

RESOLUTION NO. R-2019- 0553

RESOLUTION APPROVING ZONING APPLICATION ABN/Z/CA-2018-01726  
(CONTROL NO. 1986-00140)  
TRANSFER OF DEVELOPMENT RIGHTS (TDR)  
APPLICATION OF Fraternal Order of Police, Meritage Homes of Florida  
BY WGINC, AGENT  
(Catalina Townhomes)

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 24, have been satisfied;

WHEREAS, Zoning Application ABN/Z/CA-2018-01726 was presented to the Board of County Commissioners at a public hearing conducted on April 25, 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 Class A Conditional Use;

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/CA-2018-01726, the Application of Fraternal Order of Police, Meritage Homes of Florida, by WGINC, Agent, for a Class A Conditional Use to allow a Transfer of Development Rights, 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 April 25, 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 Kerner 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 April 25, 2019.

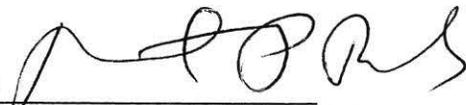
Filed with the Clerk of the Board of County Commissioners on May 1, 2019.

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

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

#### PARCEL 1

A PORTION OF TRACT 3 IN BLOCK 5, ACCORDING TO THE MAP OF PALM BEACH FARMS COMPANY PLAT NO. 3, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, INCLUSIVE, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE WEST 262.33 FEET OF THE EAST 397.67 FEET OF THE NORTH 326.84 OF TRACT 3, (LESS THE EAST 132.3 FEET), BLOCK 5.  
AND

#### PARCEL 2

FOR A BEGINNING POINT, START AT THE SOUTHEAST CORNER OF TRACT 3, BLOCK 5, ACCORDING TO THE MAP OF PALM BEACH FARMS COMPANY PLAT NO. 3, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, INCLUSIVE, PALM BEACH COUNTY, FLORIDA, AND RUN NORTH ALONG THE EAST BOUNDARY OF SAID TRACT 3, A DISTANCE OF 484.68 FEET; THENCE WEST 135.2 FEET TO A POINT OF BEGINNING; THENCE RUN WEST 132.2 FEET TO A STAKE; THENCE 352.54 FEET NORTH TO APPROXIMATELY THE CENTER LINE OF A CANAL; THENCE ALONG SAID CENTER LINE SOUTH 80° EAST, A DISTANCE OF 132.4 FEET; THENCE SOUTH 326.94 FEET TO POINT OF BEGINNING.  
AND

#### PARCEL 3

A PARCEL OF LAND IN TRACT 3, BLOCK 5, ACCORDING TO THE MAP OF PALM BEACH FARMS COMPANY PLAT NO. 3, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, INCLUSIVE, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE SOUTHWEST CORNER OF SAID TRACT 3, THENCE EAST ALONG THE SOUTH LINE OF SAID TRACT A DISTANCE OF 262.00 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF THE WEST 5 ACRES OF SAID TRACT 3, SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE NORTH PARALLEL TO THE WEST LINE OF SAID TRACT 3, ALONG THE EAST LINE OF THE WEST 5 ACRES OF SAID TRACT 3, A DISTANCE OF 484.68 FEET; THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID TRACT 3, A DISTANCE OF 262.33 FEET TO A POINT 135.2 FEET WEST OF THE EAST LINE OF TRACT 3; THENCE NORTH PARALLEL TO THE WEST LINE OF SAID TRACT, A DISTANCE OF 326.45 FEET TO THE NORTH LINE OF SAID TRACT 3, THENCE EAST ALONG THE NORTH LINE OF SAID TRACT 3, A DISTANCE OF 135.34 FEET, TO THE NORTHEAST CORNER OF SAID TRACT; THENCE SOUTH ALONG THE EAST LINE OF SAID TRACT 3, A DISTANCE OF 805.00 FEET, TO THE SOUTHEAST CORNER OF SAID TRACT 3; THENCE WEST ALONG THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 397.53 FEET, TO THE POINT OF BEGINNING, LESS AND EXCEPT ROAD RIGHT OF WAY RECORDED MAY 17, 1990 IN OFFICIAL RECORD BOOK 6456, PAGE 197; RECORDED OCTOBER 20, 1992 IN OFFICIAL RECORD BOOK 7441, PAGE 123 AND RECORDED OCTOBER 20, 1992 IN OFFICIAL RECORD 7441, PAGE 205.

