

RESOLUTION NO. R-2017- 1127

RESOLUTION APPROVING ZONING APPLICATION Z-2017-00823  
CONTROL NO. 2016-00109  
an Official Zoning Map Amendment  
APPLICATION OF Belvedere Westgate, Palm Beach County  
BY Jon E Schmidt & Associates, AGENT  
(Dennis P. Koehler and Babbling Brook)

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-2017-00823 was presented to the Board of County Commissioners at a public hearing conducted on August 24, 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-2017-00823, the Application of Belvedere Westgate, Palm Beach County, by Jon E Schmidt & Associates, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Multifamily Residential High Density (RH) Zoning District to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone (COZ), 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 August 24, 2017, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McKinlay moved for the approval of the Resolution.

The motion was seconded by Commissioner Kerner 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	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Absent
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 24, 2017.

Filed with the Clerk of the Board of County Commissioners on September 5th, 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' at the bottom. The inner ring contains 'PALM BEACH COUNTY' at the top and 'FLORIDA' at the bottom. A five-pointed star is located at the bottom center of the seal.

## EXHIBIT A

### LEGAL DESCRIPTION

17 PARCELS OF LAND SITUATED IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1: PCN 00-43-43-30-03-015-0110 (ORB 11902, PG 747)  
LOTS 11, 12, 13, 14 AND 15, BLOCK 15, WESTGATE ESTATES, NOTHERN SECTION, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 8, PAGE 38.

TOGETHER WITH:

PARCEL 2: PCN 00-43-43-30-07-000-0030 (ORB 11912, PG 225)  
TRACT C, REPLAT OF PART OF BLOCKS 11, 14, 15, 29, 41, 51 AND 54, WESTGATE ESTATES, A SUBDIVISION IN PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 15, PAGE 66.

TOGETHER WITH:

PARCEL 3: PCN 00-43-43-30-03-016-0010 (ORB 11651, PG 22)  
WEST GATE ESTATES, NORTHERN SECTION, LOTS 1 TO 9, INCLUSIVE, BLOCK 16, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA; RECORDED IN PLAT BOOK 8, PAGE 38.

TOGETHER WITH:

PARCEL 4: PCN 00-43-43-30-03-016-0100 (ORB 23120, PG 591)  
LOTS 10, 11 AND 12, BLOCK 16, WESTGATE ESTATES, NOTHERN SECTION, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 8, PAGE 38.

TOGETHER WITH:

PARCEL 5: PCN 00-43-43-30-03-016-0130 (ORB 23101, PG 694)  
LOTS 13, 14 AND 15, BLOCK 16, WESTGATE ESTATES, NOTHERN SECTION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 38, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 6: PCN 00-43-43-30-03-016-0160 (ORB 22813, PG 204)  
LOTS 16, 17, 18, 19, 46, 47, 48 AND 49, BLOCK 16, WESTGATE ESTATES, NOTHERN SECTION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 38, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 7: PCN 00-43-43-30-03-016-0200 (ORB 22934, PG 994)  
LOTS 20 TO 22, BLOCK 16, WESTGATE ESTATES, NOTHERN SECTION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 38, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 8: PCN 00-43-43-30-03-016-0230 (ORB 23113, PG 1381)  
LOTS 23 THROUGH 30, INCLUSIVE, BLOCK 16, WESTGATE ESTATES, NOTHERN SECTION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 38, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 9: PCN 00-43-43-30-03-016-0580 (ORB 22689, PG 395)  
LOTS 58, 59 AND 60, BLOCK 16, WESTGATE ESTATES, NOTHERN SECTION,  
ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 8, PAGE 38, AS RECORDED  
IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 10: PCN 00-43-43-30-03-016-0500 (ORB 22689, PG 410)  
LOTS 50 THROUGH 57, INCLUSIVE, BLOCK 16, WESTGATE ESTATES, NOTHERN  
SECTION, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 8, PAGE 38, AS  
RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 11: PCN 00-43-43-30-03-016-0310 (ORB 11371, PG 719)  
LOTS 31 TO 45, INCLUSIVE, OF BLOCK 16, IN WESTGATE ESTATES, NOTHERN  
SECTION, 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 8, PAGE 38.

