

RESOLUTION NO. R-2018 -1837

RESOLUTION APPROVING ZONING APPLICATION ZV/ABN/PDD/CAW-2018-00591
(CONTROL NO. 1988-00135)
TRANSFER OF DEVELOPMENT RIGHTS (TDR)
APPLICATION OF AHC of West Palm Beach, LLC
BY WGINC, AGENT
(Haverhill Residential)

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 ZV/ABN/PDD/CAW-2018-00591 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 a Class A Conditional Use;

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 ZV/ABN/PDD/CAW-2018-00591, the Application of AHC of West Palm Beach, LLC, by WGINC, Agent, for a Class A Conditional Use to allow Transfer of Development Rights, 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 Valeche moved for the approval of the Resolution.

The motion was seconded by Commissioner Weinroth 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	- 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 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 Small Scale Future Land Use Atlas Amendment No. SCA 2018-019 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: [Signature]
COUNTY ATTORNEY

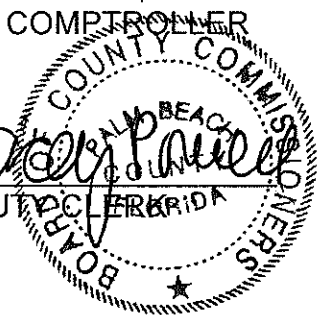
BY: [Signature]
DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

ALL OF THE GABLES OF WEST PALM BEACH, AS RECORDED IN PLAT BOOK 71, PAGES 63 AND 64 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF MARGUERITA DRIVE, AS RECORDED IN OFFICIAL RECORD BOOK 13832, PAGE 1363 OF SAID PUBLIC RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID GABLES OF WEST PALM BEACH; THENCE N.1°30'47"E. ALONG THE WEST LINE THEREOF, AND THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 6485, PAGE 1694 OF SAID PUBLIC RECORDS, A DISTANCE OF 431.37 FEET TO THE NORTHWEST CORNER OF SAID GABLES OF WEST PALM BEACH; THENCE S.88°54'59"E. ALONG THE NORTH LINE OF SAID GABLES OF WEST PALM BEACH, A DISTANCE OF 483.46 FEET; THENCE N.01°29'21"E. ALONG THE WEST LINE OF THE EAST ONE-FIFTH (1/5) OF THE SOUTH HALF (1/2) OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF SAID SECTION 24, A DISTANCE OF 332.85 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF ROSELAND PARK HAMPTON ADDITION, AS RECORDED IN PLAT BOOK 12, PAGE 26 OF SAID PUBLIC RECORDS; THENCE S.88°52'24"E. ALONG SAID SOUTH LINE, A DISTANCE OF 269.16 FEET; THENCE S.01°28'36"W. EAST LINE OF THE WEST ONE-FIFTH (1/5) OF THE SOUTH HALF (1/2) OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF SAID SECTION 24, A DISTANCE OF 166.33 FEET; THENCE S.88°53'42"E. ALONG THE NORTH LINE OF THE SOUTH ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF SAID SECTION 24, A DISTANCE OF 153.88 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 18618, PAGE 865 OF SAID PUBLIC RECORDS; THENCE S.01°27'06"W. ALONG THE WEST LINE AND SOUTHERLY PROLONGATION OF SAID PARCEL, A DISTANCE OF 176.27 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE PUBLIC RIGHT-OF-WAY FOR MARGUERITA DRIVE, AS RECORDED IN OFFICIAL RECORD BOOK 13832, PAGE 1363 OF SAID PUBLIC RECORDS; THENCE S.88°54'59"E. ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID MARGUERITA DRIVE, A DISTANCE OF 369.51 FEET TO A POINT OF INTERSECTION WITH WEST RIGHT-OF-WAY LINE OF THE PUBLIC RIGHT-OF-WAY FOR CECELIA STREET, AS RECORDED IN OFFICIAL RECORD BOOK 12484, PAGE 1266 OF SAID PUBLIC RECORDS; THENCE S.01°27'06"W. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 414.93 FEET; THENCE N.89°12'20"W., A DISTANCE OF 435.03 FEET; THENCE S.01°27'06"W., A DISTANCE OF 100.01 FEET; THENCE N.89°12'20"W., A DISTANCE OF 100.01 FEET; THENCE N.01°27'06"E., A DISTANCE OF 100.01 FEET; THENCE N.89°12'20"W. ALONG THE EASTERLY EXTENSION AND SOUTH LINE OF SAID GABLES OF WEST PALM BEACH, A DISTANCE OF 741.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 667,946 SQUARE FEET/15.3339 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

