

RESOLUTION NO. R-2020-1624

RESOLUTION APPROVING ZONING APPLICATION ABN/ZV/PDD/CA-2019-01200  
(CONTROL NO. 2018-00158)  
TRANSFER OF DEVELOPMENT RIGHTS (TDR)  
APPLICATION OF Southern & Jog Apartments, LLC  
BY Schmidt Nichols, AGENT  
(R80 Residential)

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 26, have been satisfied;

WHEREAS, Zoning Application ABN/ZV/PDD/CA-2019-01200 was presented to the Board of County Commissioners at a public hearing conducted on October 22, 2020;

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-2019-01200, the Application of Southern & Jog Apartments, LLC, by Schmidt Nichols, Agent, for a Class A Conditional Use to allow a Transfer of Development Rights, 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 October 22, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss 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	- Absent
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

This Resolution shall not become effective unless or until the effective date of Large-Scale Future Land Use Atlas Amendment No. LGA-2020-003.

Filed with the Clerk of the Board of County Commissioners on November 4th, 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

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

THAT PART OF THE EAST 155 FEET OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, LYING NORTH OF THE NORTHERLY LINE OF STATE ROAD 80, AND LESS THE SOUTHERLY 500 FEET OF THE EAST 155 FEET OF SAID TRACT 62, AS CONVEYED IN OFFICIAL RECORDS BOOK 1919, PAGE 1622, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE RIGHT INGRESS AND EGRESS OVER THE WEST 30 FEET OF THE SOUTHERLY 500 FEET OF THAT PART OF THE EAST 155 FEET OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, LYING NORTH OF THE NORTHERLY LINE OF STATE ROAD 80 AND THE SOUTH 15 FEET OF 30 FOOT STRIP LYING NORTH OF AND ADJACENT TO BLOCK 5.

PARCEL 2:

THE SOUTHERLY 500 FEET OF THAT PART OF THE EAST 155 FEET OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, LYING NORTH OF THE NORTHERLY LINE OF STATE ROAD NO. 80, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THE NORTH LINE OF SAID SOUTHERLY 500 FEET TRACT TO BE PARALLEL TO THE NORTH LINE OF SAID TRACT 62, AND THE SOUTH 500 FEET IS TO BE MEASURED ALONG THE EAST LINE OF SAID TRACT 62.

PARCEL 3:

THE EASTERLY 84 FEET OF THE NORTHERLY 665 FEET OF THE WEST ½ OF TRACT 62, AND THE WESTERLY 175 OF THE NORTHERLY 665 FEET OF THE EAST ½ OF TRACT 62, IN BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE FOLLOWING DESCRIBED PROPERTY:

A PORTION OF TRACT 62, BLOCK 5, BEING THE NORTH 433 FEET OF THE EAST 80.83 FEET OF THE WEST 326.83 FEET OF TRACT 62, BLOCK 5, AND THE SOUTH 15 FEET OF 30 FOOT PLATTED ROADWAY LYING BETWEEN THE NORTHERLY EXTENSION OF THE WEST AND EAST LINES OF SAID PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4: (COMPRISED OF SUBPARCELS A THROUGH D BELOW)

SUB PARCEL A

A PORTION OF TRACT 62, BLOCK 5, BEING THE NORTH 433 FEET OF THE EAST 80.83 FEET OF THE WEST 326.83 FEET OF TRACT 62, BLOCK 5, AND THE SOUTH 15 FEET OF 30 FOOT PLATTED ROADWAY LYING BETWEEN THE NORTHERLY EXTENSION OF THE WEST AND EAST LINES OF SAID PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF,

RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

SUB PARCEL B

THE NORTH 208 FEET OF THE WEST 246 FEET OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

SUB PARCEL C

A PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80, AS IN PLAT BOOK 2, PAGES 11 THROUGH 18, WHERE SAID RIGHT-OF-WAY LINE INTERSECTS THE WEST LINE OF SAID TRACT 62; PROCEED NORTHERLY ALONG SAID WEST BOUNDARY LINE A DISTANCE 617 FEET; THENCE RUN EAST, PARALLEL TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 80, 246 FEET; THENCE RUN NORTH, PARALLEL TO THE WEST LINE OF TRACT 62 AFORESAID 75 FEET; THENCE RUN WESTERLY PARALLEL TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80, 246 FEET TO THE WEST BOUNDARY OF SAID TRACT 62; THENCE SOUTHERLY ALONG SAID WEST BOUNDARY A DISTANCE OF 75 FEET TO THE POINT OF BEGINNING.

