

RESOLUTION NO. R-2024 - 0118

RESOLUTION APPROVING ZONING APPLICATION CA-2023-00675  
(CONTROL NO. 2022-00044)  
TRANSFER OF DEVELOPMENT RIGHTS (TDR)  
APPLICATION OF Adam Kharbech  
BY Adam Kharbech, AGENT  
(Adam's Fiveplex)

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 CA-2023-00675 the application of Adam Kharbech, by Adam Kharbech, Agent, for a Class A Conditional Use to allow the Transfer of Development Rights in excess of 2 units per acre on 0.55 acres, was presented to the Board of County Commissioners at a public hearing conducted on January 25, 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 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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application CA-2023-00675 the application of Adam Kharbech, by Adam Kharbech, Agent, for a Class A Conditional Use to allow the Transfer of Development Rights in excess of 2 units per acre, 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 January 25, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Sachs moved for the approval of the Resolution.

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

Commissioner Maria Sachs, Mayor	- Aye
Commissioner Maria G. Marino, Vice Mayor	- Aye
Commissioner Gregg K. Weiss	- Absent
Commissioner Michael A. Barnett	- Aye
Commissioner Marci Woodward	- Aye
Commissioner Sara Baxter	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 25, 2024.

Filed with the Clerk of the Board of County Commissioners on January 25, 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

BY:

