

RESOLUTION NO. R-2017- 0364

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2015-02509
(CONTROL NO. 2013-00345)
an Official Zoning Map Amendment
APPLICATION OF Pho Chieu Buddhist Center Inc
BY Sycamore Engineering, Inc., AGENT
(Pho Chieu Buddhist 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 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 Z/CA-2015-02509 was presented to the Board of County Commissioners at a public hearing conducted on March 23, 2017;

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 Z/CA-2015-02509, the Application of Pho Chieu Buddhist Center Inc, by Sycamore Engineering, Inc., Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Transitional (RT) 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 March 23, 2017, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard 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 Paulette Burdick, Mayor	- Aye
Commissioner Melissa McKinlay, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Dave Kerner	- Absent
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 March 23, 2017.

Filed with the Clerk of the Board of County Commissioners on March 30th, 2017.

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



The seal is circular with a double-line border. The outer ring contains the text 'PALM BEACH COUNTY COMMISSIONERS' at the top and 'BOCA RATON FLORIDA' at the bottom, separated by a star. The inner ring contains the text 'PALM BEACH COUNTY' at the top and 'CLERK' at the bottom.

EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION O.R. 25454 PG. 931

PARCEL I:

THE NORTH 160 FEET OF THE EAST 115 FEET OF TRACT 61, BLOCK 24, ACCORDING TO THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO ROAD RIGHT OF WAY FOR INGRESS AND EGRESS PURPOSES ACROSS THE WEST 10 FEET OF THE ABOVE DESCRIBED PARCEL.

TOGETHER WITH A PERPETUAL EASEMENT FOR ROADWAY PURPOSES ACROSS THE WEST 20 FEET OF THE EAST 125 FEET OF SAID TRACT 61.

PARCEL II:

THE SOUTH 80 FEET OF THE NORTH 240 FEET OF THE EAST 115 FEET OF TRACT 61, BLOCK 24, ACCORDING TO THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO ROAD RIGHT OF WAY FOR INGRESS AND EGRESS PURPOSES ACROSS THE WEST 10 FEET OF THE ABOVE DESCRIBED PARCEL.

TOGETHER WITH A PERPETUAL EASEMENT FOR ROADWAY PURPOSES ACROSS THE WEST 20 FEET OF THE EAST 125 FEET OF SAID TRACT 61.

PARCEL III:

THE EAST 115 FEET OF TRACT 61, BLOCK 24, ACCORDING TO THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 240 FEET AND THE SOUTH 267.84 FEET THEREOF.

SUBJECT TO ROAD RIGHT OF WAY FOR INGRESS AND EGRESS PURPOSES ACROSS THE WEST 10 FEET OF THE ABOVE DESCRIBED PARCEL.

TOGETHER WITH A PERPETUAL EASEMENT FOR ROADWAY PURPOSES ACROSS THE WEST 20 FEET OF THE EAST 125 FEET OF SAID TRACT 61.

PARCEL IV:

BEGINNING AT A POINT 57.84 FEET NORTH OF THE SOUTHEAST CORNER OF TRACT 61, BLOCK 24, ACCORDING TO THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WHICH POINT OF BEGINNING BEING WHERE THE EAST BOUNDARY OF SAID TRACT 61 INTERSECTS THE NORTH BOUNDARY OF THE RIGHT OF WAY OF STATE ROAD 802; THENCE RUN NORTH 210 FEET ALONG THE EAST BOUNDARY OF SAID TRACT 61 TO A POINT; THENCE, RUN WEST 105 FEET TO A POINT; THENCE RUN SOUTH ALONG A LINE, PARALLEL TO THE EAST BOUNDARY OF THE SAID TRACT 61 FOR A DISTANCE OF APPROXIMATELY 210 FEET TO A POINT WHERE THE SAID LINE INTERSECTS THE NORTH BOUNDARY OF THE RIGHT OF WAY OF STATE ROAD 802; THENCE RUN IN AN EASTERLY DIRECTION ALONG THE NORTH BOUNDARY OF THE RIGHT OF WAY OF SAID STATE ROAD 802 TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

