

RESOLUTION NO. R-2004- 0952

RESOLUTION APPROVING ZONING PETITION Z2004-003
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF HOME DYNAMICS CORPORATION
BY RUDEN MCCLOSKEY AND SUN-TECH ENGINEERING, AGENTS
(MOUNTS REZONING)

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 petitions relating to zoning; and

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), have been satisfied; and

WHEREAS, Zoning Petition Z2004-003 was presented to the Board of County Commissioners at a public hearing conducted on May 27, 2004; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11 (Adequate Public Facilities Standards) of the Palm Beach County Unified Land Development Code; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 2.K.3.b (Action by Board of County Commissioners) 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 Petition Z2004-003, the petition of Home Dynamics Corporation, by Ruden McClosky and Sun-Tech Engineering, Agents, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential Zoning District to the Residential Transitional Zoning District 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on May 27, 2004 subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	- Aye
Tony Masilotti, Vice Chairman	- Absent
Jeff Koons	- Absent
Warren H. Newell	- Aye
Mary McCarty	- Absent
Burt Aaronson	- Aye
Addie L. Greene	- Aye

The Chair thereupon declared that the resolution was duly passed and adopted on May 27, 2004.

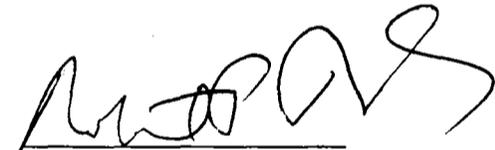
Filed with the Clerk of the Board of County Commissioners on 22 day of June, 2004.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

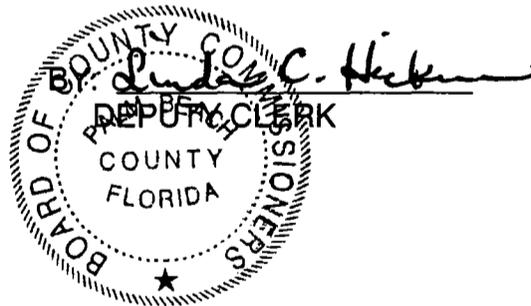


EXHIBIT A

LEGAL DESCRIPTION

THE WEST 235 FEET OF THE EAST 705 FEET OF TRACT 43, BLOCK 6, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF THE PALM BEACH CANAL, "PALM BEACH FARMS COMPANY PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 – 54, (INCLUSIVE), OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 43, BLOCK 6; THENCE ALONG THE SOUTH LINE OF SAID TRACT 43, NORTH 89°58'48" EAST, 285.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WEST LINE OF THE WEST 235 FEET OF THE EAST 705 FEET OF SAID TRACT 43; THENCE ALONG SAID WEST LINE, NORTH 00°01'12" WEST, 559.74 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID WEST PALM BEACH CANAL, AS RECORDED IN OFFICIAL RECORDS BOOK 954, PAGE 117, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, SOUTH 87°31'12" EAST, 235.22 FEET TO THE EAST LINE OF THE WEST 235 FEET OF THE EAST 705 FEET OF SAID TRACT 43; THENCE ALONG SAID EAST LINE, SOUTH 00°01'12" EAST, 549.48 FEET TO THE AFOREMENTIONED SOUTH LINE OF TRACT 43; THENCE ALONG SAID SOUTH LINE SOUTH 89°58'48" WEST, 235.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 130,333 SQUARE FEET, (2.992 ACRES), MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

