

RESOLUTION NO. ZR-2008-044

RESOLUTION APPROVING ZONING APPLICATION DOA2008-283
(CONTROL NUMBER 1981-094)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF OKEE PROPERTY EAST LLC
BY URBAN DESIGN STUDIO, AGENT
(OKEECHOBEE PLACE

WHEREAS, the Palm Beach County Zoning Commission, pursuant to Article 2 (Development Review Process) 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 Development Order Amendments for Class B Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application DOA2008-283 was presented to the Zoning Commission at a public hearing conducted on June 5, 2008; and

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

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; and

WHEREAS, the Zoning Commission has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
3. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
6. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

7. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
8. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
9. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.A.1.K.3.b (Board Action) of the Palm Beach County Unified Land Development Code requires that action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application DOA2008-283 the petition of Okee Property East LLC, by Urban Design Studio, Agent, for a a Development Order Amendment to modify two conditions of approval for a Class B Conditional Use on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 5,2008, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Hyman moved for the approval of the Resolution.

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

Frank A. Barbieri, Jr., Chair	Aye
William Anderson, Vice Chair	Aye
Allan Kaplan	Aye
Sherry Hyman	Aye
Al Zucaro	Absent
Joanne Davis	Aye
Alex Brumfield III	Aye
Kelley Armitage	Aye

The Chairman thereupon declared that the resolution was duly passed and adopted on June 5,2008.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

LAND DESCRIPTION

PARCEL 1:

ALL THAT CERTAIN PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING OF A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, THIS POINT BEING 764 FEET EAST OF THE EAST LINE OF MADRID PARK, 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 13, PAGE 78, WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29, THENCE RUNNING SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 110 FEET ; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SECTION, A DISTANCE OF 112.5 FEET; THENCE NORTH AND PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 110 FEET TO THE NORTH SECTION LINE; THENCE WEST ALONG THE NORTH SECTION LINE, A DISTANCE OF 112.5 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THE RIGHTS-OF-WAY FOR DRAINAGE CANALS AND LESS THE RIGHT OF WAY FOR OKEECHOBEE BOULEVARD.

PARCEL 2:

ALL THAT CERTAIN PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT IS 764 FEET EAST OF THE EAST LINE OF MADRID PARK, 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 13, PAGE 78 WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29; RUN SOUTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 110 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING CONTINUE SOUTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN EAST ON A LINE PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 112.5 FEET; THENCE RUN NORTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN WEST ON A LINE PARALLEL TO THE NORTH SECTION LINE OF SECTION 29, A DISTANCE OF 112.5 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

ALL THAT CERTAIN PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT ON THE NORTH LINE OF SAID SECTION 29, WHICH IS 764 FEET EAST OF THE EAST LINE OF MADRID PARK, 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 13, PAGE 78, WHERE IT ADJOINS THE NORTH LINE OF SAID SECTION 29; RUN SOUTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160 FEET TO THE POINT OF BEGINNING AND THE NORTHWEST CORNER OF THE PARCEL HEREBY CONVEYED; THENCE CONTINUE SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN EAST ON A LINE

PARALLEL TO THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 112.5 FEET; THENCE RUN NORTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN WEST ON A LINE PARALLEL TO THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 112.5 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

ALL THAT CERTAIN PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT IS 876.5 FEET EAST OF THE EAST LINE OF MADRID PARK, 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 13, PAGE 78, WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29, RUN SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 262 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING CONTINUE SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 72 FEET; THENCE RUN WEST PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 102.5 FEET; THENCE RUN NORTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 72 FEET; THENCE RUN EAST PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 102.5 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR PRIVATE ROADWAY PURPOSES FROM THE EASTERN END OF THE FIRST ABOVE DESCRIBED LAND NORTH TO OKEECHOBEE ROAD (BOULEVARD) OVER THE PRIVATE ROADWAY KNOWN AS OKLAWAHA AVENUE.

