

RESOLUTION APPROVING ZONING APPLICATION ABN/Z-2015-00333
(CONTROL NO. 2008-00362)
an Official Zoning Map Amendment
APPLICATION OF Palm Beach County Department of Airports
BY Urban Design Kilday Studios, AGENT
(PBIA Properties Rezoning)

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, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied;

WHEREAS, Zoning Application ABN/Z-2015-00333 was presented to the Board of County Commissioners at a public hearing conducted on June 25, 2015;

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 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code 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 BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.1.B; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code 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 ABN/Z-2015-00333, the application of Palm Beach County Department of Airports, by Urban Design Kilday Studios, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Multi-family Residential (RM) and the General Commercial (CG) Zoning Districts to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone (COZ) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch in EXHIBIT B, attached hereto and made a part hereof, was approved on June 25, 2015 subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor 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 Shelley Vana, Mayor	-	Absent
Commissioner Mary Lou Berger, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on June 25, 2015.

Filed with the Clerk of the Board of County Commissioners on June 29th, 2015.

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

ROBERTS PROPERTY
(PBA PARCEL W-156)
SPECIFIC PURPOSE SURVEY

LEGAL DESCRIPTION PER TITLE POLICY:

LOTS 11 AND 12, FERRIS PARK, FIRST ADDITION, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 24, PAGE 12.

PROPERTY DESCRIPTION
(PBA PARCEL W-21)
(COOPER PROPERTY PER TITLE COMMITMENT)

A PARCEL OF LAND IN THE WEST ONE-HALF (W 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SAID WEST ONE-HALF (W 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 36; THENCE NORTHERLY ALONG THE EAST LINE OF SAID WEST ONE-HALF (W 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 36, A DISTANCE OF 33.00 FEET TO A POINT IN THE NORTH RIGHT OF WAY LINE OF WALLIS ROAD AND THE POINT OF BEGINNING; THENCE CONTINUE NORTHERLY ALONG THE AFOREDESCRIBED COURSE A DISTANCE OF 220.00 FEET; THENCE WESTERLY, PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF WALLIS ROAD, A DISTANCE OF 229.00 FEET; THENCE SOUTHERLY, PARALLEL WITH THE EASTERLY COURSE AFOREDESCRIBED, A DISTANCE OF 220.00 FEET; THENCE EASTERLY ALONG THE NORTH RIGHT OF WAY LINE OF WALLIS ROAD, A DISTANCE OF 229.00 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED BEING ALSO KNOWN AS "TRACT MARKED RESERVED", ON THE UNRECORDED PLAT OF ORGAN'S SUBDIVISION ON FILE IN THE PALM BEACH COUNTY ASSESSOR'S OFFICE AS MAP NO. 25.

BREWTON PROPERTY
(PBA PARCEL W-214 & 215)
SPECIFIC PURPOSE SURVEY

LEGAL DESCRIPTION PER TITLE POLICY:

THE SOUTH 250 FEET OF THE WEST 190 FEET OF THE WEST 1/2 OF THE NE 1/4 OF THE SW 1/4 OF THE SW 1/4 OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE EAST 50 FEET OF THE WEST 190 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 250 FEET AND THE NORTH 33 FEET THEREOF.

FDOT PARCEL NO. 217 (PART)
(PBA PARCEL 302, 303 & 304)
SPECIFIC PURPOSE SURVEY

ALL OF LOTS 90 AND 91, A PORTION OF LOTS 89 AND 92 THROUGH 95, FERRIS PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 13, PAGE 9, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF THE ABANDONED 15 FOOT WIDE SERVICE STREET ADJOINING AND LYING WESTERLY OF LOT 92 PER RESOLUTION RECORDED IN OFFICIAL RECORDS BOOK 280, PAGE 27 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 91; THENCE NORTH 88°D43'24" WEST ALONG THE NORTH LINE OF SAID LOTS 91, 90 AND 89, A DISTANCE OF 16.317 METERS (53.53 FEET); THENCE SOUTH 01°D28'35" WEST, A DISTANCE OF 33.576 METERS (110.16 FEET) TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTH-WEST 1/4 OF SAID SECTION 36 AND THE SOUTH LINE OF SAID LOT 89; THENCE SOUTH 88°D44'38" EAST ALONG SAID NORTH LINE AND ALONG THE SOUTH LINE OF SAID LOTS 89, 90, 91, 95 AND SAID ABANDONED SERVICE STREET, A DISTANCE OF 26.148 METERS (85.79 FEET) TO A POINT ON THE LIMITED ACCESS RIGHT OF WAY FOR STATE ROAD 809 (MILITARY TRAIL) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR ITEM/SEGMENT NO. 2297971, SECTION NO. 93120-2553, AND A POINT ON A CURVE CONCAVE EASTERLY, HAVING A CHORD BEARING OF NORTH 03°D09'25" EAST; THENCE NORTHERLY ALONG SAID LIMITED ACCESS RIGHT OF WAY LINE AND SAID CURVE, HAVING A RADIUS OF 1,369.500 METERS (4,493.10 FEET), THROUGH A CENTRAL ANGLE OF 01°D11'18", AN ARC DISTANCE OF 28.402 METERS (93.18 FEET) TO THE END OF SAID CURVE; THENCE NORTH 88°D43'24" WEST, A DISTANCE OF 10.667 METERS (35.00 FEET); THENCE NORTH 01°D30'23" EAST, A DISTANCE OF 5.180 METERS (16.99 FEET) TO THE POINT OF BEGINNING.

