

RESOLUTION NO. R-2013- 1766

RESOLUTION APPROVING ZONING APPLICATION PCN-2013-02731
(CONTROL NO. 2013-00122)

A Public Ownership Zoning District Deviation
APPLICATION OF TOWN OF LAKE CLARKE SHORES
BY GENTILE GLAS HOLLOWAY O'MAHONEY & ASSOCIATES, INC., AGENT
(TOWN OF LAKE CLARKE SHORES PUBLIC WORKS)

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 PCN-2013-02731 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;

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, 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 6 and 7 for a Public Ownership Zoning District Deviation; 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 PCN-2013-02731, the petition of TOWN OF LAKE CLARKE SHORES, by GENTILE GLAS HOLLOWAY O'MAHONEY & ASSOCIATES, INC., agent, for a Deviation for a development within the Public Ownership Zoning District to allow deviations from Article 6 Parking to allow reduction in Pedestrian Pathway width; Article 7 Landscaping to eliminate protective curbing; to eliminate compatibility buffer on the north, south and west property lines; to reduce the right-of-way buffer width; to eliminate trees and reduce the number of shrub layers in the right-of-way buffer; to reduce the number of onsite trees and shrubs; to eliminate foundation planting; and to reduce landscape island width in the Public Ownership (PO) 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, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof and Deviation request

as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Vana 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 Mayor 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:

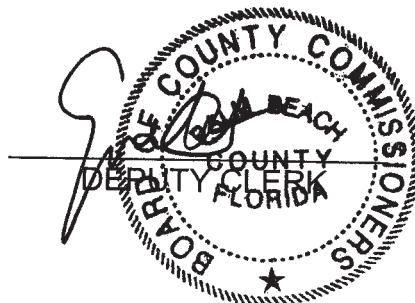


EXHIBIT A

LEGAL DESCRIPTION

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A PARCEL OF LAND BEING A PORTION OF TRACT "C", PLAT NO. 1, SEMINOLE MANOR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25, PAGES 164 THROUGH 166, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHERLY 275 FEET OF THE EASTERLY 251 FEET OF THE WESTERLY 275 FEET OF SAID TRACT "C".

