

RESOLUTION NO. R-2018- 1281

RESOLUTION APPROVING ZONING APPLICATION PDD/DOA-2017-02173

(CONTROL NO. 1984-00159)

an Official Zoning Map Amendment to a Planned Development District

APPLICATION OF PGA Partners 100 LLC

BY Gentile Glas Holloway O'Mahoney & Assoc Inc., AGENT

(PGA Waterfront Residential PUD)

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 PDD/DOA-2017-02173 was presented to the Board of County Commissioners at a public hearing conducted on August 23, 2018;

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 to a Planned Development District ;

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 PDD/DOA-2017-02173, the Application of PGA Partners 100 LLC, by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent, for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from Residential Multifamily (RM) Zoning District to the Planned Unit Development (PUD) Zoning District., 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 23, 2018, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a

part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Melissa McKinlay, Mayor	- Aye
Commissioner Mack Bernard, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 23, 2018.

Filed with the Clerk of the Board of County Commissioners on September 12th, 2018

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 'FLORIDA' at the bottom, separated by a star on the left. The inner ring contains the text 'CLERK & COMPTROLLER' at the top and 'SHARON R. BOCK' at the bottom, separated by a star on the left.

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR THE OVERALL PROPERTY

PARCEL 1

ALL OF THE PLAT OF HATTIES LANDING M.U.P.D., ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 114, PAGE 195, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2

THE NORTH 80 FEET OF THE SOUTH 173.69 FEET OF THE NORTH 273.81 FEET OF THE SOUTH HALF (S1/2) OF THE NORTH HALF (N1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 5, TOWNSHIP 42 SOUTH, RANGE 43 EAST, LYING EAST OF THE INTRACOASTAL WATERWAY, AS SHOWN ON SURVEY PREPARED BY GEORGE S. BROCKWAY, LESS THE EAST 150 FEET OF THE NORTH 80 FEET OF THE SOUTH 173.69 FEET THE NORTH 273.81 FEET OF THE SOUTH HALF (S1/2) OF THE NORTH HALF (N1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 5, TOWNSHIP 42 SOUTH, RANGE 43 EAST, LYING EAST OF THE INTRACOASTAL WATERWAY, PALM BEACH COUNTY.

TOGETHER WITH

THE EAST 150 FEET OF THE NORTH 80 FEET OF THE SOUTH 173.69 FEET OF THE NORTH 273.81 FEET OF THE SOUTH HALF (S1/2) OF THE NORTH HALF (N1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 5, TOWNSHIP 42 SOUTH, RANGE 43 EAST, LYING EAST OF THE INTRACOASTAL WATERWAY, PALM BEACH COUNTY.

PARCEL 3

THE SOUTH 80 FEET OF THE SOUTH 173.69 FEET OF THE NORTH 273.81 FEET OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 42 SOUTH, RANGE 43 EAST, LYING EAST OF THE INTRACOASTAL WATERWAY, LESS THE EAST 231.80 FEET THEREOF.

TOGETHER WITH

THE EAST 231.80 FEET OF THE SOUTH 80 FEET OF THE NORTH 273.81 FEET OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 42 SOUTH, RANGE 43 EAST, LYING EAST OF THE INTRACOASTAL WATERWAY AS SHOWN BY SURVEY PREPARED BY GEORGE S. BROCKWAY, LESS THE EAST 33 FEET THEREOF FOR ELLISON WILSON ROAD RIGHT OF WAY, ALL DISTANCES BEING MEASURED PERPENDICULAR TO DESCRIBED LINES.

