

RESOLUTION NO. R-2024- 1698

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/W-2024-00529  
(CONTROL NO. 2024-00036)  
an Official Zoning Map Amendment  
APPLICATION OF Investment Corporation of Palm Beach  
BY Urban Design Studio, Dunay, Miskel and Backman, LLP, AGENT  
(Palm Beach Kennel Club)

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/PDD/W-2024-00529 was presented to the Board of County Commissioners at a public hearing conducted on December 12, 2024;

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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application ZV/PDD/W-2024-00529, the Application of Investment Corporation of Palm Beach, by Urban Design Studio, Dunay, Miskel and Backman, LLP, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Residential High (RH) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 5 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 December 12, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss moved for the approval of the Resolution.

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

|                                      |   |        |
|--------------------------------------|---|--------|
| Commissioner Maria G. Marino, Mayor  | - | Aye    |
| Commissioner Sara Baxter, Vice Mayor | - | Aye    |
| Commissioner Gregg K. Weiss          | - | Aye    |
| Commissioner Joel Flores             | - | Aye    |
| Commissioner Marci Woodward          | - | Aye    |
| Commissioner Maria Sachs             | - | Absent |
| Commissioner Bobby Powell, Jr.       | - | Aye    |

The Mayor thereupon declared that the resolution was duly passed and adopted on December 12, 2024.

Filed with the Clerk of the Board of County Commissioners on December 12th, 2024

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

BY:   
COUNTY ATTORNEY

JOSEPH ABRUZZO  
CLERK & COMPTROLLER

BY:   
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

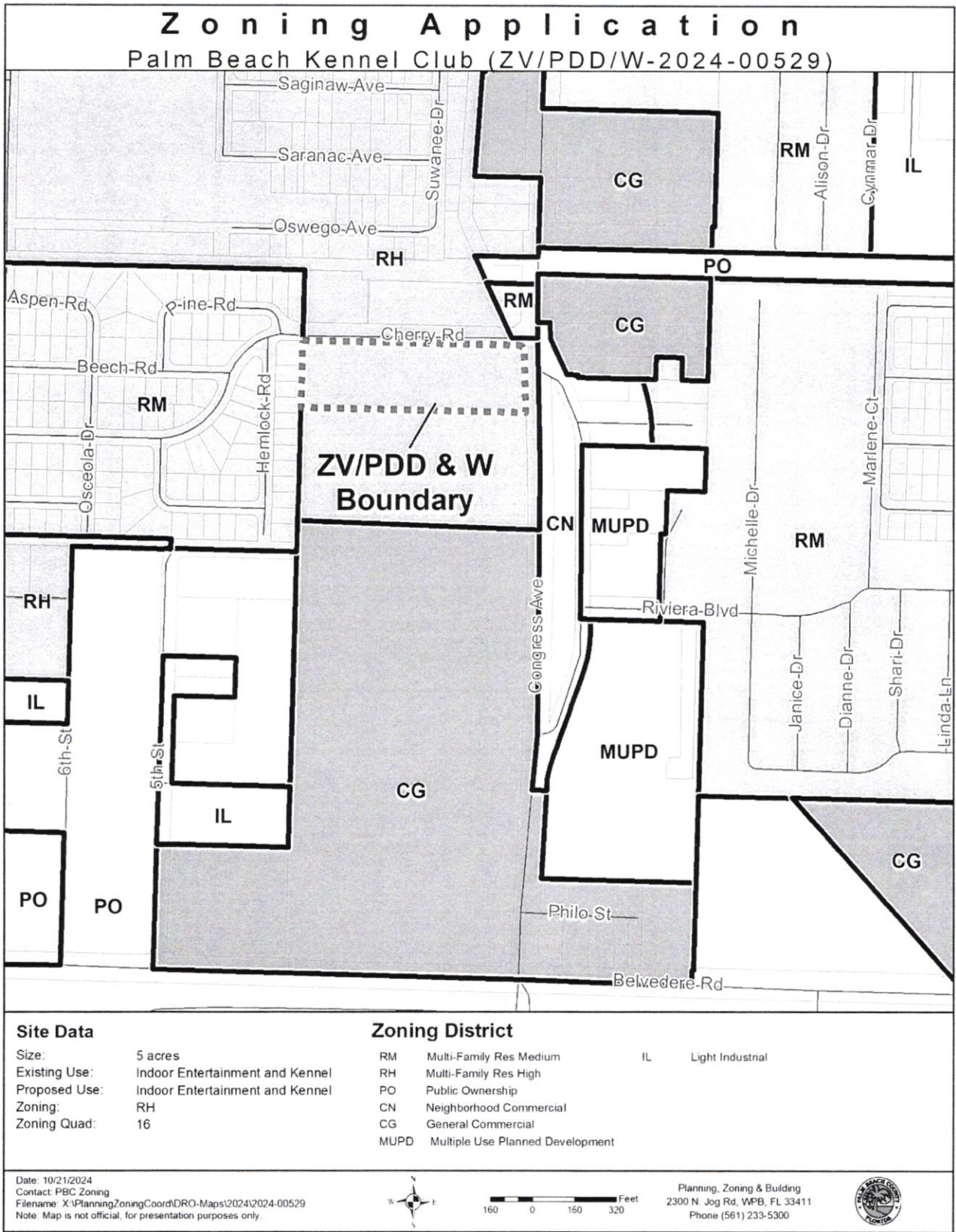
A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE NORTH 88°22'59" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 30, A DISTANCE OF 64.75 FEET; THENCE DEPARTING SAID SOUTH LINE, NORTH 01°37'01" EAST A DISTANCE OF 61.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD AS RECORDED IN ROAD PLAT BOOK 4, PAGE 201, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE THROUGH THE FOLLOWING THREE COURSES; NORTH 88°22'59" WEST A DISTANCE OF 776.63 FEET; THENCE NORTH 01°27'23" EAST A DISTANCE OF 5.00 FEET; THENCE NORTH 88°22'59" WEST A DISTANCE OF 50.00 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE EAST 50 FEET OF THE WEST 3/4 OF THE WEST 1/2 OF THE EAST 1/2 OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 30, SAID LINE ALSO BEING THE SOUTHERLY PROLONGATION OF THE EAST LINE OF PLAT NO. 3 OF GOLFPVIEW HEIGHTS AS RECORDED IN PLAT BOOK 23, PAGE 234, SAID PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE NORTH 01°27'23" EAST, ALONG SAID EAST LINE AND ITS SOUTHERLY PROLONGATION THEREOF, A DISTANCE OF 2093.26 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE ALONG THE EAST LINE OF SAID PLAT NO. 3, NORTH 01°27'23" EAST A DISTANCE OF 255.65 FEET TO THE SOUTHWEST CORNER OF THE REPLAT OF PLAT NO. 4 OF GOLFPVIEW HEIGHTS AND THE SOUTH RIGHT-OF-WAY LINE OF CHERRY ROAD AS RECORDED IN PLAT BOOK 24, PAGE 79, SAID PUBLIC RECORDS; THENCE SOUTH 88°37'33" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID CHERRY ROAD, A DISTANCE OF 822.07 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF NORTH CONGRESS AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 4041, PAGE 37, SAID PUBLIC RECORDS, SAID POINT ALSO BEING THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 87°30'21"; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.18 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 5783.60 FEET, A CENTRAL ANGLE OF 00°25'37" AND A RADIAL BEARING AT THIS POINT OF NORTH 88°52'47" EAST; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 43.08 FEET TO A POINT OF TANGENCY WITH THE FOLLOWING DESCRIBED LINE; THENCE SOUTH 01°32'49" EAST, ALONG SAID TANGENT LINE, A DISTANCE OF 188.95 FEET; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE OF NORTH CONGRESS AVENUE, NORTH 88°37'33" WEST A DISTANCE OF 859.08 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 217,800 SQUARE FEET OR 5.000 ACRES, MORE OR

