

RESOLUTION NO. R-2019- 0175

RESOLUTION APPROVING ZONING APPLICATION ABN/Z-2018-01739
(CONTROL NO. 1977-00092)
an Official Zoning Map Amendment
APPLICATION OF Palm Beach County
BY Urban Design Kilday Studios, AGENT
(Tree Town)

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 ABN/Z-2018-01739 was presented to the Board of County Commissioners at a public hearing conducted on January 24, 2019;

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 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.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 ABN/Z-2018-01739, the Application of Palm Beach County, by Urban Design Kilday Studios, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Commercial General (CG) 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 January 24, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Mack Bernard, Mayor	-	Aye
Commissioner Dave Kerner, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Robert S. Weinroth	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Melissa McKinlay	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 24, 2019.

Filed with the Clerk of the Board of County Commissioners on February 4th, 2019

This resolution shall not become effective until the Small Scale Amendment No. SCA-2019-004, PBIA-Treetown is effective.

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 COUNTY
FLORIDA



EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

PROPERTY DESCRIPTION:

THAT PART OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 30, THENCE NORTH 87°58'54" WEST ALONG THE SOUTH BORDER OF SECTION 30, A DISTANCE OF 1747.09 FEET; THENCE NORTH 02°00'51" EAST, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 02°00'51" EAST, A DISTANCE OF 486.34 FEET TO A POINT; THENCE NORTH 87°58'54" WEST, A DISTANCE OF 349.10 FEET TO A POINT; THENCE SOUTH 02°00'51" WEST, A DISTANCE OF 425.34 FEET; THENCE SOUTH 87°58'54" EAST, A DISTANCE OF 84.50 FEET; THENCE SOUTH 02°00'51" WEST, A DISTANCE OF 61.00 FEET; THENCE SOUTH 87° 58'54" EAST, A DISTANCE OF 264.60 FEET TO THE POINT OF BEGINNING.

LESS THE SOUTH 33.00 FEET THEREOF FOR RIGHT OF WAY OF BELVEDERE ROAD.

TOGETHER WITH: PROPERTY PER ORB.801, PG. 731

THAT CERTAIN TRACT OR PARCEL OF LAND, A PORTION OF THE FORMER PALM BEACH AIR FORCE BASE, SITUATE, LYING AND BEING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST, IN THE COUNTY OF PALM BEACH, IN THE STATE OF FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 30; THENCE N 87°58'54"W ALONG THE SOUTH BOUNDARY OF SAID SECTION 30, A DISTANCE OF 2,011.69 FEET; THENCE N 2°00' 51" E, A DISTANCE OF 33.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 2°00' 51" E, A DISTANCE OF 61.00 FEET; THENCE N 87°58'54" W, A DISTANCE OF 84.5 FEET; THENCE S 2°00'51" W, A DISTANCE OF 61.00 FEET; THENCE S 87°58'54" E, TO POINT OF BEGINNING;

LESS AND EXCEPT THE SOUTH 33.00 FEET AS RECORDED IN OFFICIAL RECORDS BOOK 4764, PAGE 655 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THE PROPERTY CONTAINS 158,271 SQ. FT. OR 3.63 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



EXHIBIT C

CONDITIONS OF APPROVAL

Official Zoning Map Amendment

ENGINEERING

1. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Belvedere Road sixty (60) feet, measured from centerline of the proposed right of way on an alignment approved by the County Engineer.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. 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 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. The Property Owner shall provide to the Right of Way Section 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. (BLDG/PMT/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: MONITORING - Zoning) (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: MONITORING - Zoning) (ONGOING: ZONING - Zoning)

DISCLOSURE

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