

RESOLUTION NO. R-2019- 1956

RESOLUTION APPROVING ZONING APPLICATION ABN/ZV/PDD/CA-2017-00983
(CONTROL NO. 1997-00008)
a Class A Conditional Use
APPLICATION OF AMKBJ Partners, LTD LLLP
BY WGINC, AGENT
(Heathwood Reserve)

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 (ULDC), Ordinance 2003-067 Supplement 21, have been satisfied;

WHEREAS, Zoning Application ABN/ZV/PDD/CA-2017-00983 was presented to the Board of County Commissioners at a public hearing conducted on December 19, 2019;

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 Zoning Application ABN/ZV/PDD/CA-2017-00983, the Application of AMKBJ Partners, LTD LLLP, by WGINC, Agent, for a Class A Conditional Use to allow a Workforce Housing Program (WHP) Density Bonus greater than 30 percent, 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 December 19, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McKinlay moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	- Aye
Commissioner Robert S. Weinroth, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on December 19, 2019.

Filed with the Clerk of the Board of County Commissioners on January 13th, 2020

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

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

OVERALL PARCEL PCN:

00-42-44-36-08-010-0000; 00-42-44-36-08-016-0060; 00-42-44-36-08-016-0090; 00-42-44-36-08-016-0110; 00-42-44-36-08-009-0030

A PORTION OF TRACT 9, 10, AND 16 OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, "PLAT OF SEC. 36 – T44S, R42E.", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 10, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, THENCE SOUTH 01°47'37" WEST, ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 36, A DISTANCE OF 2736.10 FEET TO THE CENTER OF SAID SECTION 36; THENCE NORTH 87°42'20" WEST ALONG SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 36, A DISTANCE OF 67.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87°42'20" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 937.99 FEET; THENCE NORTH 01°55'35" EAST, ALONG THE WEST LINE OF SAID TRACT 10, A DISTANCE OF 1375.08 FEET; THENCE SOUTH 87°18'06" EAST, ALONG THE NORTH LINE OF SAID TRACTS 10 AND 9, A DISTANCE OF 934.89 FEET; THENCE SOUTH 01°47'37" WEST, ALONG A LINE 67.00 FEET WEST OF THE EAST LINE OF SAID TRACT 9, ALSO BEING THE WEST LINE OF SOUTH MILITARY TRAIL, AS RECORDED IN OFFICIAL RECORDS BOOK 5876 AT PAGE 135 OF SAID PUBLIC RECORDS, A DISTANCE OF 350.05 FEET; THENCE NORTH 87°18'06" WEST, A DISTANCE OF 601.55 FEET; THENCE SOUTH 01°52'51" WEST, ALONG THE EAST LINE OF SAID TRACT 10, A DISTANCE OF 679.51 FEET; THENCE SOUTH 87°36'17" EAST, ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID TRACT 16, A DISTANCE OF 299.52 FEET; THENCE NORTH 01°47'37" EAST, ALONG A LINE 370.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 16, A DISTANCE OF 171.33 FEET; THENCE NORTH 87°33'15" WEST, ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF SAID TRACT 16, A DISTANCE OF 10.00 FEET; THENCE NORTH 01°47'37" EAST, ALONG A LINE 380.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 16, A DISTANCE OF 171.34 FEET; THENCE SOUTH 87°30'14" EAST, ALONG THE NORTH LINE OF SAID TRACT 16, A DISTANCE OF 313.03 FEET; THENCE SOUTH 01°47'37" WEST, ALONG A LINE 67.00 FEET WEST OF THE EAST LINE OF SAID TRACT 16, ALSO BEING THE WEST LINE OF SOUTH MILITARY TRAIL, AS RECORDED IN OFFICIAL RECORDS BOOK 5990 AT PAGE 694, AND OFFICIAL RECORDS BOOK 5940 AT PAGE 707 OF SAID PUBLIC RECORDS, A DISTANCE OF 684.26 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 981,873 SQUARE FEET (22.541 ACRES), MORE OR LESS.

ALSO DESCRIBED AS FOLLOWS:

PARCEL 1:

THE NORTH 350 FEET OF TRACT 9 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THERE OF RECORDED IN PLAT BOOK 3, PAGE 10, PALM BEACH COUNTY PUBLIC RECORDS, LESS R/W FOR STATE ROAD 809.