JOSEPH ABRUZZO  
CLERK & COMPTROLLER

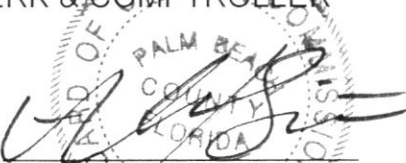
  
DEPUTY CLERK

EXHIBIT A

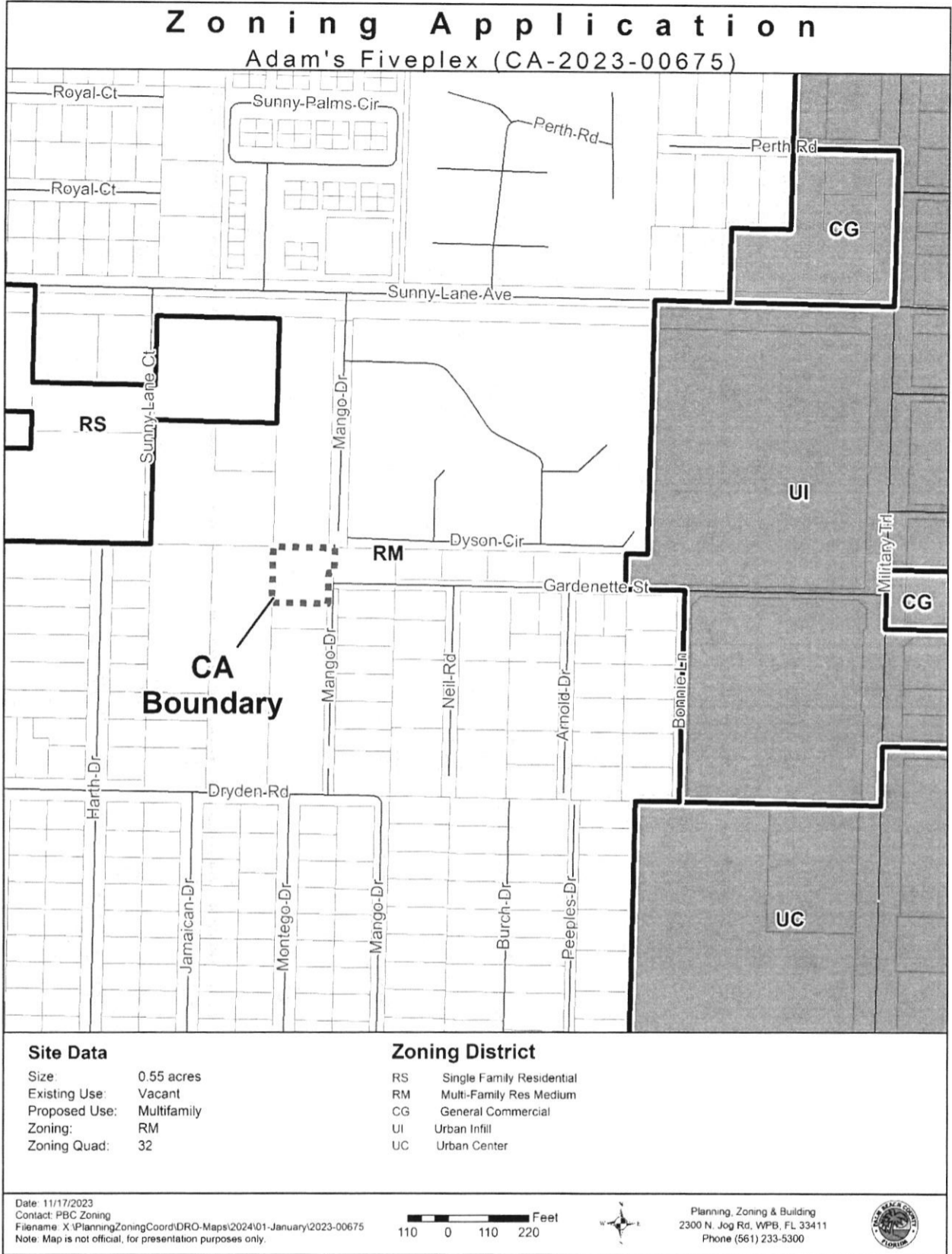
LEGAL DESCRIPTION

A PORTION OF TRACT 5, BLOCK 3, PALM BEACH PLANTATIONS PLAT NO.1 OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 10, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. A/K/A THE NORTH 150 FEET OF THE WEST ONE HALF (W1/2) OF THE EAST ONE HALF (E 1/2) ) OF THE SOUTHEAST ONE- QUARTER (SE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) , LESS THE EAST 15 FEET OF THE SOUTH 83.58 FEET FOR MANGO DRIVE RIGHT OF WAY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTH HALF OF THE EAST HALF OF TRACT 5, BLOCK 3, SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PLAT NO. 1, PALM BEACH PLANTATIONS (MODEL LAND COMPANY), PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGE 20; THENCE SOUTH 01 DEGREE, 24 MINUTES AND 30 SECONDS WEST ALONG THE WEST LINE OF SAID EAST HALF FOR A DISTANCE OF 66.42 FEET; THENCE NORTH 88 DEGREES, 53 MINUTES AND 03 SECONDS WEST LEAVING SAID WEST LINE 15.00 FEET TO THE EAST RIGHT-OF-WAY OF MANGO DRIVE; THENCE SOUTH 01 DEGREE, 24 MINUTES AND 30 SECONDS WEST ALONG SAID RIGHT-OF-WAY 83.58 FEET; THENCE NORTH 88 DEGREES, 53 MINUTES AND 03 SECONDS WEST LEAVING SAID RIGHT-OF-WAY AND PARALLEL WITH THE SOUTH LINE OF THE NORTH HALF OF SAID TRACT 5, BLOCK 3 FOR A DISTANCE OF 151.95 FEET TO THE EAST LINE OF THE WEST HALF OF THE SOUTH HALF OF SAID TRACT 5, BLOCK 3; THENCE NORTH 01 DEGREE, 24 MINUTES AND 19 SECONDS EAST ALONG SAID EAST LINE 150.00 FEET TO THE SOUTH LINE OF THE NORTH HALF OF SAID TRACT 5, BLOCK 3; THENCE SOUTH 88 DEGREES, 53 MINUTES AND 03 SECONDS EAST LEAVING SAID EAST LINE AND ALONG SAID SOUTH LINE 166.96 FEET TO THE POINT OF BEGINNING.

CONTAINING 23,789.37 SQUARE FEET OR 0.55 ACRES, MORE OR LESS.

EXHIBIT B



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Class A Conditional Use**

##### **ALL PETITIONS**

1. The approved Preliminary Plan is Dated October 20, 2023. 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 by the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING-Zoning)

##### **ENGINEERING**

1. No Building Permits for the site may be issued after December 31, 2024, 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)

##### **PARKS**

1. Prior to plat approval or issuance of the first building permit, whichever comes first, in accordance with U.L.D.C. Article 5, in lieu of providing recreational land onsite, the Property Owner/Applicant is required to provide a check in the amount of \$9,285.00 made payable to Palm Beach County Board of County Commissioners, for the acquisition and improvement of a community or neighborhood park within a 5-mile radius of this project. (BLDG/PMT/PLAT: MONITORING - Parks and Recreation)

##### **TRANSFER OF DEVELOPMENT RIGHTS**

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall submit a Contract for Sale and Purchase of Transfer of Development of Rights (TDRs) in a manner and form approved by the County Attorney, signed by the Developer and/or Property Owner, in order that it is signed by the Executive Director of Planning, Zoning and Building Department.

The Contract for Sale and Purchase of TDRs shall accommodate a maximum of 2 TDR units at a total selling price of \$14,700 (2 TDR units to be purchased at the price of \$7,350 per unit).

Upon execution, the Property Owner shall submit the Contract to the Palm Beach County Clerk of Court for recordation, and a copy of the recorded Contract shall be provided to the Zoning Division.

(DRO: ZONING - Zoning)

2. Prior to Final Approval by the Development Review Officer, the Property Owner shall submit the Transfer of Development Rights Deed in a manner and form approved by the County Attorney, signed by the Developer and/or Property Owner, in order that it is signed by the Executive Director of Planning, Zoning and Building Department. (DRO: ZONING - Zoning)

3. Prior to Technical Compliance of the plat, or issuance of the first Building Permit, whichever occurs first, the Property Owner shall pay one hundred (100) percent of the Funds, pursuant to the recorded Contract for Sale and Purchase of TDRs, to the Board of County Commissioners, through the Zoning Division. (BLDG/PMT/ONGOING/TC: 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.