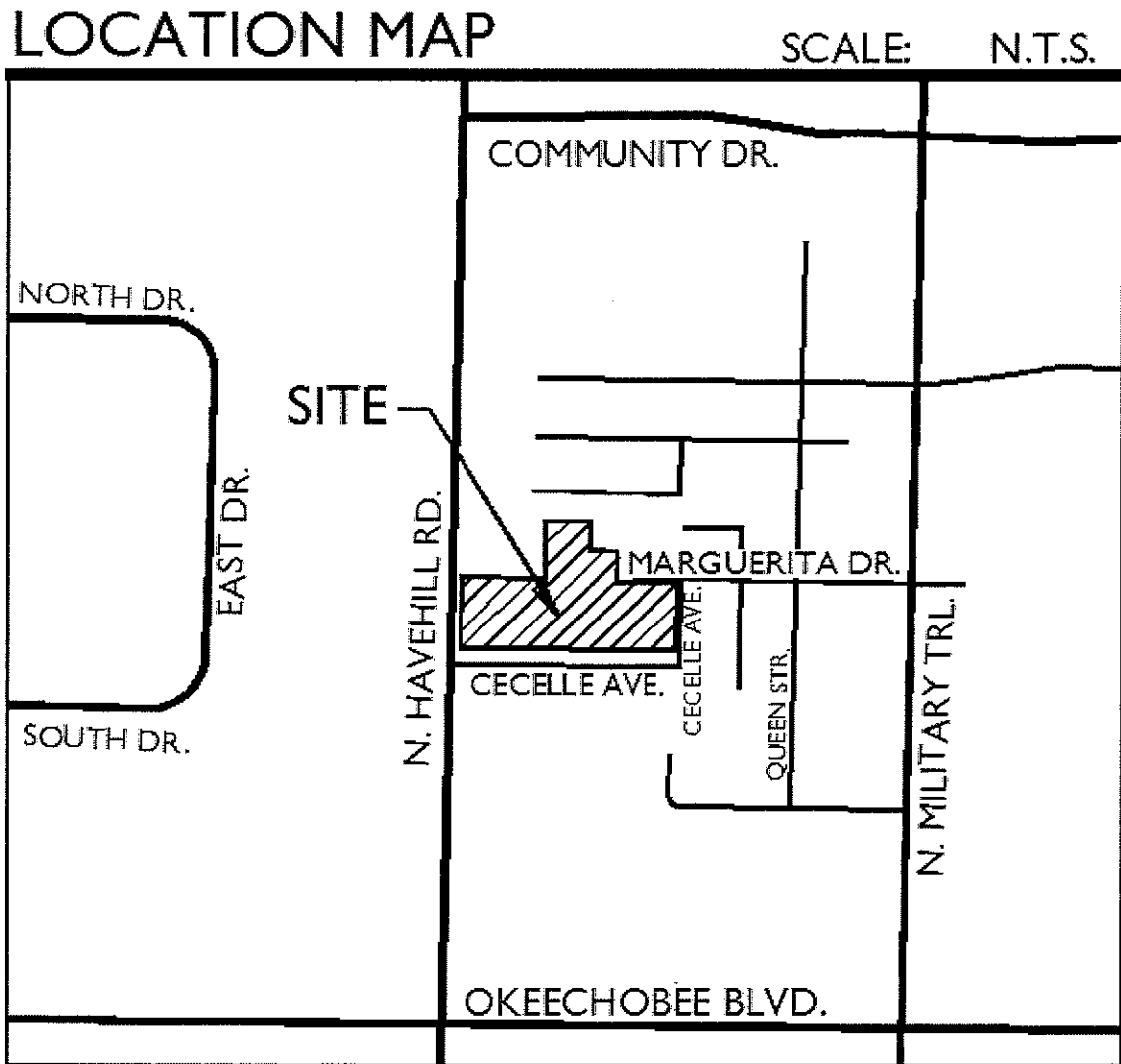


EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A – Transfer of Development Rights

ALL PETITIONS

1. The approved Preliminary Site Plan is dated August 27, 2018. 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 the Zoning Commission. (ONGOING: ZONING - Zoning)

TRANSFER OF DEVELOPMENT RIGHTS

1. Prior to the issuance of the first Building Permit, the Property Owner shall pay one hundred (100) percent of the Transfer of Development Rights (TDR) Funds to the Zoning Division. Upon payment of the funds, the TDR Deed shall be recorded by the Property Owner, and a copy shall be provided to the Zoning Division. (BLDG/PMT: MONITORING - Zoning)

2. Prior to Final Approval by the Development Review Officer, the Property Owner shall perform the following:

a. Execute a Contract for Sale and Purchase of Transfer of Development of Rights (TDRs) in a manner and form approved by the County Attorney, and formally executed by the Executive Director of Planning, Zoning and Building Department. The Contract shall accommodate a maximum of 16 TDR units at a selling price of \$45,576.00 (6 WHP/CCRT TDR units at \$221.00 per unit, and 10 CCRT/TDR units at \$4,425.00 per unit). (DRO: COUNTY ATTORNEY - 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.