arc length of 80.00 feet to a non-tangent line; thence South 02°33'43" East, 173.69 feet to a non-tangent curve; thence Southwesterly, along the arc of a curve concave to the Northwest, having a radius of 30.00 feet, a central angle of 32°51'53", a chord length of 16.97 feet bearing South 21°51'23" West, an arc length of 17.21 feet to a point of reverse curvature; thence Southwesterly, along an arc of a curve concave to the South, having a radius of 979.00 feet, a central angle of 22°32'57", an arc length of 385.29 feet to a point of compound curvature; thence Southwesterly, along an arc of a curve concave to the Southeast, having a radius of 149.00 feet, a central angle of 55°00'46", an arc length of 143.06 feet to a point of tangency; thence South 00°55'50" West, 363.24 feet to a point of curvature; thence Southwesterly, along an arc of a curve concave to the Northwest, having a radius of 30.00 feet, a central angle of 41°51'05", an arc length of 21.91 feet to a point of non-tangency; thence North 89°01'42" West, 208.35 feet to the East right-of-way line of Jog Road, being a line that is 80.00 feet East of and parallel with the West line of the Northeast 1/4 of Section 27; thence South 00°58'18" West, along said line, 80.00 feet; thence South 89°01'42" East, 182.90 feet; thence South 00°55'50" West, 336.62 feet; thence North 88°32'45" West, 183.15 feet to the said East right-of-way line of Jog Road; thence South 00°58'18" West, along said line 38.64 feet to the Point of Beginning.

PARCEL 2:

A parcel of land in the Northeast 1/4 of Section 27, Township 44 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast 1/4 of Section 27; thence South 00°58'18" West (State Plane Grid Datum), along the West line of the Northeast 1/4 of Section 27, a distance of 1339.12 feet to the South line of the Northwest 1/4 of the Northeast 1/4 of Section 27; thence South 88°32'45" East along said South line, 80.00 feet to the Easterly right-of-way line of Jog Road; thence North 00°58'18" East, 38.64 feet to the Point of Beginning; thence continuing North 00°58'18" East, 335.01 feet to a point; thence South 89°01'42" East, 182.90 feet to a point; thence South 00°55'50" West, 336.62 feet to a point; thence North 88°32'45" West, 183.15 feet to the Point of Beginning.

PARCEL 3:

Easement for the benefit of Parcels 1 and 2 for access over and use of the retention pond on Out Parcel L-4, as set forth in paragraph 1.2 of the Cooperation and Easement Agreement dated March 17, 1986, and recorded April 2, 1986, in Official Records Book 4836, page 10, as modified by instrument recorded in Official Records Book 5744, page 1905, of the public records of Palm Beach County, Florida. Said Out Parcel L-4 being more particularly described as follows:

Commencing at the North quarter corner of Section 27, Township 44 South, Range 42 East, Palm Beach County, Florida; thence South $1^{\circ}22,26''$ West (State Plane Grid Datum), along the North-South quarter Section line of Section 27, a distance of 653.08 feet; thence South $88^{\circ}37,34''$ East, perpendicular to the previous course 80.0 feet to the Easterly right-of-way line of Jog Road and the Point of Beginning; thence North $1^{\circ}22'26''$ East, along said right-of-way line and parallel with the North-South quarter section line, 61.29 feet; thence North $02^{\circ}16,49''$ East, along said right-of-way line, 189.64 feet; thence North $01^{\circ}22'26''$ East, along said right-of-way line, 18.00 feet; thence South $88^{\circ}37,34''$ East, perpendicular to the previous course, 271.16 feet to a non-tangent point of curvature; thence Southwesterly, along the arc of a curve concave to the Southeast, having a radius of 149.0 feet, a central angle of $52^{\circ}40'42''$, a chord length of 132.22 feet which bears South $27^{\circ}40,35''$ West, an arc distance of 136.99 feet to a point of tangency; thence South $01^{\circ}20'15''$ West, 150.40 feet; thence North $88^{\circ}37'34''$ West, along a line perpendicular to the North-South quarter section line, 215.68 feet to the Point of Beginning.

EXHIBIT B
VICINITY SKETCH

