

RESOLUTION NO. R-2017-0003

RESOLUTION APPROVING ZONING APPLICATION PDD/R/TDR-2017-00345
(CONTROL NO. 2012-00433)
an Official Zoning Map Amendment
APPLICATION OF Blanca Moreda, Mignano Maria Trust, Mignano Maria Rev Trust
BY Jon E Schmidt & Associates, AGENT
(Boynton Atrium CLF)

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

WHEREAS, Zoning Application PDD/R/TDR-2017-00345 was presented to the Board of County Commissioners at a public hearing conducted on January 4, 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 (Development Review 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 Process) 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.A.1.K.3.b (Action by BCC) 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/R/TDR-2017-00345, the Application of Blanca Moreda, Mignano Maria Trust, Mignano Maria Rev Trust, by Jon E Schmidt & Associates, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District, 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 4, 2018, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

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

Commissioner Melissa McKinlay, Mayor	- Aye
Commissioner Mack Bernard, Vice Mayor	- Absent
Commissioner Hal R. Valeche	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 4, 2018.

Filed with the Clerk of the Board of County Commissioners on January 16th, 2018

This resolution shall not become effective unless or until the effective date of Small Scale Land Use Amendment No. SCA 2017-021.

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
BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY
FLORIDA

EXHIBIT A

LEGAL DESCRIPTION

Legal Description

Parcel 1: THE SOUTH 180 FEET OF THE WEST ½ OF THE NW¼ OF THE SW ¼ OF THE SW ¼ OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LESS THE WEST 60 FEET FOR ROAD RIGHT-OF-WAY.

Parcel 2: THE WEST ½ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE WEST 60 FEET FOR ROAD RIGHT-OF-WAY.

EXCEPT

THE SOUTH 180 FEET OF THE WEST ½ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND THE NORTH 70 FEET OF THE WEST ½ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LESS THE WEST 60 FEET FOR ROAD RIGHT-OF-WAY.

Parcel 3: THE NORTH SEVENTY FEET (70') OF THE WEST HALF (W ½) OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 42 EAST; AND

THE SOUTH TEN FEET (10') OF THE WEST HALF (W ½) OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LESS ROAD RIGHT-OF-WAY.

SAID LANDS ALL SIUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 4.323 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

