

RESOLUTION NO. R-2014- 0884

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R-2014-00079
(CONTROL NO. 1997-00096)
a Requested Use.

APPLICATION OF Willow Development USA LLC - Serge Van Duuren
BY Miller Land Planning, AGENT
(Michelangelo Senior Living MUPD)

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-2014-00079 was presented to the Board of County Commissioners at a public hearing conducted on June 26, 2014;

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 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-2014-00079, the petition of Willow Development USA LLC - Serge Van Duuren, by Miller Land Planning, agent, for a Requested Use to allow a Type III Congregate Living Facility; a General Daycare; and, a Type II Restaurant in the Multiple Use Planned Development 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 June 26, 2014, subject to the Conditions of Approval 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 Burdick 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 June 26, 2014.

Filed with the Clerk of the Board of County Commissioners on July 02, 2014.

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:

A PARCEL OF LAND LYING WITHIN SECTION 3, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY FOR THE CANAL L-29, IN ACCORDANCE TO THAT RIGHT-OF-WAY WIDTH REFERRED TO IN THE CHANCERY NO. 407, RECORDED IN OFFICIAL RECORDS BOOK 6495, PAGE 761, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE WESTERLY RIGHT-OF-WAY LINE OF JOG ROAD, IN ACCORDANCE TO THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5867, PAGES 561 THROUGH 563, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S 00° 58' 10" E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF JOG ROAD, A DISTANCE OF 621.31 FEET; THENCE S 00° 18' 04" W, A DISTANCE OF 370.34 FEET; THENCE S 06° 32' 38" W, A DISTANCE OF 101.62 FEET; THENCE S 00° 58' 10" E, A DISTANCE OF 280.00 FEET; THENCE S 54° 07' 19" W, A DISTANCE OF 66.37 FEET; THENCE N 70° 48' 16" W, A DISTANCE OF 445.46 FEET; (THE PREVIOUS FIVE COURSES AND DISTANCES ARE ALONG THE RIGHT-OF-WAY LINE OF "FLAVOR PICT ROAD", IN ACCORDANCE TO THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 11789, PAGES 54 THROUGH 56, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA); THENCE N 00° 54' 50" W, ALONG THE EASTERLY BOUNDARY OF THE PLAT OF GREEN CAY VILLAGE AS RECORDED IN PLAT BOOK 106, PAGES 120 THROUGH 124, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 1257.21 FEET TO A POINT OF INTERSECTION WITH SAID SOUTHERLY RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY FOR THE CANAL L-29; THENCE N 89° 05' 10" E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 492.86 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

Location Map

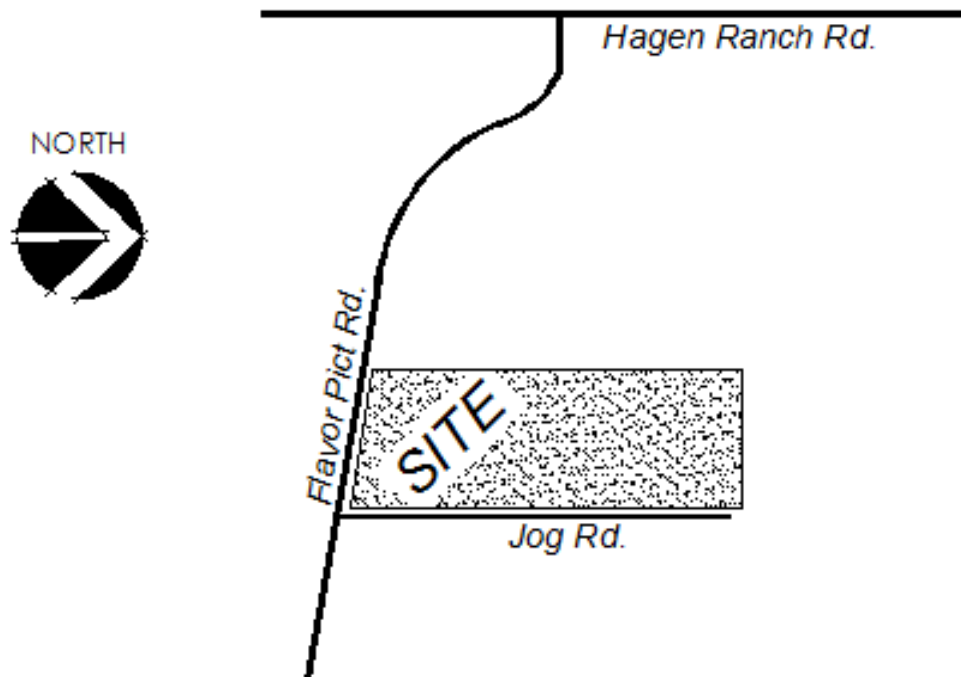


EXHIBIT C

CONDITIONS OF APPROVAL

Requested Use

USE LIMITATIONS- TYPE II RESTAURANT

1. The Type II Restaurant may be relocated internal to the Congregate Living Facility Development subject to Development Review Officer approval. (DRO/ONGOING: ZONING - Zoning)
2. A drive-up window or queing lanes associated with the Type II Restaurant is prohibited. (DRO/ONGOING: ZONING - Zoning)

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) (ONGOING: ZONING - 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) (ONGOING: ZONING - Zoning)

DISCLOSURE

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