PARCEL 5:

ALL THAT CERTAIN PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT ON THE NORTH LINE OF SAID SECTION 29, WHICH IS 764 FEET EAST OF THE EAST LINE OF MADRID PARK, 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 13, PAGE 78, WHERE IT ADJOINS THE NORTH LINE OF SAID SECTION 29; RUN SOUTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 210 FEET TO THE POINT OF BEGINNING AND THE NORTHWEST CORNER OF THE PARCEL HEREBY CONVEYED; THENCE CONTINUE SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 52 FEET; THENCE RUN EAST ON A LINE PARALLEL TO THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 112.5 FEET; THENCE RUN NORTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 52 FEET; THENCE RUN WEST ON A LINE PARALLEL TO THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 112.5 FEET TO THE POINT OF BEGINNING.

PARCEL 6:

FROM A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT IS 876.5 FEET EAST OF THE EAST LINE OF MADRID PARK WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29, RUN SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 334 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING CONTINUE SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN WEST PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 210.5 FEET; THENCE RUN NORTH PARALLEL

TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN EAST PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 210.5 FEET TO THE POINT OF BEGINNING.

PARCEL 11:

A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING OF A POINT ON THE NORTH SECTION LINE OF SECTION 29 TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT IS 1019 FEET EAST OF THE EAST LINE OF MADRID PARK WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29, RUN SOUTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160 FEET; THENCE RUN WEST ON A LINE PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 142.5 FEET; THENCE RUN NORTH, ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160 FEET TO THE NORTH LINE OF SECTION 29, THENCE RUN EAST, ALONG THE NORTH LINE OF SECTION 29, A DISTANCE OF 142.5 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE RIGHT-OF-WAY FOR ROAD KNOWN AND USED AS OKEECHOBEE ROAD (BOULEVARD) AND RIGHTS-OF-WAY FOR DRAINAGE CANALS.

PARCEL 13:

ALL THAT CERTAIN PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT IS 1019 FEET EAST OF THE EAST LINE OF MADRID PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 13, PAGE 78 AND REPLAT THEREOF, RECORDED IN PLAT BOOK 20, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29; THENCE RUNNING SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 160 FEET TO THE POINT OF BEGINNING AND NORTHEAST CORNER OF THE PARCEL HEREBY CONVEYED; THENCE CONTINUE SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 50 FEET; THENCE RUNNING WEST PARALLEL TO THE NORTH LINE OF SECTION 29 A DISTANCE OF 142.5 FEET; THENCE RUNNING NORTH PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 50 FEET; THENCE RUNNING EAST PARALLEL TO THE NORTH LINE OF SECTION 29 A DISTANCE OF 142.5 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREBY CONVEYED.

PARCEL 14:

ALL THAT CERTAIN PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT IS 1019 FEET EAST OF THE EAST LINE OF MADRID PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 13, PAGE 78 AND REPLAT THEREOF, RECORDED IN PLAT BOOK 20, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29; THENCE RUNNING SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 300 FEET TO THE POINT OF BEGINNING; THENCE RUNNING SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 84 FEET; THENCE RUNNING WEST PARALLEL TO THE NORTH LINE OF SECTION 29 A DISTANCE OF 142.5 FEET; THENCE RUNNING NORTH PARALLEL TO THE EAST LINE OF MADRID PARK A

DISTANCE OF 84 FEET; THENCE RUNNING EAST PARALLEL TO THE NORTH LINE OF SECTION 29 A DISTANCE OF 142.5 FEET TO THE POINT OF BEGINNING.

(HANCOCK PARCEL)

A PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT IS 876.5 FEET EAST OF THE EAST LINE OF MADRID PARK, 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 13, PAGE 78, WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29, RUN SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 262 FEET; THENCE RUN WEST PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 102.5 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING RUN SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 72 FEET; THENCE RUN WEST PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 10.00 FEET; THENCE RUN NORTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 72 FEET; THENCE RUN EAST PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCELS OF LAND CONTAIN 1.91 ACRES, MORE OR LESS.