TOGETHER WITH:

PARCEL 12: PCN 00-43-43-30-03-022-0010 (ORB 11902, PG 742)  
LOTS 1 THROUGH 4, INCLUSIVE, BLOCK 22, WESTGATE ESTATES, NOTHERN  
SECTION, 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 8, PAGE 38.

TOGETHER WITH:

PARCEL 13: PCN 00-43-43-30-03-022-0050 (ORB 11328, PG 1008)  
LOTS 5, 6, 35 AND 36, BLOCK 22, ACCORDING TO THE PLAT OF WESTGATE  
ESTATES, NOTHERN SECTION, RECORDED IN THE OFFICE OF THE CLERK OF THE  
CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 8,  
PAGE 38.

TOGETHER WITH:

PARCEL 14: PCN 00-43-43-30-03-022-0070 (ORB 22146, PG 938)  
LOTS 7 THROUGH 15, INCLUSIVE OF BLOCK 22, WESTGATE ESTATES, NOTHERN  
SECTION, ACCORDING TO THE PLAT THEREOF FILED AND RECORDED AMONG  
THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 8,  
PAGE 38.

TOGETHER WITH:

PARCEL 15: PCN 00-43-43-30-03-022-0160 (ORB 11371, PG 732)  
LOTS 16 THROUGH 24, BLOCK 22, INCLUSIVE, AND LOTS 25 THROUGH 30, BLOCK  
22, LESS THE SOUTH 30 FEET THEREOF, WESTGATE ESTATES, NOTHERN  
SECTION, 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 8, PAGE 38.

TOGETHER WITH:

PARCEL 16: PCN 00-43-43-30-03-022-0251 (ORB 24468, PG 1766)  
THE SOUTH 30 FEET OF LOTS 25 THROUGH 30, AND THE NORTH 37.5 FEET OF  
LOTS 55 THROUGH 60, BLOCK 22, WEST GATE ESTATES, NOTHERN SECTION,  
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 38,  
PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 17: PCN 00-43-43-30-03-022-0530 (ORB 22350, PG 1328)  
LOTS 53 AND 54, BLOCK 22, WESTGATE ESTATES, NOTHERN SECTION,  
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  
8, PAGE 38.

