

RESOLUTION NO. R-2019- 0264

RESOLUTION APPROVING ZONING APPLICATION PDD/W-2018-01542
(CONTROL NO. 1998-00077)

a Type 2 Waiver

APPLICATION OF Lyons Petroleum, Inc., Cleveland Clinic Florida Health System
BY Urban Design Kilday Studios, AGENT
(Project Institute)

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 24, have been satisfied;

WHEREAS, Zoning Application PDD/W-2018-01542 was presented to the Board of County Commissioners at a public hearing conducted on February 28, 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 Type 2 Waiver;

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/W-2018-01542, the Application of Lyons Petroleum, Inc., Cleveland Clinic Florida Health System, by Urban Design Kilday Studios, Agent, for a Type 2 Waiver to allow Alternative Buffers for three Type 3 Incompatibility Buffers, 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 February 28, 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 Valeche 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	-	Abstained
Commissioner Melissa McKinlay	-	Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on February 28, 2019.

Filed with the Clerk of the Board of County Commissioners on March 25th, 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


EXHIBIT A

LEGAL DESCRIPTION

PROJECT INSTITUTE

Legal Description:

A portion of Parcel A and all of Water Management Tract No. 1, village corner MUPD, as recorded in Plat Book 87, page 20, of the Public Records of Palm Beach County, Florida, together with Tracts 55 and 58, Block 24, of Palm Beach Farms Company Plat No. 3, according to the plat thereof, recorded in Plat Book 2, page 45 through 54, inclusive, of the public records of Palm Beach County, Florida, excepting that part of tract 58 as conveyed to the County of Palm Beach for road purposes by deeds recorded in Deed Book 898, page 687; and Official Record Book 6223, page 363, Public Records of Palm Beach County, Florida.

Beginning at the Southwest corner of said Parcel A. The following 5 (five) courses being along the West line of Parcel A; Thence North 01°00'38" West for 345.00 feet; Thence North 01°55'38" West for 38.82 feet; Thence North 00°58'08" West for 206.19 feet; Thence North 01°53'10" West for 230.91 feet; Thence North 01°00'38" West for 387.90 feet to the North line of Parcel A; Thence North 89°04'31" East along the North line of Parcel A and Tract 55, Block 24 for 1285.07 feet to the East line of Tract 55, Block 24; Thence South 00°58'46" East along the East line of Tracts 55 and 58, Block 24, for 1263.05 feet to the South line of Tract 58, Block 24. The following 3 (three) courses being the South and West lines of said Tract 58; Thence South 89°02'33" West for 619.00 feet; Thence North 89°55'31" West for 41.01 feet; Thence North 00°58'46" West along the West line of Tract 58 for 11.26 feet. The following 4 (four) courses being along the South and Southwesterly lines of Parcel A; Thence South 89°02'33" West for 287.89 feet; Thence North 77°28'02" West for 12.86 feet; Thence South 89°02'33" West for 280.00 feet; Thence North 45°59'02" West for 56.59' to the Point of Beginning. Said lands lying and situate in Palm Beach County, Florida. Said lands contain 36.98 acres, more or less.

EXHIBIT B

VICINITY SKETCH

LOCATION MAP

NTS

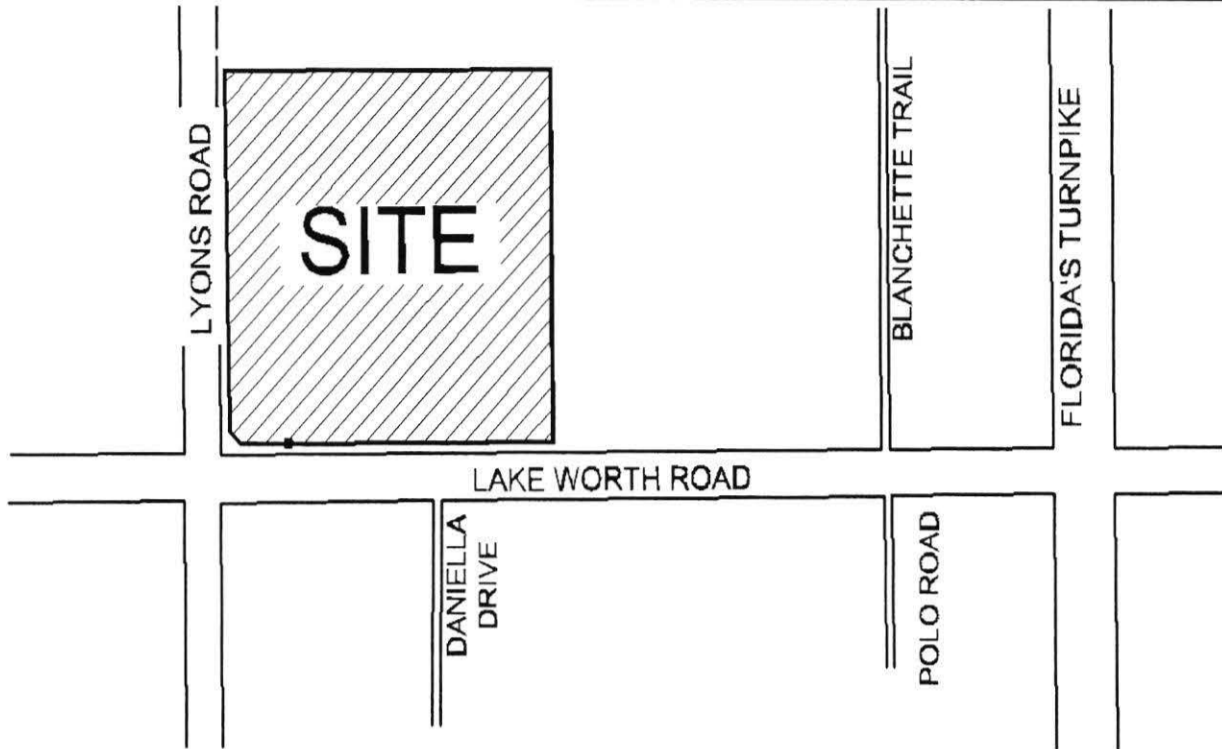


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Waiver

ALL PETITIONS

1. The approved Preliminary Site Plan is dated December 10, 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)

LANDSCAPE BUFFER – EAST 338' OF NORTH PROPERTY LINE AND NORTH 660' OF EAST PROPERTY LINE

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Site Plan shall be revised to indicate a 20-foot wide Type 3 Incompatibility Buffer and an 80-foot wide open space area along the east 338 feet of the north property line, and north 660 feet of the east property line. Location of the Buffer shall be finalized based on the determination of the proposed grading and whether a berm is required by the South Florida Water Management District in the proximity of the buffer. (DRO: ZONING - Zoning)

LANDSCAPE - GENERAL

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Site Plan shall be revised to indicate a 20 foot Type 3 Incompatibility buffer within the interior side of the 100 foot buffer located along the east 338 ft. of the north property line, and north 660 ft.- of the east property line. All existing native vegetation within the 100 ft. buffer shall be maintained in perpetuity. (DRO: ZONING - Zoning)

WAIVER

1. The Development Order for this Type 2 Waiver shall be tied to the Time Limitations of the Development Order for PDD/W-2018-01542. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING - Zoning)

2. Prior to the submittal for Final Approval by the Development Review Officer, the approved Waivers and any associated Conditions of Approval shall be shown on the Final Site Plan. (DRO: ZONING - 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.