

RESOLUTION NO. R-2018- 1288

RESOLUTION APPROVING ZONING APPLICATION SV/ZV/ABN/PDD/CA/TDR-2017-01999  
(CONTROL NO. 1978-00261)  
a Transfer of Development Rights  
APPLICATION OF Fairway North Beach LLC  
BY Urban Design Kilday Studios, AGENT  
(Lenox North Beach)

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 (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 SV/ZV/ABN/PDD/CA/TDR-2017-01999 was presented to the Board of County Commissioners at a public hearing conducted on August 23, 2018;

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 (Application Processes and 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 Processes) for a Transfer of Development Rights;

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.B.6.C (Board Action) 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 SV/ZV/ABN/PDD/CA/TDR-2017-01999, the Application of Fairway North Beach LLC, by Urban Design Kilday Studios, Agent, for a Transfer of Development Rights to allow the Transfer of Development Rights for 11 units and to designate this application as a receiving area, 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 23, 2018, 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 Abrams 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	-	Nay
Commissioner Paulette Burdick	-	Aye
Commissioner Dave Kerner	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 23, 2018.

Filed with the Clerk of the Board of County Commissioners on September 12th, 2018

This resolution shall not become effective unless or until the effective date of Large Scale Use Amendment No. LGA-2018-002.

