

RESOLUTION NO. R-2019- 0256

RESOLUTION APPROVING ZONING APPLICATION ZV/ABN/DOA-2018-01725
(CONTROL NO. 2004-00459)
a Development Order Amendment
APPLICATION OF Glades 95th Owner, LLC
BY Dunay, Miskel and Backman, LLP, AGENT
(Johns Glades West MXPDP)

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 (ULDC), Ordinance 2003-067, Supplement 23, have been satisfied;

WHEREAS, Zoning Application ZV/ABN/DOA-2018-01725 was presented to the Board of County Commissioners at a public hearing conducted on February 28, 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 a Development Order 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 ZV/ABN/DOA-2018-01725, the Application of Glades 95th Owner, LLC, by Dunay, Miskel and Backman, LLP, Agent, for a Development Order Amendment to reconfigure the Site Plan to add square footage and, to modify Conditions of Approval (Architecture and Planning), 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 February 28, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

The motion was seconded by Commissioner Weiss 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	- Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on February 28, 2019.

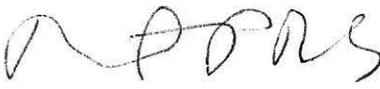
Filed with the Clerk of the Board of County Commissioners on March 25th, 2019.

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



EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION:(OVERALL PROPERTY SURVEYED)

PARCEL A

TRACTS 105, 106, 107, 108, 117 AND 120, AND THE EAST 51 FEET OF TRACTS 109 AND 116, BLOCK 77 OF PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE LAND CONVEYED TO THE COUNTY OF PALM BEACH BY THE RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 57, PAGE 330 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THE LAND CONVEYED TO THE STATE OF FLORIDA, FOR THE USE AND BENEFIT OF THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, BY THE DEEDS RECORDED IN OFFICIAL RECORDS BOOK 6782, PAGE 1185 AND OFFICIAL RECORDS BOOK 6782, PAGE 1187, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND EXCEPT ANY PORTION OF SAID LAND CONVEYED TO EZON INVESTMENT COMPANY BY THE WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 6912, PAGE 863 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THE LAND VESTED IN PALM BEACH COUNTY BY THE ORDER OF TAKING ON PLAINTIFF'S PETITION RECORDED IN OFFICIAL RECORDS BOOK 9830, PAGE 702 AND THE AMENDED ORDER OF TAKING ON PLAINTIFF'S PETITION RECORDED IN OFFICIAL RECORDS BOOK 9840, PAGE 984, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL B

TRACTS 118 AND 119, BLOCK 77 OF PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL C

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF A PORTION OF PARCEL A DESCRIBED ABOVE, CREATED BY AND MORE PARTICULARLY DESCRIBED IN THE ACCESS EASEMENT BETWEEN EZON INVESTMENT COMPANY AND YOLAND ELIZABETH SPRATT RINGGER, ET AL., RECORDED IN OFFICIAL RECORDS BOOK 6919, PAGE 326 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCELS A AND B ALSO KNOWN AS

A PORTION OF TRACTS 105, 106, 107, 108, 109, 116, 117, 118, 119 AND 120, BLOCK 77, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTIONS 18 AND 19, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT A-1, FESTIVAL SHOPPES OF BOCA RATON REPLAT ONE, AS RECORDED IN PLAT BOOK 120, PAGES 9

THROUGH 12 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.00°50'59"W. ALONG THE EAST LINE OF SAID FESTIVAL SHOPPES OF BOCA RATON REPLAT ONE, AND THE EAST LINE OF FESTIVAL SHOPPES OF BOCA RATON, AS RECORDED IN PLAT BOOK 69, PAGES 172 THROUGH 174 OF SAID PUBLIC RECORDS, A DISTANCE OF 1275.30 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 808 (GLADES ROAD), AS RECORDED IN OFFICIAL RECORD BOOK 6782, PAGE 1185 OF SAID PUBLIC RECORDS; THENCE N.89°37'59"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE, AS RECORDED IN OFFICIAL RECORD BOOK 6782, PAGE 1185, AND OFFICIAL RECORD BOOK 6782, PAGE 1187 OF SAID PUBLIC RECORDS, A DISTANCE OF 1303.02 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF 95TH AVENUE SOUTH, AS RECORDED IN OFFICIAL RECORD BOOK 12092, PAGE 211 OF SAID PUBLIC RECORDS; THENCE S.00°22'01"E. ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 1275.25 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACT 120; THENCE S.89°37'59"W. ALONG THE SOUTH LINE OF SAID TRACTS 116 THROUGH 120, A DISTANCE OF 1292.28 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,654,834 SQUARE FEET/37.9898 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