CONTAINING 1.58 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

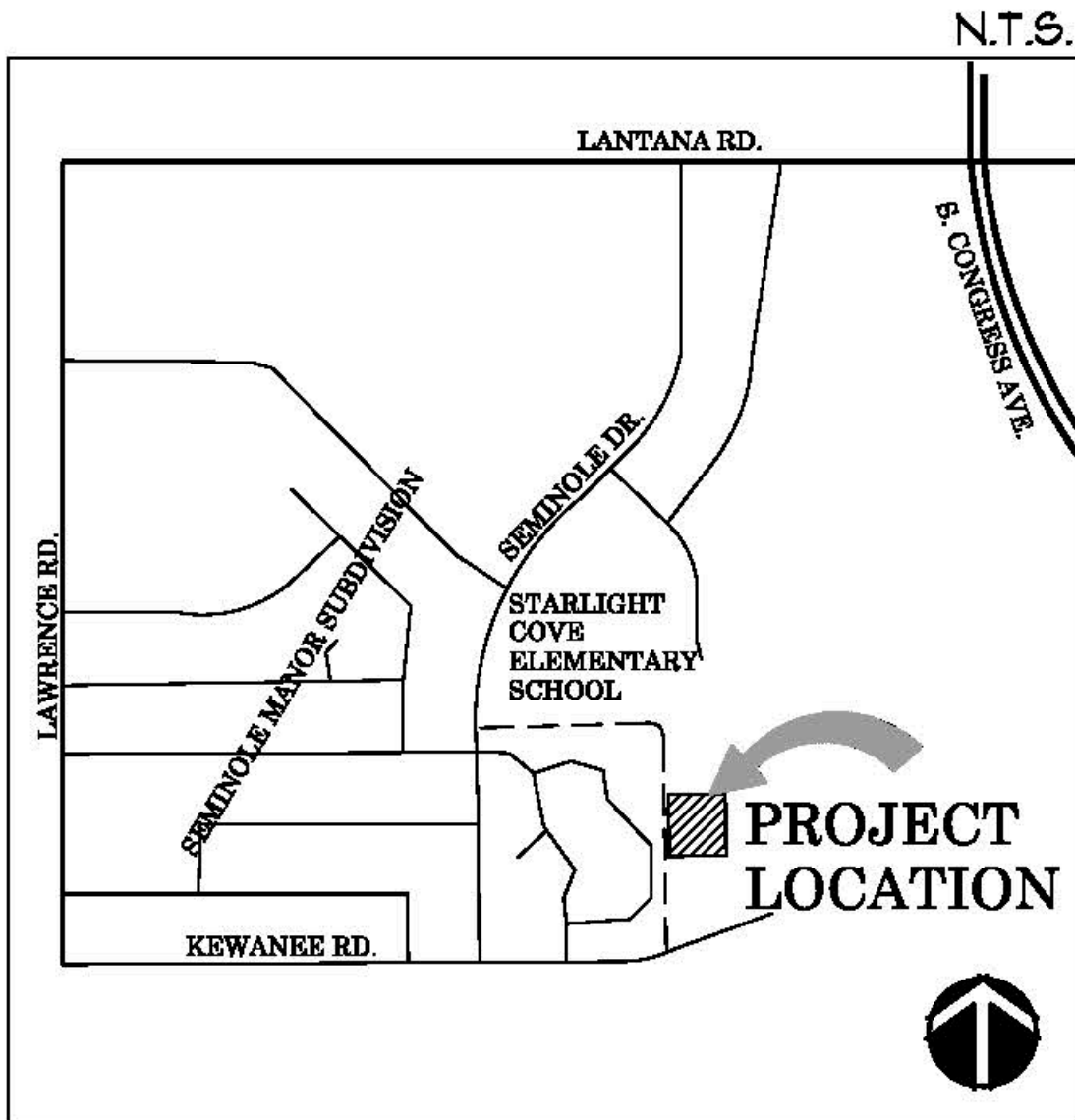


EXHIBIT C
CONDITIONS OF APPROVAL

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

EXHIBIT D

REQUEST

Deviation #	ULDC Code Section(s)	Required	Proposed	Requested Deviation
1.	Article 6.A.1.D.2.c Pedestrian Pathway	4 feet min.	3 feet	Reduction of 1 foot and to maintain existing condition
2.	Article 7 – Table 7.C.3 Protective Curbing	Protective Curbing	To allow wheel stops	Eliminate the protective curbing
3.	Article 7.G.2.E. Landscape Protection Measures	Curbing – Type D	no curb for islands	Eliminate the protective curbing around landscape island
4.	Article 7.F.1.B Compatibility buffer – North, South and East	5 feet	None	Eliminate 5 foot buffer
5.	Article 7.F.1.A - Min. ROW - Perimeter Buffer – west property line	15 feet	2.5 feet of existing landscape to remain along west property line at private access drive	Reduction of 12.5' for existing condition
6.	Article 7.F.1.A. Min. Trees in ROW	11 Canopy Trees	None	Elimination of trees
7.	Article 7 – Table 7.C.3 Min. Tier – Landscape Buffer – west property line	3 tiers of shrubs	Existing - 1 layer along west buffer)	Reduction in the number of layers of shrubs from 3 to 1 along the west property line.
8.	Article 7 – Table 7.C.3 Min. Tree Quantity – Non-Residential	1 per 2,000 s.f. Required – 31 trees	8 trees existing	Reduction of 23 in the number of trees required
9.	Article 7 – Table 7.C.3 Min. Shrubs Quantities – Non-Residential	3 per 2,000 s.f. Required – 92 shrubs	17 shrubs existing/proposed	Reduction of 75 in the number of shrubs required
10.	Article 7 – Table 7.C.3 Foundation Planting width for building facades	5 foot along front façade 8 foot along side façade	No foundation planting for existing structures	Eliminate foundation plantings for existing structures
11.	Article 7.G.2.B – Min. Landscape Islands	Min. 8 feet wide	Existing 6 foot wide min. island	Reduction of 2 feet for existing condition