EXHIBIT B

VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Non Residential Planned Development District

##### ALL PETITIONS

1. The approved Site Plan is dated October 8, 2024 and Regulating Plans are dated August 26, 2024. 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. (ONGOING: ZONING - Zoning)

##### ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the DRO, the Architectural Elevations for the Indoor Entertainment use and the Parking Structure shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (BLDGPM/ONGOING: ZONING - Zoning)

##### ENGINEERING

1. 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 sixty (60) feet, measured from centerline of the Congress Avenue right-of-way, including a 25 foot corner clip at the intersection with Cherry Road.

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.

(BLDGPM/ONGOING: MONITORING - Engineering)

2. 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, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Congress Avenue at the project's entrance road. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve (12) feet in width and a taper length of fifty (50) feet, or as approved by the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. 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. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDGPMT/ONGOING: MONITORING - Engineering)

3. The Property Owner shall construct a right turn lane north approach on Congress Avenue at the project entrance. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the entire condition shall be considered satisfied. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)

4. The Property Owner shall i) construct a left turn lane east approach at the project's middle driveway connection on Cherry Road. ii) construct a left turn lane west approach on Cherry Road at the Congress Avenue intersection. iii) relocate the existing speed bump on Cherry Road west of the proposed western entrance or as approved by the County Engineer. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the entire condition shall be considered satisfied. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)

5. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Cherry Road along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one through lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering)

6. 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. (BLDGPMT: MONITORING - Engineering)

7. No Building Permits for the site may be issued after December 31, 2027, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)



## **PLANNING**

1. Prior to Final Approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, the Property Owner shall submit a recorded vehicular and pedestrian cross access easement agreement for the location(s) depicted on the site plan. (DRO: PLANNING - Planning)
2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Site Plan to add the Official records book and page number for the recorded vehicular and pedestrian cross access easement. (DRO: PLANNING - Planning)
3. Prior to the release of the Certificate of Occupancy, the Property Owner shall grade, construct, and pave the access point for the cross access easement to the property line so that it is usable for both vehicular and pedestrian cross access from the adjacent property at the location(s) shown on the Site Plan. (CO: MONITORING - Planning)

## **SIGNS**

1. Maximum number of ground mounted signs shall be limited to one, as approved through the Alternative Sign Plan. Should the historic sign be removed a new ground mounted sign may be allowed in compliance with the Sign Code regulations at the time of application. (ONGOING: 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.