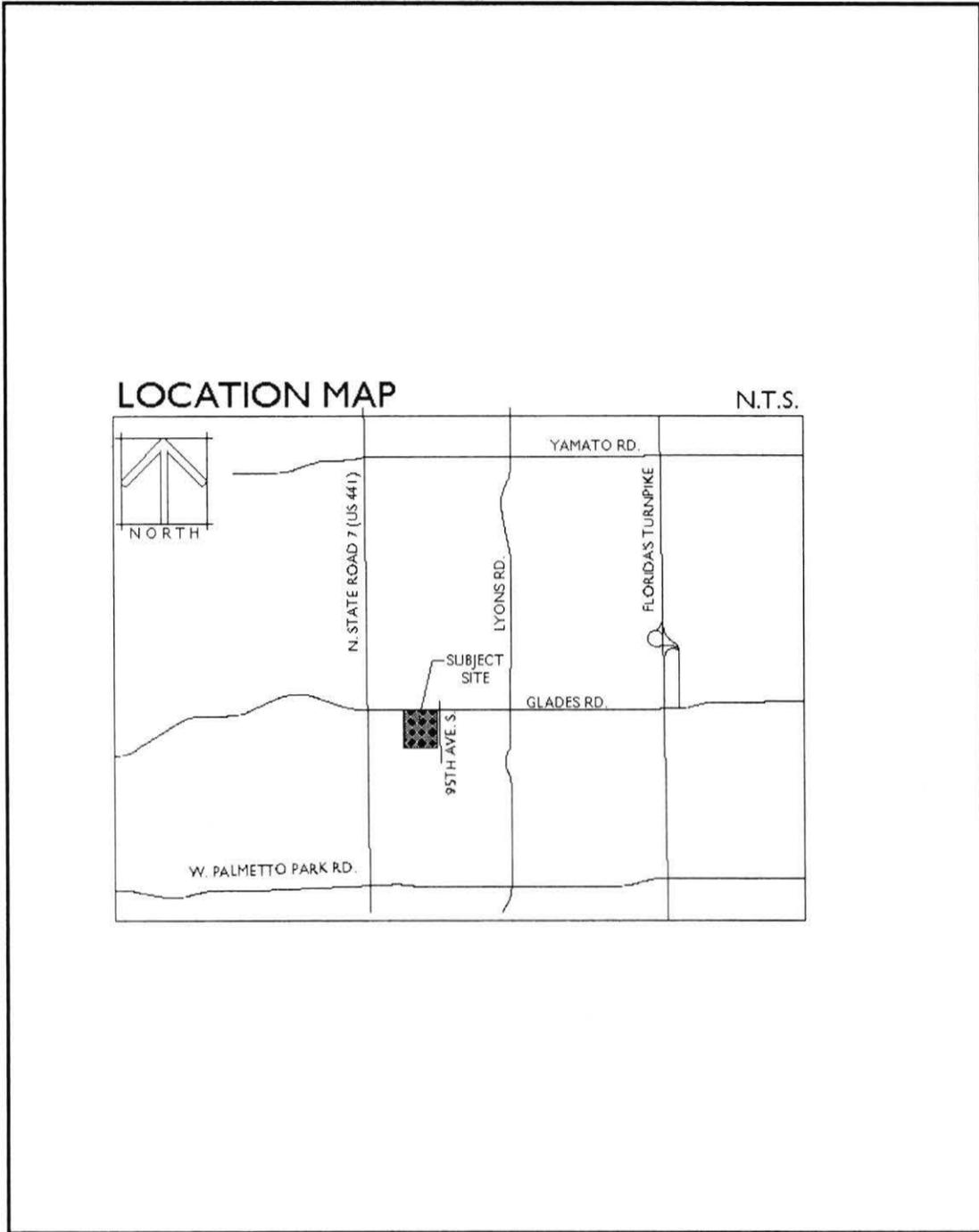


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment - Indoor Theater (Building C3)

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2017-693, Control No.2004-00459, which currently states:

The approved Preliminary Site and Regulating Plans are dated February 9, 2017. 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.

Is hereby amended to read:

The approved Preliminary Master Plan and Preliminary Site plan are dated December 10, 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. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2017-693 (Control 2004-00459), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

ARCHITECTURAL REVIEW

1. Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2017-693, Control No.2004-00459, which currently states:

At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Indoor Theater (Building C3) shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: Code Requirement at Building Permit.]

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the 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 Voluntary Commitments of this Approval. (ONGOING: MONITORING- Zoning) (Previous COMPLIANCE Condition 1 of Resolution R-2017-692, Control No.2004-00459)

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) (Previous COMPLIANCE Condition 2 of Resolution R-2017-692, Control No.2004-00459)

DISCLOSURE

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