PARCEL 4

THE SOUTH 100 FEET OF THE NORTH 374.11 FEET, MEASURED ALONG THE WEST RIGHT OF WAY LINE OF THE ELLISON WILSON ROAD, OF THE FOLLOWING DESCRIBED TRACT:

THE SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, ALL OF SECTION 5, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LYING EAST OF THE EAST RIGHT OF WAY LINE OF THE INTRACOASTAL WATERWAY (SO-CALLED) AND WEST OF THE WEST RIGHT OF WAY LINE OF THE ELLISON WILSON ROAD;
LESS AND EXCEPT A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF THE SOUTH HALF OF THE NORTH HALF OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, WITH THE WEST RIGHT OF WAY LINE OF ELLISON WILSON ROAD; THENCE SOUTH 01°22'27"EAST ALONG SAID WEST RIGHT OF WAY LINE (BEARING BASIS), 373.96 FEET TO THE INTERSECTION WITH A LINE BEING 300.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF

SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5 AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°22'27"EAST ALONG SAID WEST RIGHT OF WAY LINE OF ELLISON WILSON ROAD, 0.15 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE SAID NORTH 374.11 FEET, AS MEASURED ALONG SAID WEST RIGHT OF WAY LINE OF ELLISON WILSON ROAD; THENCE NORTH 88°49'16"WEST ALONG SAID SOUTH LINE, 455.40 FEET TO THE INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF THE INTRACOASTAL WATERWAY, AS RECORDED IN PLAT BOOK 17, PAGE 29, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 02°40'07"WEST ALONG SAID EAST RIGHT OF WAY LINE, 0.73 FEET TO THE INTERSECTION WITH SAID LINE BEING 300.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5; THENCE SOUTH 88°44'55"EAST ALONG SAID LINE, 455.45 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF THE SOUTH 173.69 FEET OF THE NORTH 273.81 FEET OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5, LYING WEST OF THE WEST RIGHT OF WAY LINE OF ELLISON WILSON ROAD AND EAST OF THE EAST RIGHT OF WAY LINE OF THE INTRACOASTAL WATERWAY, LESS THE NORTH 80.00 FEET AND THE SOUTH 80.00 FEET THEREOF.

PARCEL 5

THAT PORTION OF THE EAST 150.00 FEET OF THE INTRACOASTAL WATERWAY, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 17, PAGE 29 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING SOUTH OF THE SOUTH LINE OF THE PLAT OF HATTIES LANDING M.U.P.D. AS RECORDED IN PLAT BOOK 114, PAGES 195 AND 196, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND LYING NORTH OF THE NORTH LINE OF THE SOUTH 300.00 FEET OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

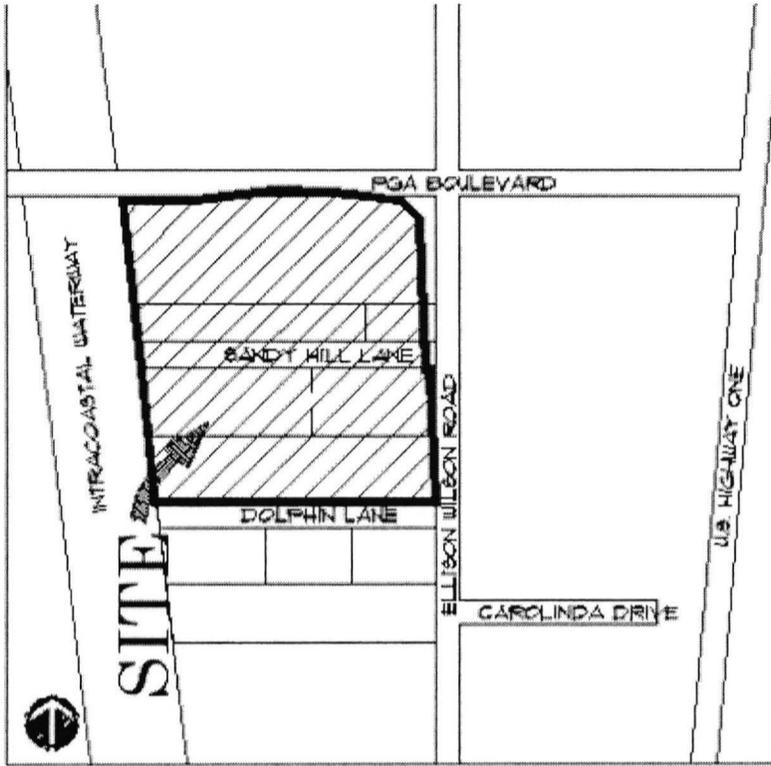


EXHIBIT C
CONDITIONS OF APPROVAL

DISCLOSURE

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