LESS A PORTION OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTER OF SAID SECTION 36; THENCE NORTH 01°47'03"EAST, ALONG THE NORTH-SOUTH SECTION LINE, A DISTANCE OF 1368.52 FEET; THENCE NORTH 88°12'57" WEST AS MEASURED AT RIGHT ANGLES TO SAID NORTH-SOUTH ¼ SECTION LINE, A DISTANCE OF 50.00 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, AS SHOWN ON STATE OF FLORIDA STATE ROAD DEPT. RIGHT-OF-WAY MAP, ROAD NO. 809, SEC NO. 9375-113, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 01°47'03" WEST, ALONG SAID EXISTING WESTERLY RIGHT-OF-WAY OF MILITARY TRAIL, A DISTANCE OF 350.04 FEET; THENCE NORTH 87°18'29" WEST, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 17.00 FEET; THENCE NORTH 01°47'03" EAST, PARALLEL WITH AND 17.00 FEET WEST OF SAID EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 350.04 FEET; THENCE SOUTH 87°18'29" EAST, A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

TRACT 10 AND THE SOUTH HALF (S 1/2) OF TRACT SIXTEEN (16), IN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 10, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS. LESS AND EXCEPT THE PROPERTY DESCRIBED IN RIGHT-OF-WAY DEED IN DEED BOOK 889, PAGE 275 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY AND RIGHT-OF-WAY DEED IN OFFICIAL RECORD BOOK 5940, PAGE 107, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3:

THE WEST 190 FEET OF THE EAST 240 FEET OF THE NORTH 1/2 OF THE NORTH 1/2 OF TRACT 16, A SUBDIVISION OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 10 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA SUBJECT TO AN 10 FOOT EASEMENT ALONG THE NORTH SIDE AND A 15 FOOT EASEMENT ON THE SOUTH SIDE AND ALSO THE WEST 190 FEET OF THE EAST 240 FEET OF THE SOUTH 1/2 OF THE NORTH 1/2 OF TRACT 16, A SUBDIVISION OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 10 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA SUBJECT TO AN 10 FOOT EASEMENT ALONG THE SOUTH SIDE AND A 15 FOOT EASEMENT ON THE NORTH SIDE AND LESS THAT PROPERTY CONVEYED IN DEED RECORDED IN OFFICIAL RECORD BOOK 5990, PAGE 694, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE FOLLOWING TWO PARCELS

PARCEL A

THE WEST 140 FEET OF THE EAST 380 FEET OF THE NORTH HALF OF THE NORTH HALF OF TRACT 16, IN THE NW 1/4 OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 10, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL B

THE WEST 130 FEET OF THE EAST 370 FEET OF THE SOUTH HALF OF THE NORTH HALF OF TRACT 16 OF THE SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 10 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 981,873 SQUARE FEET (22.541 ACRES), MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

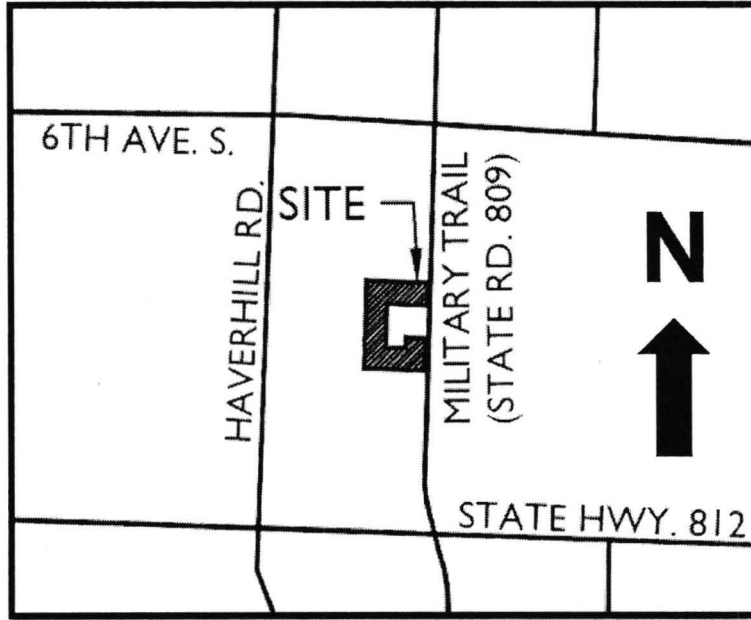


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use – Workforce Housing Program Density Bonus

ALL PETITIONS-WORKFORCE HOUSING PROGRAM DENSITY BONUS

1. The approved Preliminary Master Plan and Preliminary Site Plan are dated November 6, 2019. 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)

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.