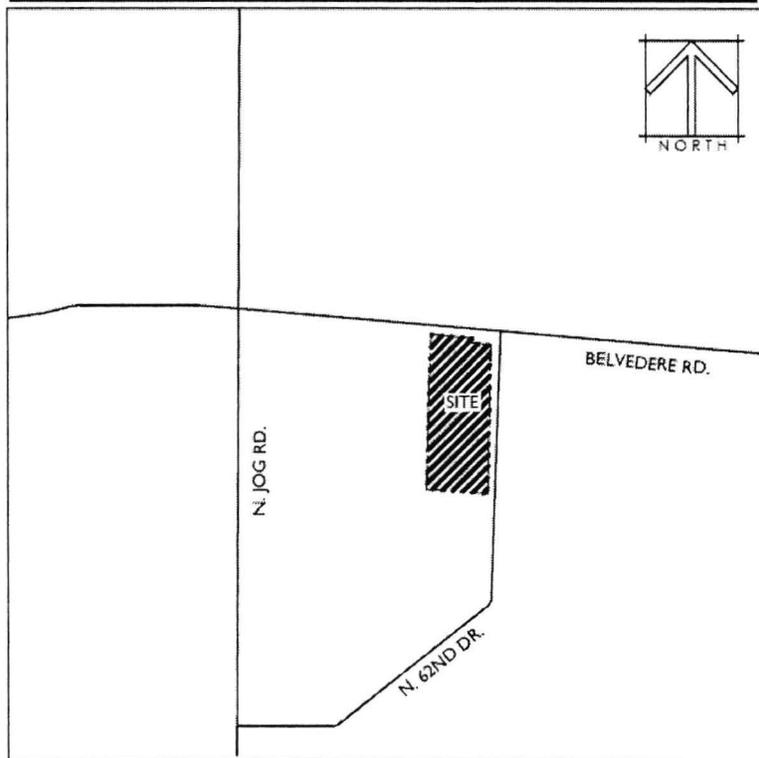
CONTAINING: 286020.214 SQUARE FEET OR 6.566 ACRES

EXHIBIT B

VICINITY SKETCH

LOCATION MAP

N.T.S.



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Class A Conditional Use**

##### **ALL PETITIONS**

1. The approved Preliminary Subdivision Plan is dated December 20, 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)

##### **PLANNING**

1. Prior to the issuance of the first Building Permit, the property owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

Guarantees the attainability of all required workforce units required per ULDC Article 5.G. These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle) consistent with the requirements in ULDC Article 5.G. The site plan shall also be modified to include the OR Book and Page of the recorded document and provide a copy of the revised site plan to Planning. (BLDGPM: MONITORING - Planning)

2. On an annual basis, beginning February 1, 2021, or as otherwise stipulated in the Declaration of Restrictive Covenants, the owner of the WHP unit shall submit to the Planning Director, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WHP and a copy of any monitoring information provided to and received from the appropriate funding agency/source. (DATE/ONGOING: MONITORING - Planning)

##### **TRANSFER OF DEVELOPMENT RIGHTS**

1. Prior to the issuance of the first Building Permit, the Property Owner shall pay one hundred (100) percent of the Transfer of Development Rights (TDR) Funds to the Zoning Division. Upon payment of the funds, the TDR Deed shall be recorded by the Property Owner, and a copy shall be provided to the Zoning Division. (BLDGPM: MONITORING - Zoning)

2. Prior to Final Approval by the Development Review Officer, the Property Owner shall perform the following:

a. 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 \$250,560.00 (4 WHP TDR units at \$1,740.00 per unit; and, 7 TDR units at \$34,800.00 per unit). (DRO: COUNTY ATTORNEY - 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: MONITORING - 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)

#### **DISCLOSURE**

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