AND

SUB PARCEL D

A PART OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST BOUNDARY OF SAID TRACT, WHERE IT INTERSECTS WITH THE NORTHERLY RIGHT-OF-WAY OF STATE ROAD 80; PROCEED NORTHERLY ALONG SAID WEST BOUNDARY A DISTANCE OF 467.08 FEET TO THE POINT OF BEGINNING, THENCE EASTERLY AT RIGHT ANGLES WITH SAID WEST BOUNDARY, A DISTANCE OF 246 FEET TO A POINT, THENCE NORTHERLY PARALLEL TO SAID WEST BOUNDARY, A DISTANCE OF 150 FEET TO A POINT, THENCE WESTERLY AT RIGHT ANGLES, A DISTANCE OF 246 FEET TO THE SAID WEST BOUNDARY OF SAID TRACT 62; THENCE SOUTHERLY ALONG THE WEST BOUNDARY, A DISTANCE OF 150 FEET TO THE POINT OF BEGINNING.

PARCEL 5:

THAT PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING NORTH OF THE NORTH LINE OF A PARCEL OF LAND DEEDED TO FRED D. TOSLAND, IN OFFICIAL RECORDS BOOK 344, PAGE 569, SAID PORTION DESCRIBED AS THE WEST 125 FEET OF SAID TRACT 62, BLOCK 5, LESS THE NORTH 433 FEET AND ALSO LESS THAT PORTION OF THE WEST 125 FEET LYING 317 FEET NORTHERLY OF THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80 AS IN



ROAD PLAT BOOK 2, PAGE 11, AS MEASURED ALONG THE WEST LINE OF SAID TRACT 62, BLOCK 5, THE NORTH LINE OF SAID PORTION BEING PARALLEL WITH THE NORTH LINE OF SAID TRACT 62, BLOCK 5, TOGETHER WITH THAT PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45, LYING NORTH OF THE NORTH LINE OF A PARCEL OF LAND DEEDED TO FRED D. TOSLAND, IN OFFICIAL RECORDS BOOK 202, PAGE 525, SAID PORTION DESCRIBED AS THE EAST 121 FEET OF THE WEST 246 FEET OF THE SOUTH 144.31 FEET OF THE NORTH 577.31 FEET OF SAID TRACT 62, BLOCK 5.

LEGAL DESCRIPTION (CONTINUED)

PARCEL 6:

A PARCEL OF LAND LYING IN TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING THE NORTH 160 FEET OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 344, PAGE 569, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE WEST 15 FEET THEREOF AS CONVEYED TO PALM BEACH COUNTY IN OFFICIAL RECORDS BOOK 6495, PAGE 88, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THE NORTH 160 FEET OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 202, PAGE 525, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. AFORESAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF SAID TRACT 62, WHERE IT INTERSECTS THE NORTH RIGHT OF WAY LINE OF STATE ROAD 80 AS SHOWN IN ROAD PLAT BOOK 2, PAGE 11, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°33'00" WEST ALONG SAID WEST LINE OF SAID TRACT 62, A DISTANCE OF 157.00 FEET; THENCE SOUTH 88°07'00" EAST ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID STATE ROAD 80, A DISTANCE OF 15.01 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°33'00" WEST ALONG A LINE PARALLEL WITH AND 15.00 FEET EAST OF, MEASURED AT RIGHT ANGLES TO SAID WEST LINE OF TRACT 62, A DISTANCE OF 160.00 FEET; THENCE SOUTH 88°07'00" EAST ALONG THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 344, PAGE 569, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 110.10 FEET; THENCE NORTH 00°33'00" WEST ALONG A LINE PARALLEL WITH AND 125.00 FEET EAST OF, MEASURED AT RIGHT ANGLES TO SAID WEST LINE OF TRACT 62, A DISTANCE OF 12.03 FEET; THENCE NORTH 89°27'00" EAST, ALONG A LINE PARALLEL WITH AND 577.31 FEET SOUTH OF, MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID TRACT 62, A DISTANCE OF 128.00 FEET; THENCE SOUTH 00°33'00" EAST, ALONG THE WEST LINE AND THE NORTHERLY PROJECTION OF THE WEST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1098, PAGE 675, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA A DISTANCE OF 160.00 FEET; THENCE SOUTH 89°27'00" WEST A DISTANCE OF 128.00 FEET; THENCE SOUTH 00°33'00" EAST A DISTANCE OF 12.03 FEET; THENCE NORTH 88°07'00" WEST A DISTANCE OF 110.10 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT FROM THE ABOVE ANY PORTION CONTAINED WITHIN THE BOUNDARIES OF THE PROPERTY DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 13804, PAGE 1814; IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 13538, PAGE 737; AND IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 6495, PAGE 88.

