

RESOLUTION NO. R-2016- 1843

RESOLUTION APPROVING ZONING APPLICATION ZV/Z/DOA/CA-2016-01040
(CONTROL NO. 1992-00049)
an Official Zoning Map Amendment
APPLICATION OF Ldr Academy Inc
BY Carlton Fields, P.A., AGENT
(Batt School)

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 pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/Z/DOA/CA-2016-01040 was presented to the Board of County Commissioners at a public hearing conducted on December 7, 2016;

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 ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for an Official Zoning Map Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC 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/Z/DOA/CA-2016-01040, the Application of Ldr Academy Inc, by Carlton Fields, P.A., Agent, for an Official Zoning Map Amendment to allow a rezoning from the Residential High Density (RH) Zoning District to the Multi-family Residential (RM) Zoning District, on a parcel of land generally described as shown on the legal description 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 7, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kerner 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:

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|---|----------|
| Commissioner Paulette Burdick, Mayor | - Aye |
| Commissioner Melissa McKinlay, Vice Mayor | - Absent |
| Commissioner Hal R. Valeche | - Aye |
| Commissioner Dave Kerner | - Aye |
| Commissioner Steven L. Abrams | - Aye |
| Commissioner Mary Lou Berger | - Aye |
| Commissioner Mack Bernard | - Aye |

The Mayor thereupon declared that the resolution was duly passed and adopted on December 7, 2016.

Filed with the Clerk of the Board of County Commissioners on December 19th, 2016

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:

**LOTS 16, 17 AND 18, OF ORANGE TERRACE, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 23, PAGE 118; ALSO ALL THAT CERTAIN PARCEL OF LAND SITUATE, LYING AND BEING IN THE COUNTY OF PALM BEACH AND STATE OF FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF STATE HIGHWAY NO. 5 (U.S. HIGHWAY NO. 1) WITH THE SOUTH LINE OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND RUN THENCE NORTHEAST ALONG THE CENTERLINE OF SAID HIGHWAY 2850 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE CENTER LINE OF SAID HIGHWAY 100 FEET; THENCE WEST ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID QUARTER SECTION AND TO THE WEST LINE OF SAID QUARTER SECTION; THENCE SOUTH ALONG THE WEST LINE OF SAID QUARTER SECTION TO THE INTERSECTION OF A LINE FROM THE POINT OF BEGINNING AND PARALLEL TO THE SOUTH LINE OF SAID QUARTER SECTION; THENCE EAST ALONG SAID LINE PARALLEL TO THE SOUTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING; LESS THE WEST 1000 FEET THEREOF (AS MEASURED ALONG THE SOUTH LINE OF ORANGE TERRACE), AND LESS THE RIGHT OF WAY OF U.S. HIGHWAY NO. 1.
CONTAINING 2.13 ACRES MORE OR LESS.**

EXHIBIT B
VICINITY SKETCH

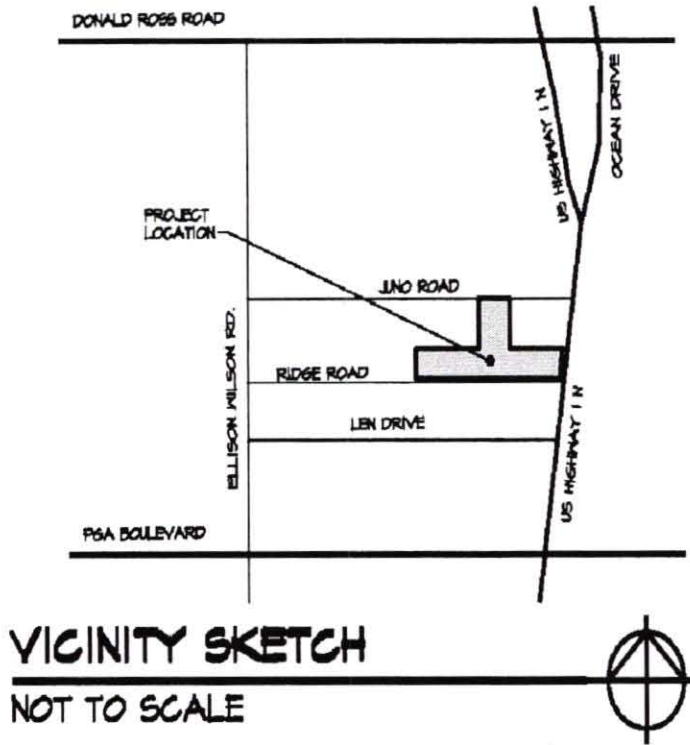


EXHIBIT C

CONDITIONS OF APPROVAL

DISCLOSURE

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