PROPERTY DESCRIPTION
(PBA W-314 - ANNIE HOLDINGS)

LOTS 13, 14, 15 AND 16, LESS AND EXCEPT THE EAST 10 FEET OF LOTS 14 AND 15, HARTLEY PARK, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 24, PAGE 59.

HESS PROPERTY
(PBA PARCEL W-325)
SPECIFIC PURPOSE SURVEY

LEGAL DESCRIPTION PER TITLE POLICY:

LOTS 1 AND 17, LESS THE WEST 10 FEET THEROF, AND THE WEST 10 FEET OF LOTS 2 AND 16, COUNTRY CLUB ADDITION NO. 3, ACCORDING TO THE PLAT THEROF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 24, PAGE 105.

BROWN PROPERTY
(PBIA PARCEL W-327)
SPECIFIC PURPOSE SURVEY

LEGAL DESCRIPTION PER TITLE POLICY:

LOTS 43 THROUGH 49, INCLUSIVE, LESS THE WEST 23 FEET OF LOT 49, BLOCK 2, COUNTRY CLUB ESTATES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 9, PAGE 53.

HERNANDEZ PROPERTY
(PBIA PARCEL W-226)
SPECIFIC PURPOSE SURVEY

LEGAL DESCRIPTION PER TITLE POLICY:

LOT 12, AND THE SOUTH ONE-HALF (1/2) OF LOT 13, LYNNWOOD, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 24, PAGE 168.

FDOT PARCEL NO. 182 (PART)
(PBIA PARCEL W-328)
SPECIFIC PURPOSE SURVEY

LEGAL DESCRIPTION PER TITLE POLICY:

A PORTION OF LOTS 51 THROUGH 53, LOTS 56 THROUGH 64, FERRIS PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 13, PAGE 9, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF THE ABANDONED 15.00 FOOT WIDE SERVICE ROAD ADJOINING AND LYING WESTERLY OF SAID LOTS 56 THROUGH 61 PER RESOLUTION NO. R-80-1083, RECORDED IN OFFICIAL RECORD BOOK 3359, PAGE 985 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 64; THENCE NORTH 01°28'35" EAST ALONG THE WEST LINE OF SAID LOT 64, A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88°43'24" EAST, A DISTANCE OF 78.59 FEET TO A POINT ON THE CENTERLINE OF THE SAID 15.00 FOOT WIDE ABANDONED SERVICE ROAD; THENCE SOUTH 01°30'23" WEST ALONG SAID CENTERLINE, A DISTANCE OF 58.00 FEET; THENCE SOUTH 88°43'24" EAST, A DISTANCE OF 31.58 FEET TO A POINT ON THE EXISTING LIMITED ACCESS RIGHT OF WAY LINE FOR STATE ROAD 809 (MILITARY TRAIL) AS SHOWN ON THE RIGHT OF WAY MAP FOR ITEM/SEGMENT NO. 2297971, SECTION 93120-2553 AND THE BEGINNING OF A CURVE CONCAVE EASTERLY, HAVING A CHORD BEARING OF NORTH 05°19'10" EAST; THENCE NORTHERLY ALONG SAID EXISTING LIMITED ACCESS RIGHT OF WAY LINE AND SAID CURVE, HAVING A RADIUS OF 4,493.10 FEET, THROUGH A CENTRAL ANGLE OF 00°59'30", AN ARC DISTANCE OF 77.77 FEET TO THE END OF SAID CURVE; THENCE NORTH 05°19'10" EAST, A DISTANCE OF 71.36 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 56: THENCE NORTH 88°41'08" WEST ALONG SAID NORTH LINE, A DISTANCE OF 41.50 FEET TO A POINT ON THE CENTERLINE OF THE SAID 15.00 FOOT WIDE ABANDONED SERVICE ROAD; THENCE NORTH 88°43'24" WEST, A DISTANCE OF 78.63 FEET TO A POINT ON THE WEST LINE OF SAID LOT 51; THENCE SOUTH 01°28'35" WEST ALONG THE WEST LINE OF SAID LOTS 51 AND 64, A DISTANCE OF 90.78 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