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



EXHIBIT A

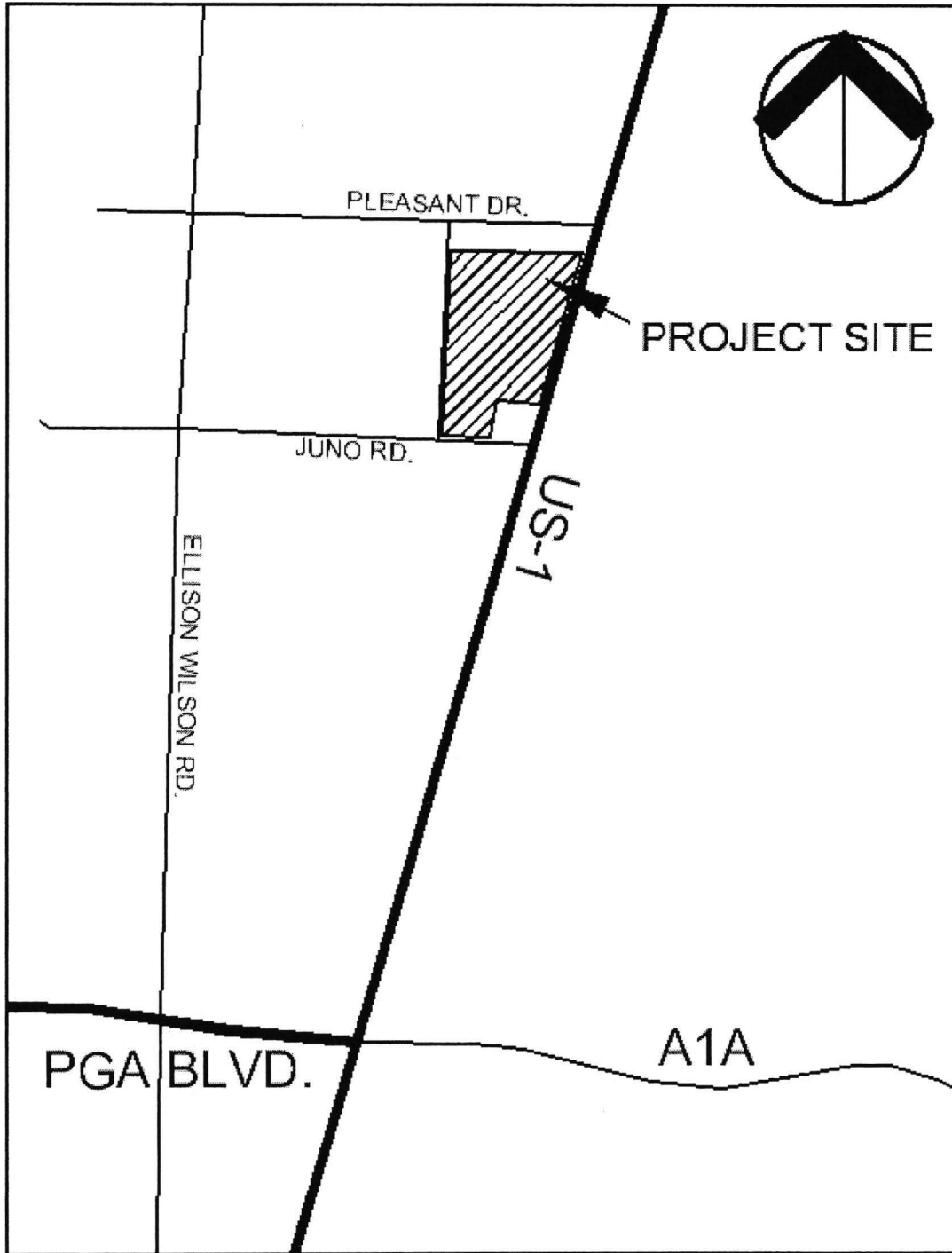
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE N.02°15'43"E., ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33 (THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33 IS ASSUMED TO BEAR N.02°15'43"E. AND ALL OTHER BEARINGS ARE RELATIVE THERETO), A DISTANCE OF 30.02 FEET TO A POINT; THENCE N.90°00'00"E., ALONG A LINE 30 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 30.02 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL; THENCE N.02°15'43"E., ALONG A LINE 30 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, A DISTANCE OF 959.88 FEET TO A POINT IN THE SOUTH LINE OF THE PLAT OF PLEASANT RIDGE, AS RECORDED IN PLAT BOOK 24, PAGE 167, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S.90°00'00"E., ALONG SAID SOUTH LINE OF THE PLAT OF PLEASANT RIDGE, A DISTANCE OF 673.23 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, AS RECORDED IN ROAD PLAT BOOK 2, PAGE 108, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S.15°37'48"W., ALONG THE WEST RIGHT-OF-WAY LINE, A DISTANCE OF 795.96 FEET TO A POINT; THENCE N.90°00'00"W., DEPARTING FROM WEST RIGHT-OF-WAY LINE, A DISTANCE OF 259.59 FEET TO A POINT; THENCE S.15°37'48"W., PARALLEL TO THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, A DISTANCE OF 200.00 FEET TO A POINT IN A LINE 30 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 33, SAID POINT LYING ON THE NORTH RIGHT-OF-WAY OF JUNO ROAD; THENCE N.90°00'00"W., ALONG SAID PARALLEL LINE AND NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 183.19 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.14 ACRES MORE OR LESS

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Transfer of Development Rights

##### ALL PETITIONS

1. The approved Site Plan is dated June 22, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

##### TRANSFER OF DEVELOPMENT RIGHTS

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall execute a Contract for Sale and Purchase of Transfer of Development of Rights (TDRs) in a manner and form approved by the County Attorney, and formally executed by the Executive Director of Planning, Zoning and Building Department. The Contract shall accommodate a maximum of 11 TDR units at a selling price of \$810.00 PER UNIT (DRO: ZONING - County Attorney)

2. Prior to final approval by the Development Review Officer (DRO, two (2) recorded copies of the Contract for Sale and Purchase of Transfer of Development Rights (TDRs) shall be provided to the Palm Beach County Zoning Division (DRO: ZONING - Zoning)

3. Prior to final approval by the Development Review Officer (DRO), a deed conveying the applicable Transfer of Development Rights (TDR) units from the County TDR bank to the subject property, shall be executed and recorded in a manner and form approved by the Office of the County Attorney. (DRO: ZONING - Zoning)

4. At time of submittal for final approval by the Development Review Officer (DRO), an official Contract for Sale and Purchase of Transfer of Development Rights (TDR) Units and TDR Deed shall be submitted for final review and execution. (DRO: ZONING - Zoning)

##### 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.