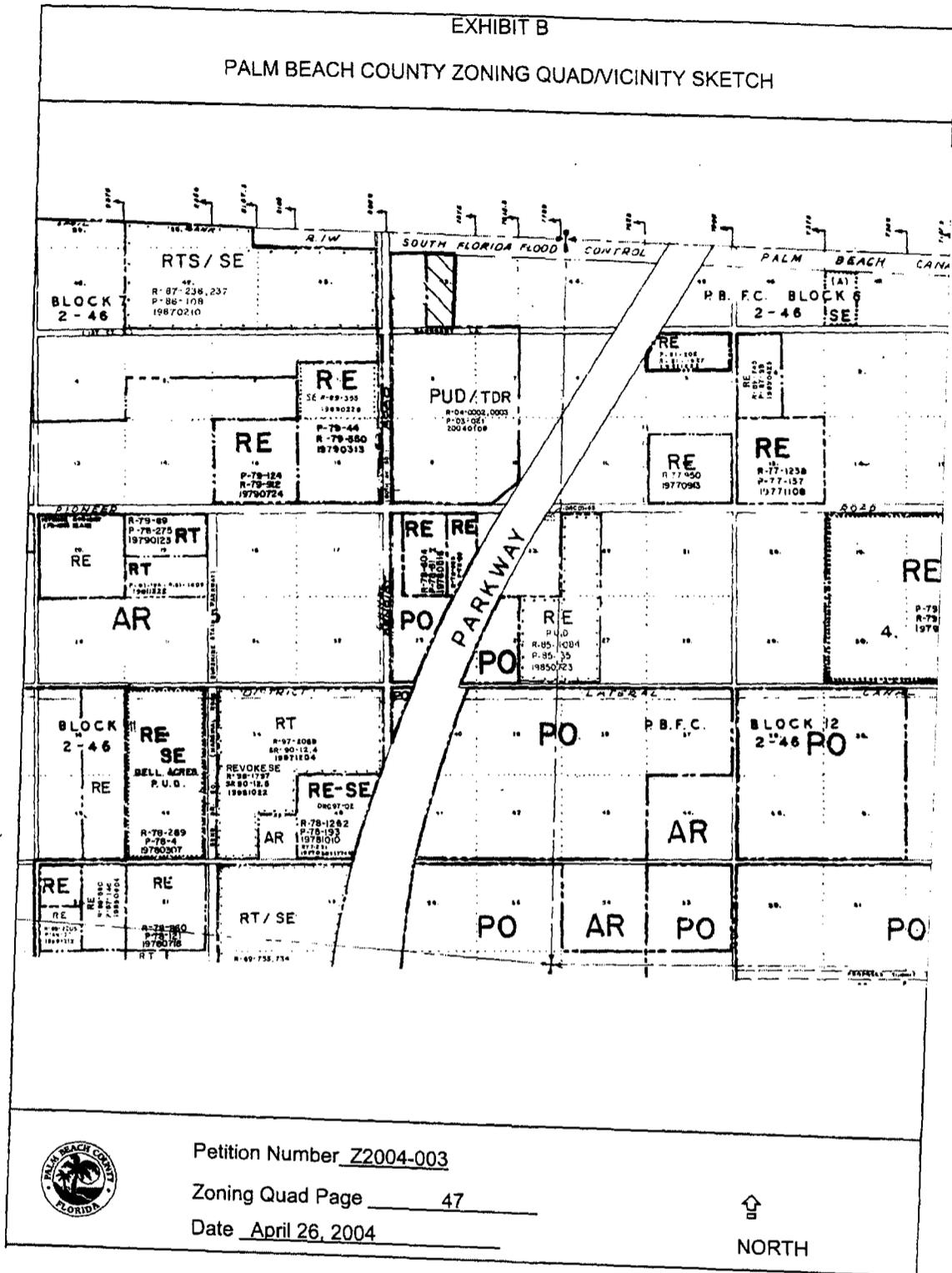


EXHIBIT C

VOLUNTARY COMMITMENTS

There are no Voluntary Commitments A, B, C or D.

E. ENGINEERING

1. Prior to December 1, 2005, the property owner shall plat the subject property in accordance with the provisions of Article 11 of the Unified Land Development Code. (DATE: MONITORING - Eng)
2. The property owner shall dedicate on the required plat a 50 foot private road along the project's south property line. Right of way for this additional private road shall be free of all encumbrances and encroachments and shall include "corner clips" where appropriate as determined by the County Engineer. The property owner shall not be responsible for the construction of roadway improvements within this right of way. (PLAT: ENG - Eng)

F. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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)
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; 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 ULDC 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; 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 a 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING - Zoning)