QUIET TITLE ORDER PARCEL 1

A PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT BOOK 2, PAGES 45-54, INCLUSIVE, PUBLIC

RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80, AS IN PLAT BOOK 2, PAGES 11 TO 18, WHERE SAID RIGHT-OF-WAY LINE INTERSECTS THE WEST LINE OF SAID TRACT 62; PROCEED NORTHERLY ALONG SAID WEST BOUNDARY LINE A DISTANCE 617 FEET; THENCE RUN EAST, PARALLEL TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 80, 246 FEET; THENCE RUN NORTH, PARALLEL TO THE WEST LINE OF TRACT 62 AFORESAID 75 FEET; THENCE RUN WESTERLY PARALLEL TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80, 246 FEET TO THE WEST BOUNDARY OF SAID TRACT 62; THENCE SOUTHERLY ALONG SAID WEST BOUNDARY A DISTANCE OF 75 FEET TO THE POINT OF BEGINNING.

QUIET TITLE ORDER PARCEL 2

BEING A PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS COMPANY PLAT NO. 3, PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 62, RUN THENCE SOUTH  $00^{\circ}58'09''$  EAST ALONG THE WEST LINE OF SAID TRACT 62, A DISTANCE OF 208.00 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 208.00 FEET OF SAID TRACT 62 AND THE POINT OF BEGINNING.

THENCE NORTH  $39^{\circ}01'25''$  EAST ALONG A LINE 208.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 62, A DISTANCE OF 246.00 FEET TO A POINT ON THE EAST LINE OF THE WEST 246.00 FEET OF SAID TRACT 62; THENCE SOUTH  $00^{\circ}58'09''$  EAST ALONG A LINE 246.00' EAST OF AND PARALLEL WITH THE SAID WEST LINE OF TRACT 62; THENCE NORTH  $88^{\circ}34'07''$  WEST ALONG A LINE 692.00 FEET NORTH OF (AS MEASURED ALONG THE SAID WEST LINE OF TRACT 62) AND PARALLEL WITH THE NORTH LINE OF STATE ROAD 80 AS SAME IS SHOWN IN ROAD PLAT BOOK 2, PAGES 11 THROUGH 18, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 246.22 FEET TO A POINT ON THE SAID WEST LINE OF TRACT 62; THENCE NORTH  $00^{\circ}53'09''$  WEST ALONG SAID WEST LINE, A DISTANCE OF 1.29 FEET TO THE POINT OF BEGINNING.

PARCEL 7

A 30' PRIVATE ROAD WAY STRIP (WALLIS ROAD) LOCATED BETWEEN THE NORTH LINE OF TRACT 62, BLOCK 5 AND THE SOUTH LINE TRACT 59, BLOCK 5, OF THE PALM BEACH FARMS PLAT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF TRACT 62, BLOCK 5 (TRACT 62), THENCE N. $0^{\circ}58'09''$  W. ALONG THE EAST RIGHT OF WAY LINE OF FIRST ROAD, 30' TO THE SOUTHEAST CORNER OF SAID TRACT 59, BLOCK 5 (TRACT 59); THENCE N. $89^{\circ} 01' 25''$  E., ALONG THE SOUTH LINE OF TRACT 59, 659.92' TO A FOUND  $5/8''$  IRON ROD WITH PERMANENT REFERENCE MONUMENT LB 4431 DISK; THENCE S. $0^{\circ}58'09''$  E., 30' TO THE NORTHEAST CORNER OF TRACT 62; THENCE S. $89^{\circ} 01' 25''$  W., ALONG THE NORTH LINE OF TRACT 62, 659.92' BACK TO THE POINT OF BEGINNING.

CONTAINING 499,385 SQUARE FEET OR 11.464 ACRES, MORE OR LESS.