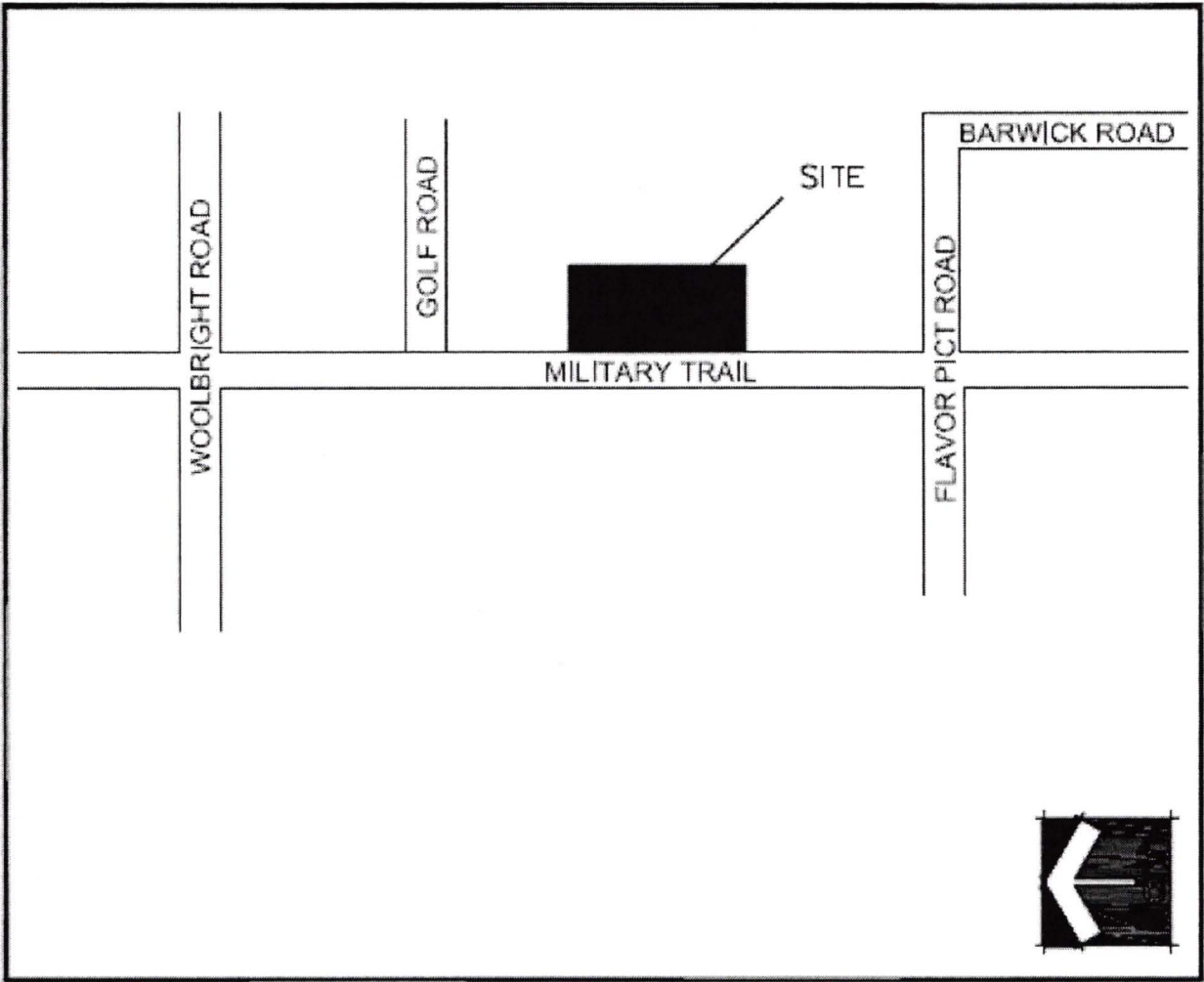


EXHIBIT C

CONDITIONS OF APPROVAL

PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Master is dated December 14, 2017 and Regulating Plan is dated June 26, 2017 respectively. 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)

2. Prior to the issuance of a building permit, the two (2) twenty-five (25) foot Reservation Easements (D.B.61, PG166) located along and straddling the north property line, as depicted on the Survey submitted on August 28, 2017, shall be abandoned. (BLDG PERMIT:ZONING-Zoning)

ENVIRONMENTAL

1. A Phase II Environmental Audit shall be submitted to the Department of Environmental Resources Management prior to the approval of the site plan by the Development Review Officer. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - GENERAL

1. Prior to Final Approval by the Development Review Officer (DRO) the Property Owner shall submit Landscape Plan(s) to the Landscape Section for review and approval. The Plan(s) and/or supporting documents shall demonstrate the Preserve and Proposed vegetation will meet or exceed the Unified Land Development Code requirements. Additional native vegetation may be relocated or added to preserve areas to meet the intent of this condition. (DRO: ZONING - Zoning)

LANDSCAPE - PRESERVATION OF VEGETATION

2. Prior to Final Plan approval by the Development Review Officer, the Property Owner shall submit a Tree Survey overlay the Proposed Site Plan with a Tree Disposition Chart for review and approval. All Vegetation that are subject to be preserved, relocated, replaced or mitigated shall be clearly identified on the Plan(s) and the Tree Disposition Chart, per Technical Manual, Title 4). The Plan(s) shall show:

- a) the temporary and permanent locations for the relocated Vegetation and identify what type of tree barricades will be utilized;
- b) the location of all preserved Vegetation and identify what type of the permanent tree barricades / protection devices will be utilized;
- c) the above requirements (a and b) shall be updated in the Tree Disposition Chart; and,
- d) a Justification Statement describing the maintenance of the relocated Vegetation prior to the installation of the Vegetation to the new location, and the length of time associated with the temporary storage of the relocated Vegetation. (DRO: ZONING - Zoning)

3. Prior to the issuance of any Building Permit(s) the Property Owner shall:

- a) submit an application for a Vegetation Barricade Permit to the Building Division. The application shall be routed to the Zoning Division for coordinated review by Zoning, ERM and Building Divisions;
- b) include the approved DRO plan(s) with the approved Disposition Chart;
- c) complete the installation of all vegetation protection barricades and tagging; and,
- d) schedule inspections to receive a 'Pass' status with Zoning Landscape Inspectors prior to any land clearing activity. (BLDGPMT: ZONING - Zoning)

PARKS

1. Applicant shall modify the plans prior to final DRO to show internal recreation area and ensure recreational areas do not include landscape buffers. (DRO: PARKS AND RECREATION - Parks and Recreation)

SITE DESIGN

1. The development is restricted to a minimum 42% open space. Any modifications to the plans shall require the Property Owner to confirm compliance with this condition. (ONGOING-ZONING-Zoning)

USE LIMITATIONS

1. Use of the site is limited to a Type 3 Congregate Living Facility. (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: 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.