

RESOLUTION NO. R-2023- 1177

RESOLUTION APPROVING ZONING APPLICATION ABN/Z-2023-00330  
(CONTROL NO. 1990-00023)  
an Official Zoning Map Amendment  
APPLICATION OF Palm Beach County  
BY Gentile Glas Holloway O'Mahoney & Assoc Inc., Palm Beach County, AGENT  
(Palm Beach County Fire Station No. 24)

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-2023-00330 the Application of Palm Beach County, by Gentile Glas Holloway O'Mahoney & Assoc Inc., Palm Beach County, Agent, for a Development Order Abandonment of a Special Exception for a Vehicle Sales and Rental use on 0.60 acres and an Official Zoning Map Amendment to allow a rezoning from the Neighborhood Commercial (CN) and the General Commercial (CG) Zoning District to the Public Ownership (PO) Zoning District on 1.35 acres was presented to the Board of County Commissioners at a public hearing conducted on August 24, 2023;

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 and Article 3.B.3 for a Conditional Overlay Zone;

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-2023-00330, the Application of Palm Beach County, by Gentile Glas Holloway O'Mahoney & Assoc Inc., Palm Beach County, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Neighborhood Commercial (CN) and the General

Commercial (CG) Zoning District to the Public Ownership (PO) Zoning District, with a Conditional Overlay Zone, on 1.35 acres, 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 24, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Mayor	- Aye
Commissioner Maria Sachs, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Michael A. Barnett	- Aye
Commissioner Marci Woodward	- Aye
Commissioner Sara Baxter	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 24, 2023.

Filed with the Clerk of the Board of County Commissioners on August 24th, 2023.

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

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LOTS 22 THROUGH 30; LOTS 51 THROUGH 60, BLOCK 33, WEST GATE ESTATES, (NORTHERN SECTION) ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, AT PAGE 38, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 30, BLOCK 33; THENCE SOUTHERLY, ALONG THE EAST LINE OF SAID LOT 30, BLOCK 33, A DISTANCE OF 25.00 FEET; THENCE ON AN ANGLE OF 45°00'00" TURNED FROM NORTH TO WEST, A DISTANCE OF 35.355 FEET TO A POINT IN THE NORTH LINE OF AFORESAID LOT 30; THENCE EASTERLY ALONG SAID NORTH LINE, A DISTANCE OF 25 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

LOTS 20 AND 21, BLOCK 33, WEST GATE ESTATES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 8, PAGE 38, LESS THE SOUTH 40 FEET THEREOF.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF WEST GATE ESTATES (NORTHERN SECTION) AS RECORDED IN PLAT BOOK 8, PAGE 38 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

BEGIN AT THE INTERSECTION OF NORTHWEST CORNER OF LOT 20 OF SAID PLAT WITH THE SOUTH RIGHT-OF-WAY OF WESTGATE AVENUE AS RECORDED ON SAID PLAT; THENCE ALONG SAID SOUTH RIGHT-OF-WAY, S88°52'48"E FOR 253.78 FEET; THENCE S43°52'48"E FOR 35.36 FEET TO THE WEST RIGHT-OF-WAY OF SEMINOLE BOULEVARD AS SHOWN ON SAID PLAT; THENCE ALONG SAID WEST RIGHT-OF-WAY, S01°07'12"E FOR 205.00 FEET TO THE SOUTHEAST CORNER OF LOT 60 OF SAID PLAT AND THE NORTH RIGHT-OF-WAY OF NOKOMIS AVENUE; THENCE ALONG SAID NORTH RIGHT-OF-WAY, N88°52'48"W FOR 253.78 FEET TO THE SOUTHWEST CORNER OF LOT 51 OF SAID PLAT; THENCE ALONG THE WEST LINE OF SAID LOT 51, N01°07'12"E FOR 115.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 51; THENCE ALONG THE NORTH LINE OF SAID LOT 51, S88°52'48"E FOR 25.00 FEET TO THE SOUTHWEST CORNER OF LOT 22 OF SAID PLAT; THENCE ALONG THE WEST LINE OF SAID LOT 22, N01°07'12"E FOR 40.00 FEET; THENCE N88°52'48"W FOR 50.00 FEET; THENCE ALONG THE WEST LINE OF LOT 20 OF SAID PLAT, N01°07'12"E FOR 75.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 20 AND THE POINT OF BEGINNING.

CONTAINING 58,833 SQUARE FEET OR 1.353 ACRES MORE OR LESS.

EXHIBIT B

VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Official Zoning Map Amendment

##### ENGINEERING

1. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

2. The proposed 25 foot corner clip to be dedicated is located at the southwest corner of Seminole Boulevard and Nokomis Avenue. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division with either a BCC approved Resolution dedicating the 25 foot corner clip as public right-of-way or dedicating the corner clip by plat prior to the issuance of the first building permit, in an acceptable form approved by County Engineer.

For County Dedication of Right-of-Way: 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 and a copy of the title policy with updated title work. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. 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. (BLDGPM: 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)

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.