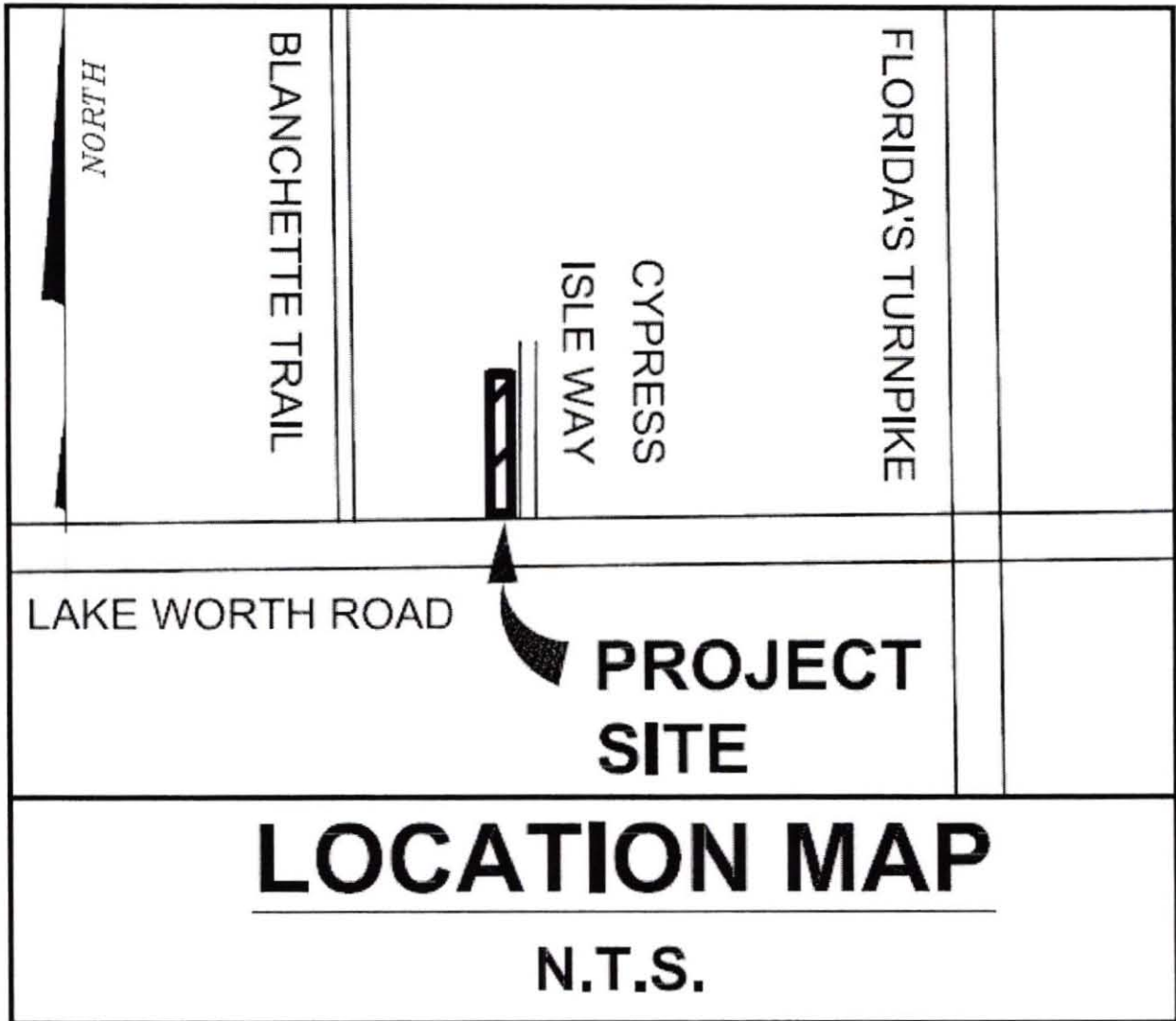


EXHIBIT C
CONDITIONS OF APPROVAL

DISCLOSURE

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