

RESOLUTION NO. R-2018- 1284

RESOLUTION APPROVING ZONING APPLICATION Z-2018-00121  
(CONTROL NO. 2017-00047)  
an Official Zoning Map Amendment  
APPLICATION OF Jane Dixon, Gary Brown  
BY Miller Land Planning, AGENT  
(Entrada Commons)

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 Z-2018-00121 was presented to the Board of County Commissioners at a public hearing conducted on August 23, 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 (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 Zoning Application Z-2018-00121, the Application of Jane Dixon, Gary Brown, by Miller Land Planning, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Community Commercial (CC) Zoning District, with a Conditional Overlay Zone (COZ), 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 August 23, 2018, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

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	-	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 August 23, 2018.

Filed with the Clerk of the Board of County Commissioners on September 12th, 2018

This resolution shall not become effective unless or until the effective date of Large Scale Land Use Amendment No. LGA-2018-00012.

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  
The seal is circular with a double-line border. The outer ring contains the text 'PALM BEACH COUNTY COMMISSIONERS' at the top and 'BOA' at the bottom. The inner ring contains 'PALM BEACH COUNTY' at the top and 'FLORIDA' at the bottom. A five-pointed star is positioned at the bottom center of the seal.

EXHIBIT A

LEGAL DESCRIPTION

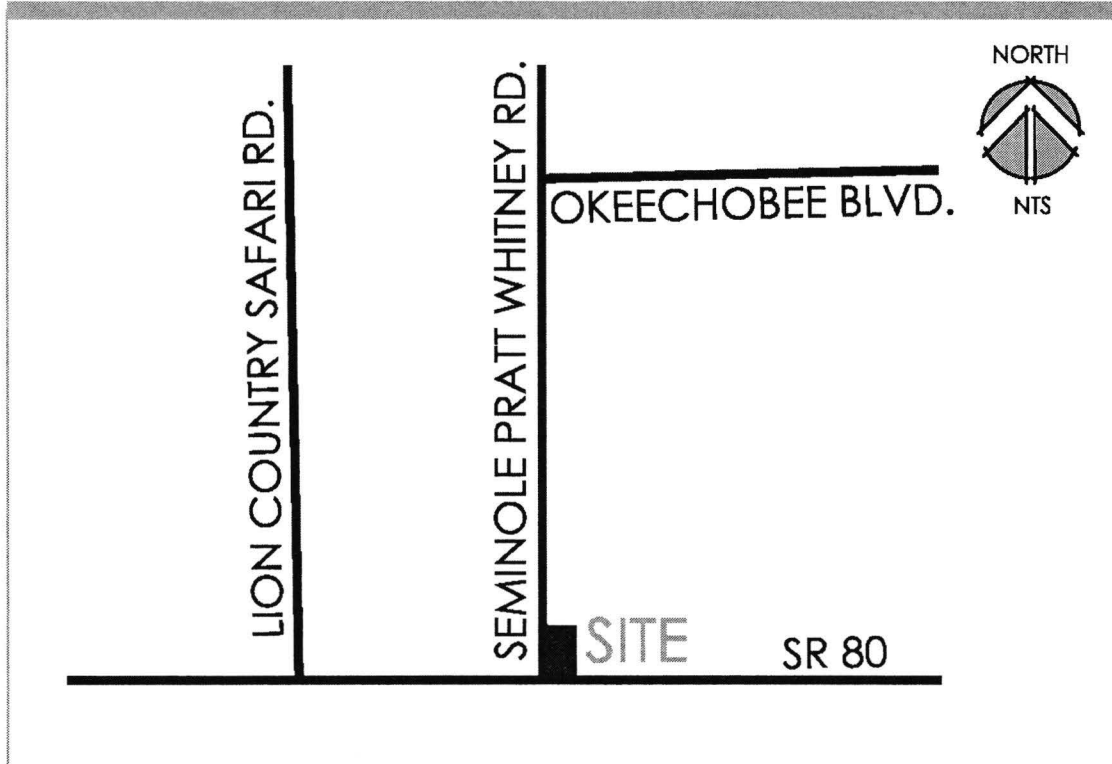
A PORTION OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 36; THENCE N.88°50'02" W. ALONG THE NORTH LINE OF SAID SECTION 36, A DISTANCE OF 1,026.60 FEET; THENCE S.01°32'09"W. ALONG THE EAST RIGHT-OF-WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD, AS RECORDED IN ROAD PLAT BOOK 4, PAGES 34 THROUGH 40 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 2,711.69 FEET; THENCE S.88°27'51"E. ALONG THE NORTH LINE OF TRACT 1 OF THE UNRECORDED SUBDIVISION OF ENTRADA ACRES, AS SHOWN IN THE DOCUMENT RECORDED IN OFFICIAL RECORD BOOK 2831, PAGE 239 OF SAID PUBLIC RECORDS, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING : THENCE S.01°32'09"W. ALONG THE EAST RIGHT-OF-WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD. AS ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 21317, PAGE 859 OF SAID PUBLIC RECORDS, A DISTANCE OF 30.00 FEET; THENCE S.46°32'09"W. ALONG SIAD RIGHT-OF-WAY LINE, A DISTANCE OF 35.36 FEET; THENCE S.01°32'09". ALONG THE EAST RIGHT-OF-WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 21317, PAGE 859 AND OFFICIAL RECORD BOOK 21317 PAGE 850 OF SAID PUBLIC RECORDS, A DISTANCE OF 533.41 FEET; THENCE S.43°04'01"E. ALONG THE EAST RIGHT-OF-WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 21317, PAGE 850 OF SAID PUBLIC RECORDS, A DISTANCE OF 56.20 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80 (SOUTHERN BOULEVARD), AS RECORDED IN OFFICIAL RECORD BOOK 4969, PAGE 1521 OF SAID PUBLIC RECORDS, AND THE POINT OF CURVATURE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.02°18'10"W., A RADIAL DISTANCE OF 49,224.67 FEET; THENCE EASTERLY ALONG THE ARC OF THE NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 80 (SOUTHERN BOULEVARD). AS RECORDED IN OFFICIAL RECORD BOOK 4969, PAGE 1521 AND OFFICIAL RECORD BOOK 4886, PAGE 641 OF SAID PUBLIC RECORDS, THROUGH A CENTRAL ANGLE OF 00°18'14", A DISTANCE OF 261.10 FEET TO A POINT OF REVERSE CURVATURE TO THE LEFT HAVING A RADIUS OF 57,181.78 FEET AND A CENTRAL ANGLE OF 00°04'27"; THENCE EASTERLY ALONG THE ARC OF SAID RIGHT-OF-WAY LINE, A DISTANCE OF 74.08 FEET; THENCE N.01°29'38"E. ALONG THE EAST LINE OF SAID TRACT 1, A DISTANCE OF 633.96 FEET TO THE NORTHEAST CORNER OF SAID TRACT 1; THENCE N.88°27'51"W. ALONG THE NORTH LINE OF SAID TRACT 1, A DISTANCE OF 349.14 FEET TO THE POINT OF BEGINNING.

LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.  
CONTAINING 234,289 SQUARE FEET/5.379 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

# Location Map



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Official Zoning Map Amendment

#### ENGINEERING

1. The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for Southern Boulevard 220ft feet, measured from the existing south right of way line of Southern Boulevard on an alignment approved by the FDOT and the County Engineer

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit. Right of way conveyance shall be along the projects entire frontage and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed, and one of the following: title report, attorneys opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT 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 and FDOT 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 coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPM: MONITORING - 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: 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.