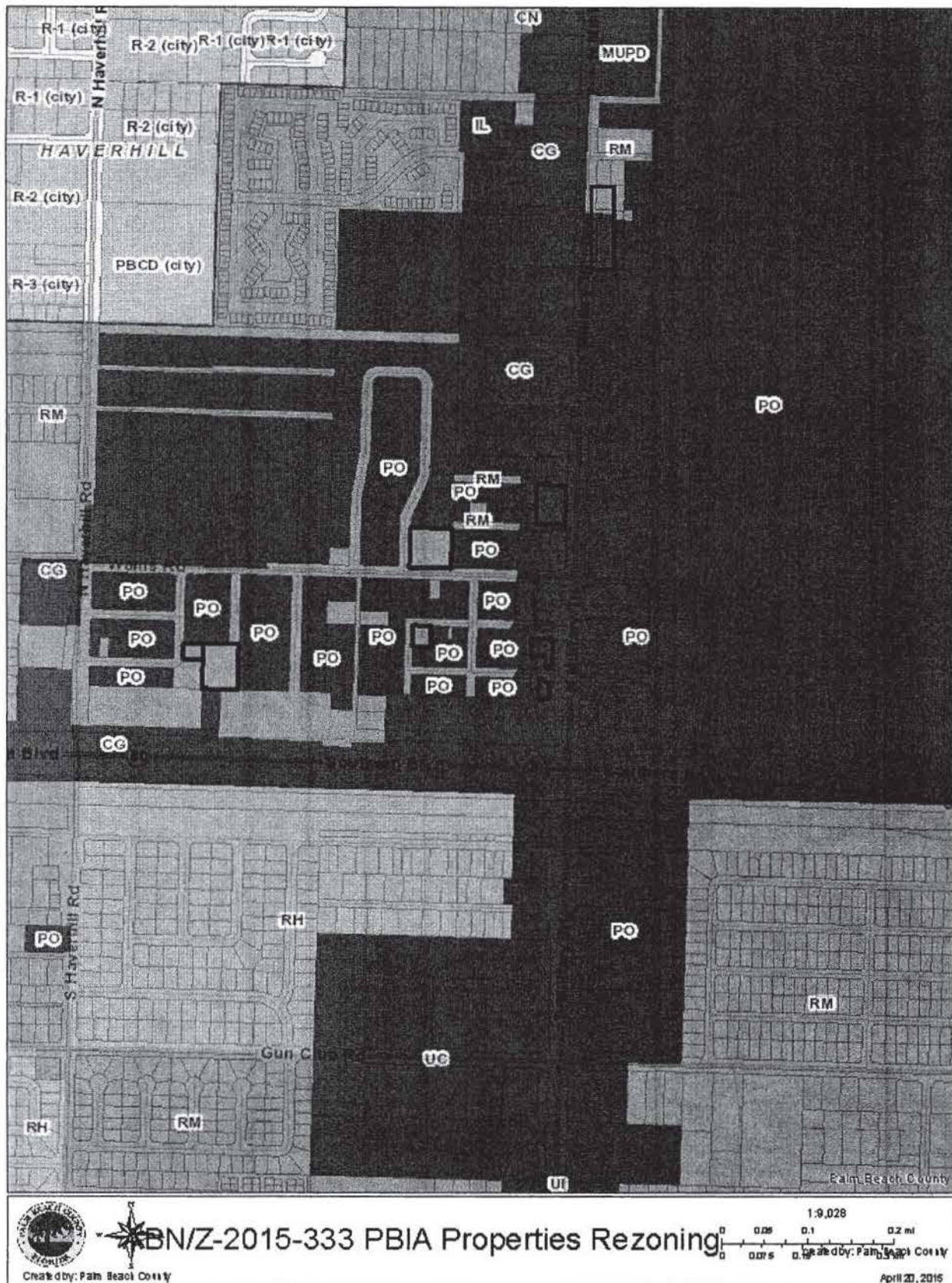


EXHIBIT C

CONDITIONS OF APPROVAL

Official Zoning Map Amendment

ENGINEERING

1. Prior to issuance of the first building permit the Property Owner shall combine the property into single lots of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering)
2. Prior to the issuance of the first building permit, the Property Owner shall designate forty (40) feet from the centerline of Wallis Road as right of way through a resolution of the Board of County Commissioners, prepared by the Right of Way Acquisition Section. The resolution for this reservation shall require that Palm Beach County Department of Airports cover the expense of relocating any utilities and removing all encroachments in the reserved area at the time the right of way is required by the Engineering Department. Right of way shall be along the project's entire frontage and shall include Corner Clips. (BLDGPMT: MONITORING - Engineering)
3. Local streets shall not be utilized as access to lots with non-residential uses. (ONGOING: ENGINEERING - Engineering)

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.