

RESOLUTION NO. R-2015-0001

RESOLUTION APPROVING ZONING APPLICATION Z-2014-01627
(CONTROL NO. 2003-00040)
an Official Zoning Map Amendment
APPLICATION OF 4730 Hypoluxo LLC
BY CMS Engineering, LLC, AGENT
(Dazco Center)

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 Z-2014-01627 was presented to the Board of County Commissioners at a public hearing conducted on January 8, 2015;

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.1.B; 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 Z-2014-01627, the application of 4730 Hypoluxo LLC, by CMS Engineering, LLC, agent, for an Official Zoning Map Amendment to allow a rezoning from the Commercial High Office (CHO) and the Agricultural Residential (AR) Zoning Districts to the Community Commercial (CC) 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 January 8, 2015 subject to the Conditions of Approval 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 Berger and, upon being put to a vote, the vote was as follows:

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

This resolution shall only become effective upon the adoption of a Ordinance approving Application SCA-2015-00005 by the Board of County Commissioners.

Filed with the Clerk of the Board of County Commissioners on January 14, 2015.

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

PARCEL 1:

The North ½ of Lot 3, being a part of the Northwest ¼ of Section 12, Township 45 South, Range 42 East, Palm Beach County, Florida, and included in the Amended Plat of Section 12, Township 45 South, Range 42 East, Mary A. Lyman, et al, according to the Plat thereof, as recorded in Plat Book 9, Page 74, of the public records of Palm Beach County, Florida;

LESS the West 263.32 feet thereof;

AND LESS the South 340.75 feet thereof;

AND LESS the Right of Way for the Lake Worth Drainage District L-18 Canal as set forth in Deed Book 67, page 533, and Official Records Book 7511, page 1952, both of the public records of Palm Beach County, Florida, and the right of way for state Road 709 (Hypoluxo Road).

PARCEL 2:

The East 109 feet of the West 263.32 feet of the North ½ of Tract 3, being a part of the Northwest ¼ of Section 12, Township 45 South, Range 42 East, Palm Beach County, Florida, and included in the Amended Plat of Section 12, Township 45 South, Range 42 East, Mary A. Lyman, et al, according to the plat thereof as recorded in Plat Book 9, page 74, of the public records of Palm Beach County, Florida;

LESS the South 340.75 feet thereof;

AND LESS the Right of Way for the Lake Worth Drainage District L-18 Canal as set forth in Deed Book 67, page 533, and in Official Records Book 7511, page 1952, of the public records of Palm Beach County, Florida, and the right of way for state Road 709 (Hypoluxo Road).

PARCEL 3:

The North 56.77 feet of the South 340.75 feet of the North ½ of the West ½ of the West ½ of the Northeast ¼ of the Northwest ¼ of Section 12, Township 45 South, Range 42 East, Palm Beach County, Florida, and included in the Amended Plat of Section 12, Township 45 South, Range 42 East, Mary A. Lyman, et al, according to the plat thereof as recorded in Plat Book 9, page 74, of the public records of Palm Beach County, Florida.

PARCEL 4:

The West 154.32 feet (as measured at right angles from the West line of Lot 3) of the North ½ of Lot 3;

EXCEPT the South 340.75 feet thereof, being a part of the Northwest ¼ of Section 12, Township 45 South, Range 42 East, Amended Plat of Section 12, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 9, page 74;

AND LESS the Right of Way for the Lake Worth Drainage District L-18 Canal as set forth in Deed Book 67, page 533, and Official Records Book 7511, page 1952, both of the public records of Palm Beach County, Florida, and the right of way for State Road 709 (Hypoluxo Road).

Containing 3.03859 acres, more or less.

EXHIBIT B
VICINITY SKETCH

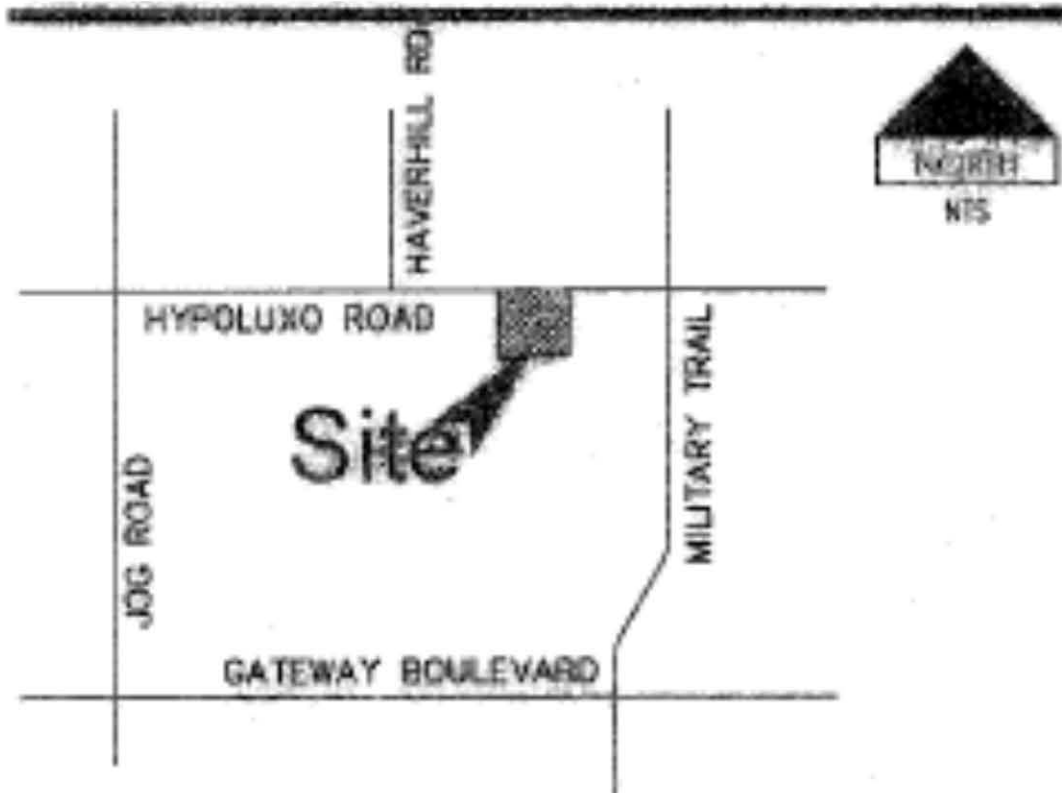


EXHIBIT C

CONDITIONS OF APPROVAL

Official Zoning Map Amendment

ENGINEERING

1. Prior to issuance of the first building permit, the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting or the issuance of any LWDD permits the owner shall convey an easement for the South 12 feet of the North 92 feet for the West 154.32 feet of the referenced property for the new alignment for the L-18 Canal. (PLAT: ENGINEERING - Lake Worth Drainage District)

PLANNING

1. At the time a site plan is submitted, the site plan shall identify the area for the proposed pedestrian connection to the existing pedestrian connection in the residential development on the southern portion of the site. (ONGOING: PLANNING - Planning)

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: 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: ZONING - Zoning)

DISCLOSURE

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