

RESOLUTION NO. R-2019- 1477

RESOLUTION APPROVING ZONING APPLICATION DOA/CB-2018-02126
(CONTROL NO. 1985-00175)
a Development Order Amendment
APPLICATION OF CWA Union Bldg Inc Local 3112,
Vertical Bridge Development, LLC - Dan Marinberg
BY Schmidt Nichols, AGENT
(Vertical Bridge Stealth Tower)

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, have been satisfied;

WHEREAS, Zoning Application DOA/CB-2018-02126 was presented to the Board of County Commissioners at a public hearing conducted on September 26, 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 DOA/CB-2018-02126, the Application of CWA Union Bldg Inc. Local 3112, Vertical Bridge Development, LLC - Dan Marinberg, by Schmidt Nichols, Agent, for a Development Order Amendment to reconfigure the Site Plan; reduce square footage; eliminate a soft ball field; and, reduce the number of parking spaces, 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 September 26, 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 Berger 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 | - | Absent |

The Mayor thereupon declared that the resolution was duly passed and adopted on September 26, 2019.

Filed with the Clerk of the Board of County Commissioners on September 27th, 2019

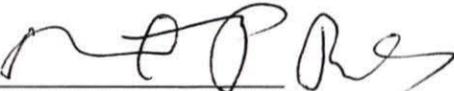
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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



The seal is circular with a double-line border. The outer ring contains the text 'PALM BEACH COUNTY COMMISSIONERS' at the top and 'BOCA RATON FLORIDA' at the bottom, separated by a star. The inner circle contains the text 'PALM BEACH COUNTY COMMISSIONERS' at the top and 'DEPUTY CLERK' at the bottom.

EXHIBIT A

LEGAL DESCRIPTION

NORTH 1/2 OF TRACT 39, BLOCK 5, PALM BEACH FARMS COMPANY PLAT NO. 3,
RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM
BEACH COUNTY, FLORIDA

CONTAINS 4.88 ACRES OR 212,772 SQUARE FEET, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

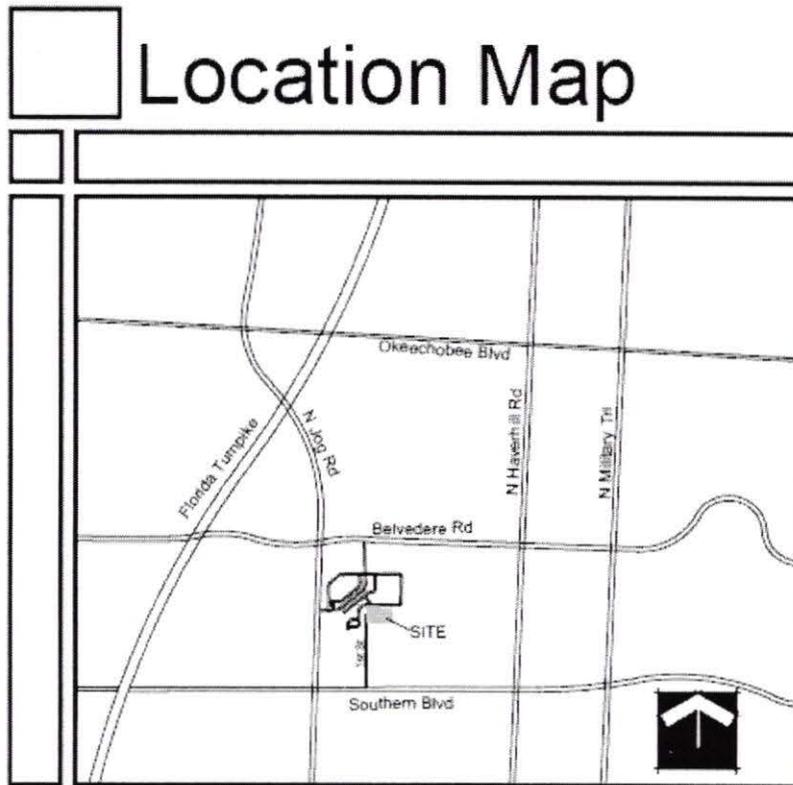


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment (Private Recreational Facility and Club)

ALL PETITIONS

1. The approved Preliminary Site Plan is dated August, 12, 2019. 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 Zoning Commission. (ONGOING: ZONING - Zoning)

2. Previous Condition 10 of Resolution R-1986-573-12, Control No.1985-00175, which currently states:

The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

Is hereby deleted. [REASON: No longer applicable, standard application requirement.]

3. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1986-573-12 (Control 1985-00175), 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)

ENGINEERING

1. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-24 hour storm per requirements of the Permit Section, Land Development Division. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous Condition 4 of Resolution R-1986-573-12, Control No.1985-00175)

2. The property owner shall convey for the ultimate right-of-way of First Road, 30 feet from centerline (approximately an additional 15 feet) all within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous Condition 5 of Resolution R-1986-573-12, Control No.1985-00175)

3. The property owner agrees to participate in any street improvement program for First Road. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous Condition 6 of Resolution R-1986-573-12, Control No.1985-00175)

4. The property owner shall pay a Fair Share Fee in the amount and manner required by the Share Contribution for Road Improvements as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is (210 trips X \$26.79 per trip). (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous Condition 7 of Resolution R-1986-573-12, Control No.1985-00175)

5. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous Condition 8 of Resolution R-1986-573-12, Control No.1985-00175)

6. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto First Road. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous Condition 9 of Resolution R-1986-573-12, Control No.1985-00175)

ENVIRONMENTAL

1. Prior to the Final Approval by the Development Review Officer, pursuant to the requirements of ULDC Art. 14.C, all prohibited exotic vegetation must be removed from the property. ERM may approve a phased removal of the vegetation provided a schedule for the removal in phases is approved by ERM and a Phase Line is placed on the site plan prior to the Final Approval by the Development Review Officer. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

HEALTH

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (ONGOING: CODE ENF - Health Department) [Note: COMPLETED] (Previous Condition 2 of Resolution R-1986-573-12, Control No.1985-00175)

2. Previous Condition 3 of Resolution R-1986-573-12, Control No.1985-00175, which currently states:

Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (ONGOING: HEALTH DEPARTMENT - Health Department)

Is hereby deleted. [REASON: Code Requirement]

LANDSCAPE - GENERAL

1. Prior to site plan certification, the site plan shall be revised to reflect the following:

- a) Required landscaping between the vehicular use areas and the abutting rights-of-way.
- b) Sufficient interior landscaping to conform to the twenty (20) square feet per stall requirement.
- c) Include both required and proposed interior landscaping calculations within the site data tabular information. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous Condition 1 of Resolution R-1986-573-12, Control No.1985-00175)

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.