

RESOLUTION NO. R-2018- 1833

RESOLUTION APPROVING ZONING APPLICATION Z-2017-02224
(CONTROL NO. 2017-00075)
an Official Zoning Map Amendment
APPLICATION OF School Board of Palm Beach County FL
BY School District of Palm Beach County, AGENT
(West Central Transportation Facility)

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 Z-2017-02224 was presented to the Board of County Commissioners at a public hearing conducted on November 26, 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;

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-2017-02224, the Application of School Board of Palm Beach County FL, for an Official Zoning Map Amendment to allow a rezoning from the Multifamily Residential (RM) Zoning District to the Public Ownership (PO) 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 November 26, 2018, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Robert 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	- Aye
Commissioner Dave Kerner, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Gregg K. Weiss	- Nay
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 November 26, 2018.

Filed with the Clerk of the Board of County Commissioners on December 4th, 2018.

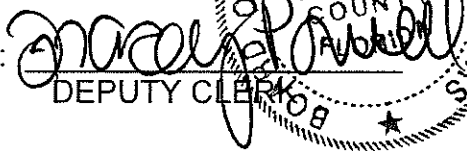
This resolution shall not become effective until the Large Scale Land Use Amendment No. LGA-2018-003 is effective.

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

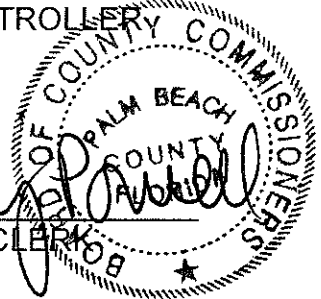


EXHIBIT A
LEGAL DESCRIPTION

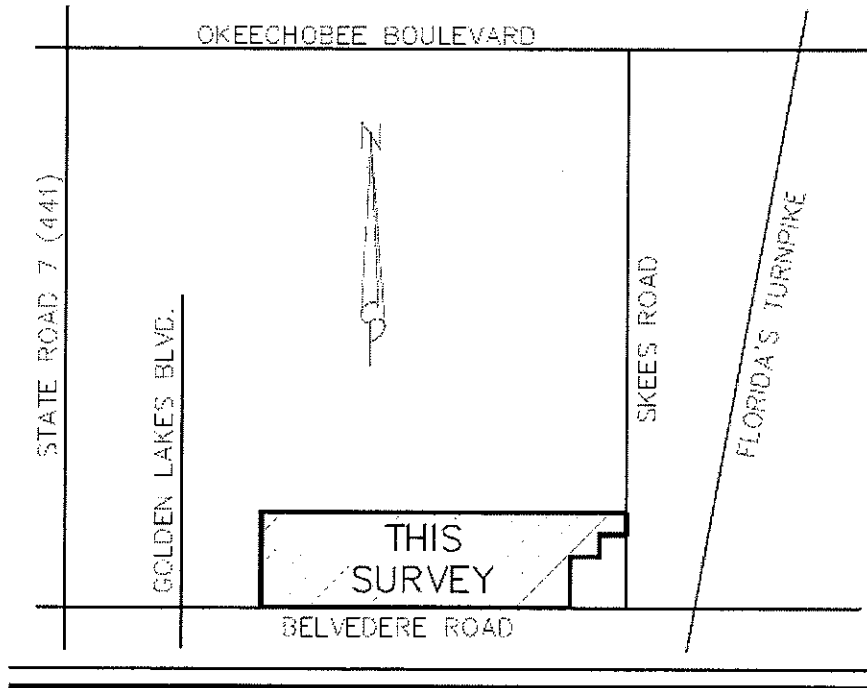
LEGAL DESCRIPTION

A PORTION OF TRACTS 15 AND 16, BLOCK 3, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 15, BLOCK 3; THENCE SOUTH 89°02'22" WEST ALONG THE NORTH LINE OF SAID TRACT 15, A DISTANCE OF 8.00 FEET TO A POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF SKEES ROAD AS RECORDED IN DEED BOOK 966, PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE SOUTH 00°55'54" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE OF SKEES ROAD, A DISTANCE OF 132.00 FEET TO A POINT BEING ON THE SOUTH LINE OF A PARCEL OF LAND AS RECORDED IN OFFICIAL RECORDS BOOK 9820, PAGE 1806 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89°02'22" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 154.00 FEET TO A POINT ON THE EAST LINE OF A PARCEL OF LAND RECORDED IN OFFICIAL RECORDS BOOK 9820, PAGE 1805 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°55'54" EAST, ALONG SAID EAST LINE, A DISTANCE OF 132.00 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL; THENCE SOUTH 89°02'22" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 168.00 FEET TO A POINT BEING ON THE EAST LINE OF A PARCEL OF LAND RECORDED IN OFFICIAL RECORDS BOOK 9820, PAGE 1807 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°55'54" EAST, ALONG SAID EAST LINE, A DISTANCE OF 301.17 FEET TO A POINT BEING ON A LINE LYING 95.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 15 AND 16, BLOCK 3 AND THE NORTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 7580, PAGE 57 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89°02'22" WEST, ALONG SAID PARALLEL LINE AND SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1,843.75 FEET TO A POINT BEING ON THE WEST LINE OF THE EAST 193.75 FEET OF THE WEST ONE-HALF OF SAID TRACT 16, BLOCK 3; THENCE NORTH 00°55'54" WEST ALONG SAID WEST LINE, A DISTANCE OF 565.17 FEET TO A POINT BEING ON THE NORTH LINE OF SAID TRACT 16, BLOCK 3; THENCE NORTH 89°02'22" EAST ALONG THE NORTH LINE OF SAID TRACTS 16 AND 15, BLOCK 3, A DISTANCE OF 2,165.75 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING WITHIN A PORTION OF SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.
IN ALL CONTAINING 25.41 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



LOCATION MAP
NOT TO SCALE

EXHIBIT C

CONDITIONS OF APPROVAL

Official Zoning Map Amendment – Conditional Overlay Zone

ENGINEERING

1. Prior to the issuance of the first building permit or within 90 days request of the County Engineer, 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. (BLDG/PMT/ONGOING: MONITORING - Engineering)

2. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for the expanded intersection of Skees Road and Belvedere Road and the expanded intersection of Belvedere Road and Pike Road per the current expanded intersection requirements as approved by the County Engineer.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. 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. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. 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. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDG/PMT/ONGOING: MONITORING - Engineering)

3. The Property Owner shall submit a new, full traffic study at the time of Right-of-Way Permit application. (BLDG/PMT/ONGOING: ENGINEERING - Engineering)

LANDSCAPE - PRESERVATION OF VEGETATION

1. Prior to any site development activities, the Property Owner shall finalize the Preliminary Tree Survey, and prepare a Vegetation Disposition Chart consistent with Article 7.E.2, Authority and Review Procedures as it relates to the preservation of Existing Native Vegetation, Supplement 23 of the Unified Land Development Code. The Chart shall also be prepared in accordance with the Technical Manual, Title 3.C, Existing Native Trees and Vegetation - Preservation. Development of the site shall include the incorporation of the existing preserved and relocated vegetation that is subject to the approval by the Department of Environmental Resources Management. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - 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: ZONING - 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: ZONING - Zoning)

DISCLOSURE

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