

RESOLUTION R-2018-0343

RESOLUTION REPEALING RESOLUTION R-2018-005
AND
RESOLUTION APPROVING ZONING APPLICATION PDD/R/TDR-2017-00345
A Requested Use and Transfer of Development Rights
APPLICATION OF Blanca Moreda, Mignano Maria Trust, Mignano Maria Rev Trust
BY Jon E Schmidt & Associates, AGENT
(Boynton Atrium CLF)
APPLICATION CRB-2018-00447
(CONTROL NO. 2012-00433)

WHEREAS, Blanca Moreda, Mignano Maria Trust, Mignano Maria Rev Trust, petitioned the Palm Beach County Board of County Commissioners on January 4, 2018 for a Requested Use to allow a Transfer of Development Rights (TDR), to designate the site as a receiving area, and to allow TDR's of more than two dwelling units per acre (du/ac);

WHEREAS, Resolution No. R-2018-005, adopted on January 4, 2018 confirming the action of the Board of County Commissioners inadvertently contained the wrong set of Conditions of Approval;

WHEREAS, Resolution R-2018-005 is hereby repealed;

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 a Requested Use and Transfer of Development Rights;

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;

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; and,

WHEREAS, the BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, adopts a new resolution approving 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 a Requested Use to allow a Transfer of Development Rights (TDR), to designate the site as a receiving area, and to allow TDR's of more than two dwelling units per acre (du/ac), subject to the Conditions of Approval described in EXHIBIT C, attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Resolution R-2018-005 is hereby repealed.
3. WHEREAS, the BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, adopts a new resolution approving 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 a Requested Use to allow a Transfer of Development Rights (TDR), to designate the site as a receiving area, and to allow TDR's of more than two dwelling units per acre (du/ac), subject to the Conditions of Approval described in EXHIBIT C, attached hereto

Commissioner Bernard 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	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Absent
Commissioner Dave Kerner	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye

The Mayor thereupon declared the resolution was duly passed and adopted on March 22, 2018

Filed with the Clerk of the Board of County Commissioners on April 3rd, 2018

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: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK



CONDITIONS OF APPROVAL

Exhibit C Transfer of Development Rights

ALL PETITIONS

1. The approved Master Plan is dated December 14, 2017. 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)

TRANSFER OF DEVELOPMENT RIGHTS

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall perform the following:

a. Execute a Contract for Sale and Purchase of Transfer of Development of Rights (TDRs) in a manner and form approved by the County Attorney, and formally executed by the Executive Director of Planning, Zoning and Building Department. The Contract shall accommodate a maximum of Ten (10) TDR units at a selling price of Fifteen Thousand Five Hundred Dollars (\$15,500) per unit. (DRO: ZONING - Zoning)

2. At time of submittal for Final Development Review Officer Approval, a deed conveying the applicable Transfer of Development Rights (TDR) units from the County TDR bank to the subject property, shall be executed and recorded in a manner and form approved by the Office of the County Attorney. (DRO: ZONING - Zoning)

3. At time of submittal for the Final Site Plan Approval, the property owner shall pay one hundred (100) percent of the Transfer of Development Right Funds to Palm Beach County. (DRO: ZONING – Zoning)

PLANNING

1. The applicant shall set aside a total of 20% (5 beds) of the beds derived from the requested TDR bonus units approved for the project to be attainable. Four of these units shall be available at a rate of 25% below the rental rate of the facility, and shall be available to residents who qualify based on the County's AMI levels. Each of the applicable beds shall be spread equitably across the AMI levels. One of the units shall be available at a rate attainable to persons receiving Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI). The owner/operator of the facility shall make best/good faith efforts to market the SSI/SSDI bed to agencies that work with individuals with developmental disabilities as defined in Section 393.063 Florida Statutes. (ONGOING: PLANNING – Planning)

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.