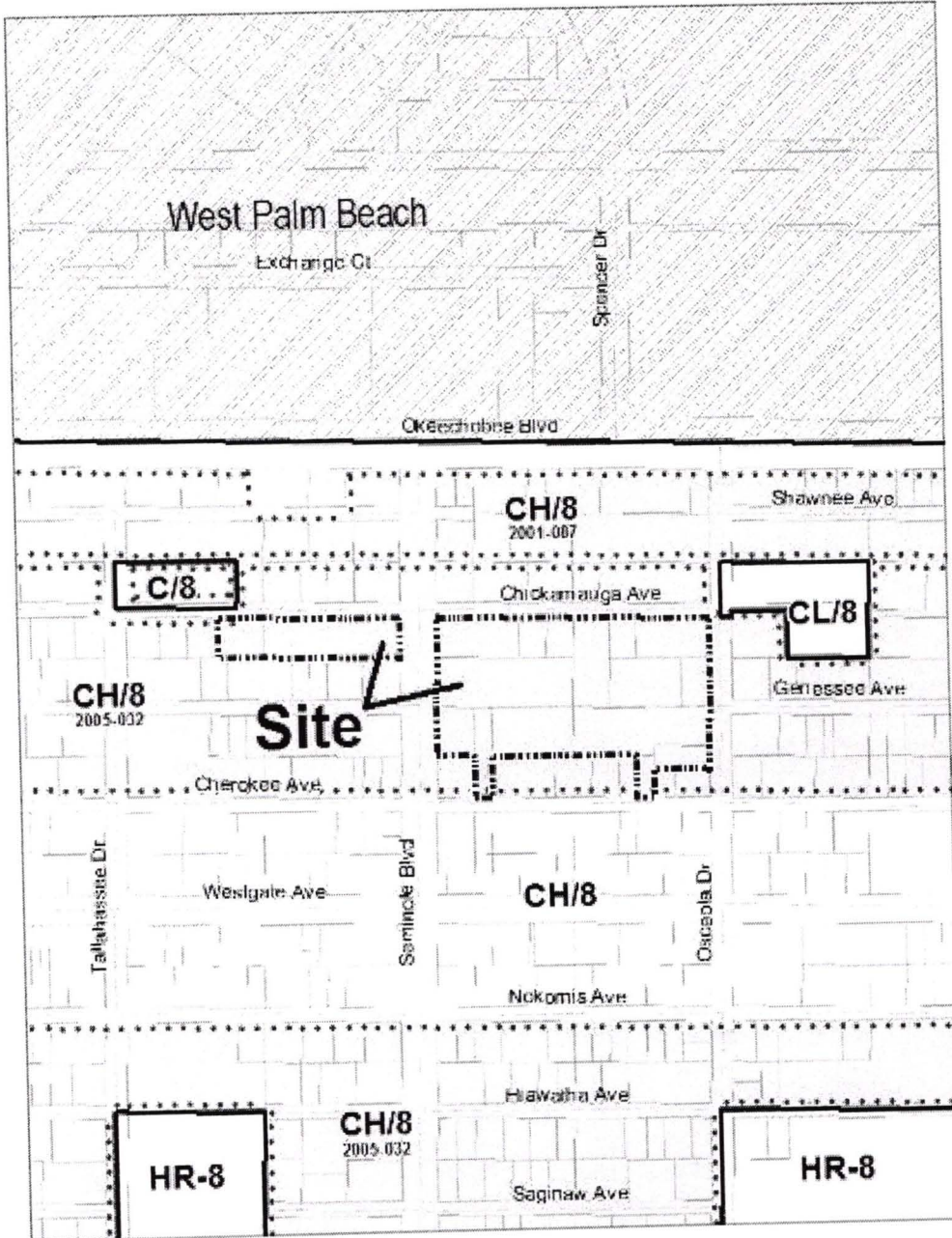
TOGETHER WITH:

PARCEL 18: RESOLUTION R-2009-0469 (ORB 23287, PG 1729)

A PARCEL OF LAND BEING A PORTION OF GENESSEE AVENUE, A 40.00 FOOT RIGHT-OF-WAY, AS SHOWN ON THE PLAT OF WEST GATE ESTATES, NORTHERN SECTION, AS RECORDED IN PLAT BOOK 8, PAGE 38, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDED ON THE NORTH BY THE SOUTH LINE OF LOTS 31 THROUGH 60, INCLUSIVE, OF BLOCK 16, OF SAID PLAT; BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF OSCEOLA DRIVE, A 60.00 FOOT RIGHT-OF-WAY, AS SHOWN ON SAID PLAT; BOUNDED ON THE SOUTH BY THE NORTH LINE OF LOTS 1 THROUGH 30, INCLUSIVE, OF BLOCK 22, OF SAID PLAT; BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF SEMINOLE BOULEVARD, A 100.00 FEET RIGHT-OF-WAY, AS SHOWN ON SAID PLAT. CONTAINING 8.422 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Official Zoning Map Amendment

##### ENGINEERING

1. Prior to July 31, 2018, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall provide to the Palm Beach County Right of Way Acquisition Section of Roadway Production Division a road right of way deed and all associated documents as required by the County Engineer for 25ft corner clips located at the southeast and southwest corners of the intersection of Seminole Boulevard and Chickamauga Avenue and the southwest corner of the intersection of Chickamauga Avenue and Osceola Drive.

All right of way deed(s) and associated documents shall be provided within ninety (90) days of a request by the County Engineer. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (ONGOING: MONITORING - Engineering)

##### 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: ZONING - 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; 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: ZONING - Zoning)

**DISCLOSURE**

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