

RESOLUTION NO. R-2021-1166

RESOLUTION APPROVING ZONING APPLICATION ABN/ZV/Z-2020-01856
(CONTROL NO. 2001-00039)
an Official Zoning Map Amendment
APPLICATION OF Opportunity Inc. Of Palm Beach County, AMBR, Medical Holdings,
LLC - Eric Rogers
BY Schmidt Nichols, AGENT
(PMH 1713 Quail, LLC)

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 as amended, have been satisfied;

WHEREAS, Zoning Application ABN/ZV/Z-2020-01856 was presented to the Board of County Commissioners at a public hearing conducted on August 26, 2021;

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 ABN/ZV/Z-2020-01856, the Application of Opportunity Inc. Of Palm Beach County, AMBR, Medical Holdings, LLC - Eric Rogers, by Schmidt Nichols, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Residential High (RH) Zoning District to the General Commercial (CG) 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 26, 2021, subject to the Conditions of Approval described in EXHIBIT C,

Commissioner Weinroth moved for the approval of the Resolution.

The motion was seconded by Commissioner Weiss 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 Maria G. Marino	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 26, 2021.

Filed with the Clerk of the Board of County Commissioners on September 8th, 2021

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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

COMMENCE AT THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST; THENCE SOUTH 01 DEGREE 33 MINUTES 35 SECONDS WEST, ALONG THE EAST LINE OF SAID SECTION 25, A DISTANCE OF 1292.19 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WESTGATE AVENUE, AS SHOWN ON ROAD PLAT BOOK 2, PAGE 205 OF SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND FURTHER AMENDED IN OFFICIAL RECORDS BOOK 9484, PAGE 622 OF SAID PUBLIC RECORDS; THENCE NORTH 88 DEGREE 51 MINUTES 13 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 6.57 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTH WITH A CENTRAL ANGLE OF 12 DEGREES 54 MINUTES 49 SECONDS AND A RADIUS OF 2059.93 FEET; THENCE WEST ALONG THE ARC OF SAID CURVE, A DISTANCE OF 464.28 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTH WITH A CENTRAL ANGLE OF 02 DEGREES 38 MINUTES 24 SECONDS AND A RADIUS OF 2140.00 FEET; THENCE WEST ALONG THE ARC OF SAID CURVE, A DISTANCE OF 98.61 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF QUAIL DRIVE, AS DESCRIBED IN OFFICIAL RECORDS BOOK 10601 PAGE 858 OF SAID PUBLIC RECORDS, BEING THE POINT OF BEGINNING; THENCE SOUTH 48 DEGREES 48 MINUTES 03 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 38.48 FEET; THENCE SOUTH 01 DEGREE 31 MINUTES 32 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 124.93 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST A CENTRAL ANGLE OF 60 DEGREES 01 MINUTE 23 SECONDS AND A RADIUS OF 150.00 FEET; THENCE SOUTH AND SOUTHWEST ALONG THE ARC OF SAID CURVE, A DISTANCE OF 157.14 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE, TO THE SOUTHEAST HAVING A CENTRAL ANGLE OF 24 DEGREES 04 MINUTES 21 SECONDS AND A RADIUS OF 210.00 FEET; THENCE SOUTHWEST ALONG THE ARC OF SAID CURVE, A DISTANCE OF 88.23 FEET; THENCE NORTH 20 DEGREES 59 MINUTES 13 SECONDS WEST, A DISTANCE OF 65.28 FEET; THENCE NORTH 01 DEGREE 31 MINUTES 32 SECONDS EAST, A DISTANCE OF 228.67 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTHWEST HAVING A CENTRAL ANGLE OF 96 DEGREES 14 MINUTES 02 SECONDS AND A RADIUS OF 25.00 FEET; THENCE NORTHWEST ALONG THE ARC OF SAID CURVE, A DISTANCE OF 41.99 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WESTGATE AVENUE AND A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 2140.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 25 MINUTES 08 SECONDS AND WHOSE RADIAL AT SAID POINT BEARS NORTH 04 DEGREES 42 MINUTES 30 SECONDS WEST; THENCE EAST ALONG SAID CURVE AND SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 165.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.01 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

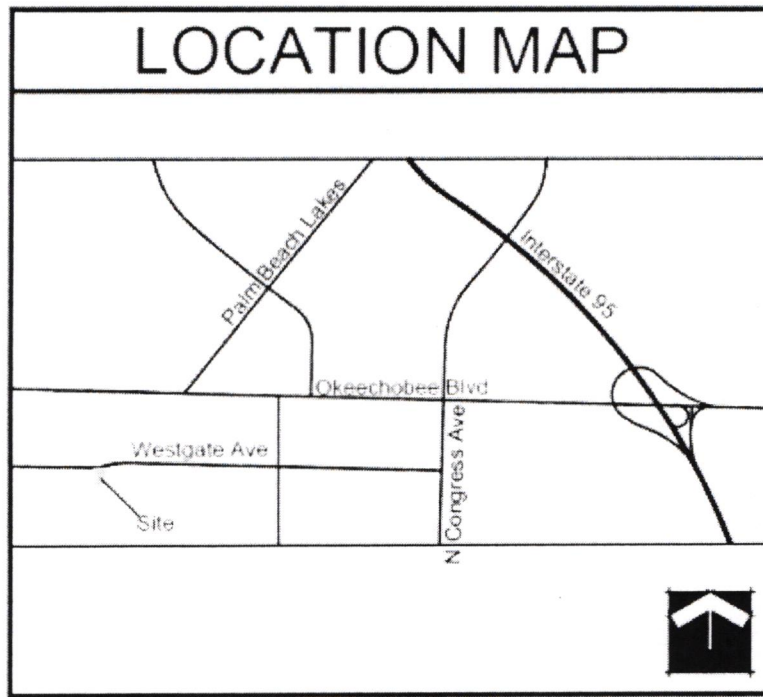


EXHIBIT C

CONDITIONS OF APPROVAL

Official Zoning Map Amendment

ALL PETITIONS

1. The approved Site Plan is dated June 14, 2021. 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)

ENGINEERING

1. Prior to October 30, 2022, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (DATE: MONITORING - Engineering)

2. The Property Owner shall improve the sight visibility for the existing driveway on Quail Drive, as approved by the County Engineer. Any and all costs associated with these improvements shall be paid for by the Property Owner.

a. Approval for the sight visibility measures shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. Installation shall be completed prior to issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

3. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2025, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

SITE DESIGN

1. Landscaping along the west property line shall include:

a. One (1) booted Sabal palm planted for each ten (10) linear feet of the property line;

b. One (1) large/medium shrub for each four (4) linear feet of the property line. Shrubs shall be a minimum height of thirty (30) inches at installation and to be maintained at a minimum height of seventy-two (72) inches in height. (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) (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.