

RESOLUTION NO. R-2019- 1232

RESOLUTION APPROVING ZONING APPLICATION Z-2019-00519  
(CONTROL NO. 1994-00094)  
an Official Zoning Map Amendment  
APPLICATION OF Belvedere Westgate CRA, Palm Beach County  
BY Gentile Glas Holloway O'Mahoney & Assoc Inc., AGENT  
(Westgate CRA - Rezoning)

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 25, as amended, have been satisfied;

WHEREAS, Zoning Application Z-2019-00519 was presented to the Board of County Commissioners at a public hearing conducted on August 22, 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 Z-2019-00519, the Application of Belvedere Westgate CRA, Palm Beach County, by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent, for an Official Zoning Map Amendment to allow a rezoning from the Neighborhood Commercial (CN) and Multifamily Residential High Density (RH) Zoning Districts to the General Commercial (CG) 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 22, 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 McKinlay and, upon being put to a vote, the vote was as follows:

Commissioner Mack Bernard, Mayor	-	Absent
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 August 22, 2019.

Filed with the Clerk of the Board of County Commissioners on September 5th, 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

PARCEL 1:

THE WEST 15 FEET OF LOT 11, BLOCK 34, WEST GATE ESTATES (NORTHERN SECTION), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 38, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

INCLUDING

THE EAST 10 FEET OF LOT 11 AND ALL OF LOTS 12, 13, 14 AND 15 INCLUSIVE, BLOCK 34, WEST GATE ESTATES (NORTHERN SECTION), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 38, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 14,375 SQUARE FEET MORE OR LESS (0.330 ACRES).

PARCEL 2:

LOTS 31, 32, 33 AND 34, BLOCK 34, WEST GATE ESTATES (NORTHERN SECTION), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 38 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 11,935 SQUARE FEET MORE OR LESS (0.274 ACRES).

PARCEL 3:

LOTS 35, 36, 37, 38, 39, BLOCK 34, WEST GATE ESTATES (NORTHERN SECTION), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 38 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 14,375 SQUARE FEET MORE OR LESS (0.330 ACRES).

PARCEL 4:

TRACT E, SHARON'S REPLAT OF PORTIONS OF WEST GATE ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 64, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 9,060 SQUARE FEET MORE OR LESS (0.208 ACRES).

PARCEL 5:

LOT 16 THROUGH 21 AND LOTS 45 THROUGH 48, BLOCK 30, WEST GATE ESTATES (NORTHERN SECTION), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 38, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 28,750 SQUARE FEET MORE OR LESS (0.660 ACRES).

PARCEL 6:

LOTS 49 AND 50, BLOCK 30, WEST GATE ESTATES (NORTHERN SECTION), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 38, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 5,750 SQUARE FEET MORE OR LESS (0.132 ACRES).

PARCEL 7:

LOTS 10, 11, 12, 13, 14 AND 15, BLOCK 28, WEST GATE ESTATES (NORTHERN SECTION), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 38, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 17,250 SQUARE FEET MORE OR LESS (0.396 ACRES).

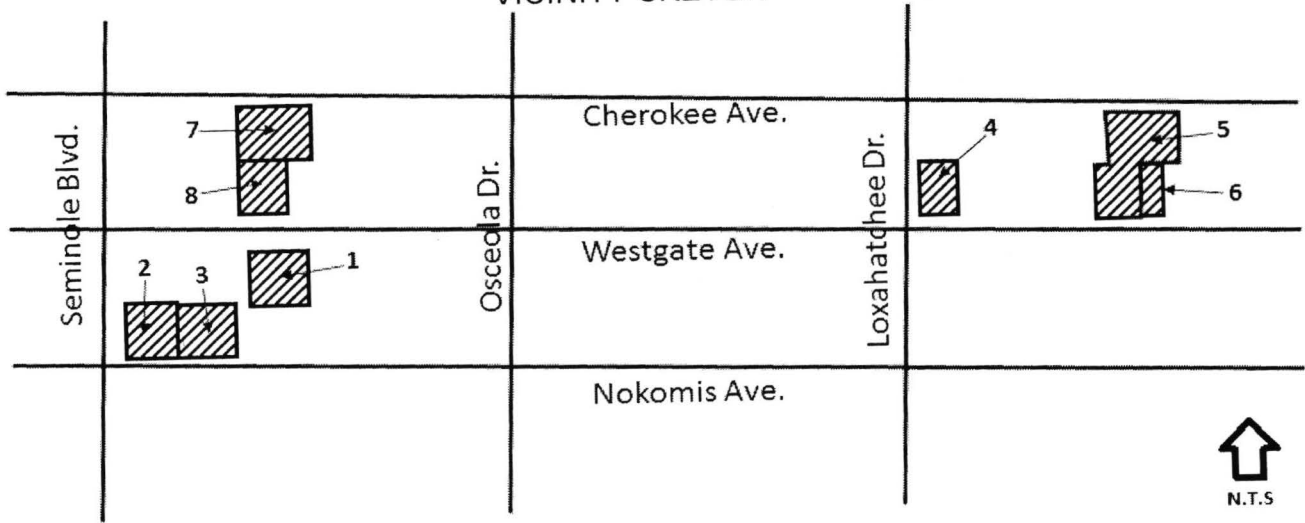
PARCEL 8:

LOTS 40, 41, 42, AND 43, BLOCK 28, WEST GATE ESTATES (NORTHERN SECTION), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 38, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 11,500 SQUARE FEET MORE OR LESS (0.264 ACRES).

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Exhibit C: Official Zoning Map Amendment with a Conditional Overlay Zone (COZ)**

##### **USE LIMITATIONS**

1. Prior to Final Approval by the Development Review Officer or issuance of any Building Permits, each of the eight parcels shall be combined with adjacent properties to the extent necessary to meet the minimum Property Development Regulations (PDRs) for the General Commercial Zoning District. Exceptions may be permitted subject to Variance relief from minimum PDRs, or the existing lot dimensions of the subject parcels are brought into compliance through adoption of Unified Land Development Code amendments. (BLDG/PMT/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: 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.