ALSO DESCRIBED AS (OVERALL BOUNDARY)

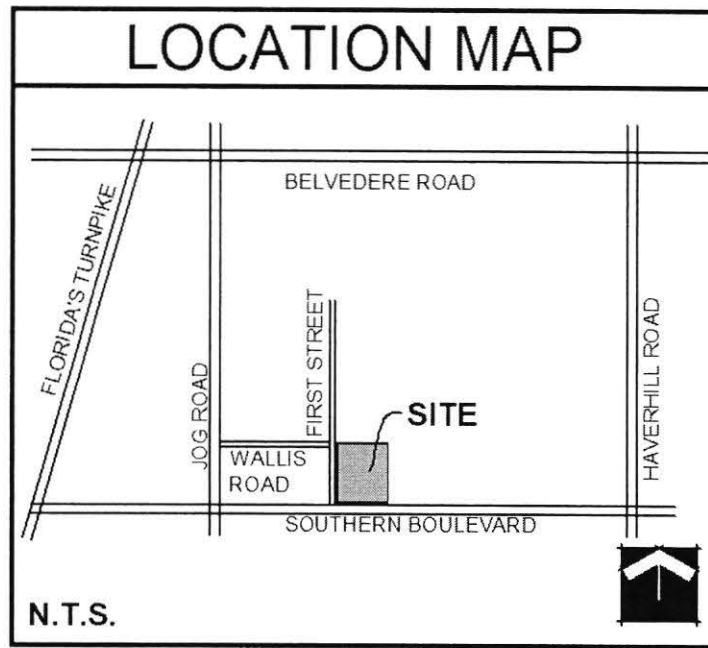
BEING A PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS COMPANY PLAT NO. 3, PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM

BEACH COUNTY, FLORIDA, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 59 SAID BLOCK 5, RUN THENCE SOUTH 00°58'09" EAST ALONG THE EAST LINE OF SAID TRACT 62, A DISTANCE OF 865.06 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80 AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 13538, PAGE 737, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID NORTH RIGHT-OF-WAY LINE ALSO BEING A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 6221.77 FEET (A RADIAL LINE PASSING THROUGH SAID POINT BEARS SOUTH 04°40'30" WEST); THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°06'21", A DISTANCE OF 120.08 FEET TO THE POINT OF TANGENCY; THENCE NORTH 84°49'09" WEST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINES, A DISTANCE OF 35.74 FEET TO A POINT ON THE EAST LINE OF PARCEL 135, AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 13791 PAGE 155, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°02'54" WEST ALONG SAID EAST LINE AND CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 160.97 FEET; THENCE SOUTH 88°59'35" WEST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 251.91 FEET; THENCE SOUTH 01°01'45" EAST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 78.76 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80 AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 13804, PAGE 1814, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°52'13" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 128.00 FEET; THENCE SOUTH 01°01'45" EAST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 11.93 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80 AS SAME DESCRIBED IN OFFICIAL RECORDS BOOK 13804, PAGE 1814, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°34'07" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 109.94 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FIRST STREET AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 6495, PAGE 88, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°58'09" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 160.16 FEET; THENCE NORTH 88°34'07" WEST CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 15.01 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 62 AND THE EAST RIGHT-OF-WAY LINE OF FIRST STREET; THENCE NORTH 00°58'09" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 614.29 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 59, THENCE NORTH 89°01'29" EAST ALONG THE SOUTH LINE OF SAID TRACT 59, A DISTANCE OF 659.92 FEET TO THE POINT OF BEGINNING.

CONTAINING 499,385 SQUARE FEET OR 11.464 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Class A Conditional Use (Transfer of Development Rights)**

##### **ALL PETITIONS**

1. The approved Preliminary Site Plan is dated May 26, 2020. 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 46 TDR units at a total selling price of \$134,754 (16 TDR units to be purchased at the Revitalization, Redevelopment, and Infill Overlay (RRIO) Workforce rate of \$219.00 per unit, and 30 TDR units at the RRIO Market rate of \$4,375.00 per unit). (DRO: COUNTY ATTORNEY - Zoning)

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

a. Execute the Transfer of Development Rights Deed in a manner and form approved by the County Attorney, and formally executed by the Executive Director of Planning, Zoning and Building Department. (DRO: ZONING - Zoning)

3. Prior to technical compliance of the plat or issuance of the first Building Permit, whichever occurs first, the Property Owner shall pay one hundred (100) percent of the Transfer of Development Rights (TDR) Funds to the Zoning Division. Upon payment of the funds, the TDR Deed shall be recorded by the Property Owner, and a copy shall be provided to the Zoning Division. (BLDGPMT/TC: 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.