

RESOLUTION PARTIALLY REVOKING RESOLUTION R-2014-0884
(CONTROL NUMBER 1997-00096)
AFFIRMING THE LEGISLATIVE ABANDONMENT OF TWO REQUESTED USES
UNDER
ZONING APPLICATION ABN/DOA-2018-00739

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapters 125 and 163, Florida Statutes, is authorized and empowered to consider applications related to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/DOA/R-2014-00079 with three Requested Uses to allow a Type II Congregate Living Facility; a General Daycare; and, a Type II Restaurant, was presented to the Board of County Commissioners at a public hearing on July 02, 2014;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Board of County Commissioners has considered Application ABN/DOA-2018-00739, to abandon two of the three previously approved Requested Uses, a General Daycare and a Type II Restaurant (including related Conditions of Approval). The Type III Congregate Living Facility shall remain in full force and effect.

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, Resolution R-2014-0884 was adopted by the Board of County Commissioners on July 02, 2014;

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.B.6.C (Board Action) of the ULDC requires that 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 portion of Resolution R-2014-0884, approving Zoning Application ZV/DOA/R-2014-00079, the application of Willow Development USA LLC – Serge Van Duuren, by Miller Land Planning, Agent, for a Requested Use to allow a General Daycare and a Type II Restaurant is hereby revoked.

Commissioner Burdick moved for the approval of the Resolution.

The motion was seconded by Commissioner Bernard and, upon being put to a vote, the vote was as follows:

- Commissioner Melissa McKinlay, Mayor - Aye
- Commissioner Mack Bernard, Vice Mayor - Aye
- Commissioner Hal R. Valeche - Aye
- Commissioner Paulette Burdick - Aye
- Commissioner Dave Kerner - Aye

Commissioner Steven L. Abrams
Commissioner Mary Lou Berger

- Aye
- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 25, 2018.

Filed with the Clerk of the Board of County Commissioners on November 5th, 2018

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 & COMPTROLLER


EXHIBIT A

LEGAL DESCRIPTION

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 (55.77 FEET) 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, THE PREVIOUS THREE (3) DESCRIBED COURSES BEING COINCIDENT WITH THE WESTERLY RIGHT-OF-WAY LINE OF JOG ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 11789, PAGES 54 THROUGH 56, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; 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 TWO (2) DESCRIBED COURSES BEING COINCIDENT WITH THE NORTHERLY RIGHT-OF-WAY LINE OF FLAVOR PICT ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 11789, PAGES 54 THROUGH 56, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THE PREVIOUS FIVE (5) DESCRIBED COURSES ALSO BEING COINCIDENT WITH THE BOUNDARY OF WINSBERG WETLAND RESTORATION PROJECT, AS RECORDED IN PLAT BOOK 102, PAGES 93 THROUGH 97, 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.

CONTAINING 14.99 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

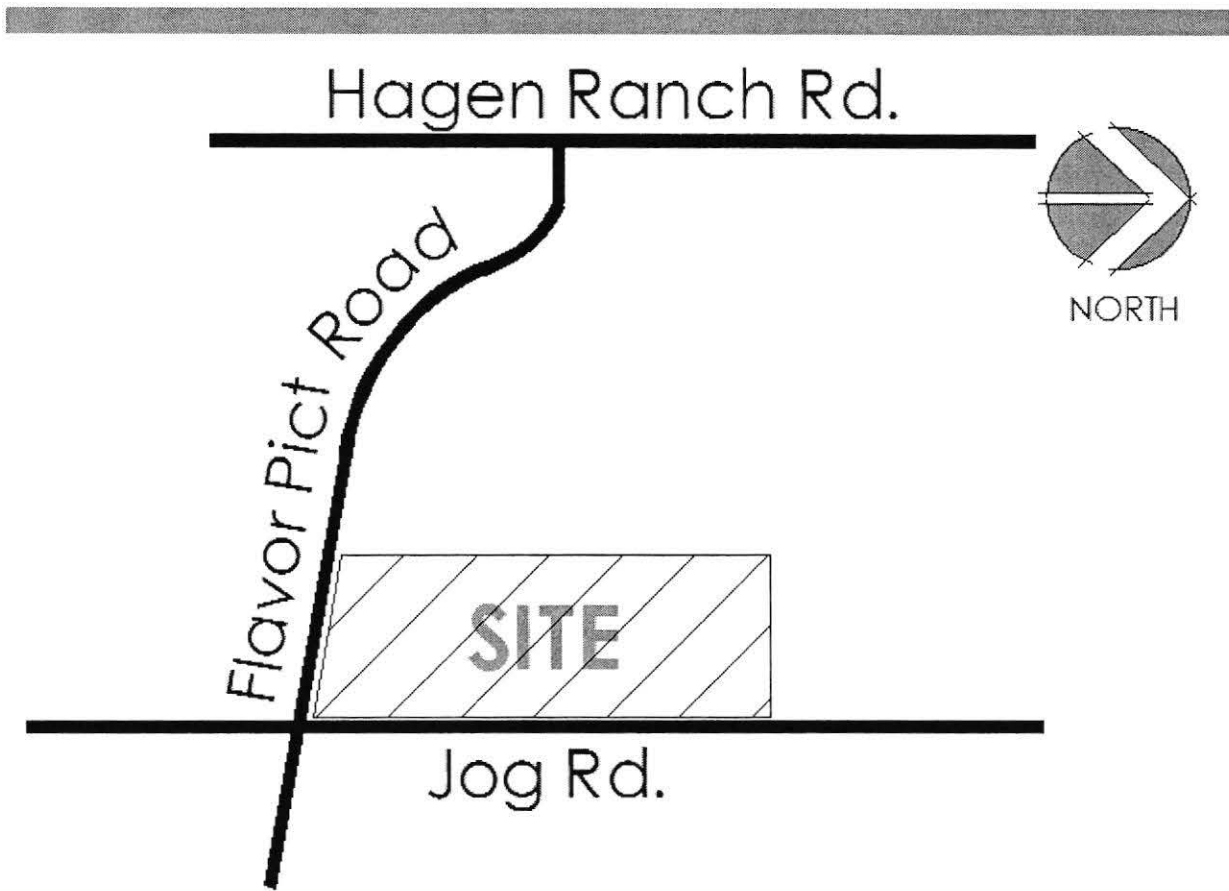


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Abandonment

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) (Previous COMPLIANCE Condition 1 of Resolution R-2014-883, Control No.1997-00096)

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) (Previous COMPLIANCE Condition 2 of Resolution R-2014-883, Control No.1997-00096)

DISCLOSURE

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