

RESOLUTION NO. R-2022-0275

RESOLUTION APPROVING ZONING APPLICATION Z-2021-01910
(CONTROL NO. 2021-00112)
an Official Zoning Map Amendment
APPLICATION OF Palm Beach County Department of Airports, Palm Beach County
BY Urban Design Studio, AGENT
(PBA Parcel F Rezoning)

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-2021-01910 was presented to the Board of County Commissioners at a public hearing conducted on March 24, 2022;

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-2021-01910, the Application of Palm Beach County Department of Airports, Palm Beach County, by Urban Design Studio, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Residential Multifamily (RM) and General Commercial (CG) Zoning Districts to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone, 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 March 24, 2022, 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 Marino and, upon being put to a vote, the vote was as follows:

Commissioner Robert S. Weinroth, Mayor	- Aye
Commissioner Gregg K. Weiss, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Melissa McKinlay	- Absent
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on March 24, 2022.

Filed with the Clerk of the Board of County Commissioners on March 24th, 2022.

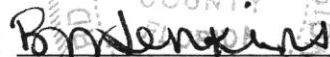
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

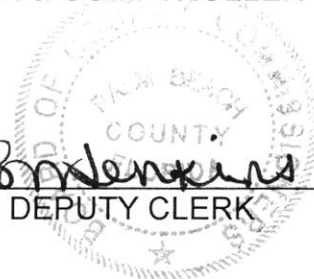


EXHIBIT A

LEGAL DESCRIPTION

PROPERTY DESCRIPTION

W-41 (PER TITLE COMMITMENT)

THE NORTH 95.8 FEET OF THE SOUTH 128.8 FEET, LESS THE EAST 559.36 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE SOUTH 7.00 FEET PER ORB. 32476, PG. 660.

THE PROPERTY CONTAINS 9,755 SQUARE FEET OR 0.2239 ACRES MORE OR LESS.

PROPERTY DESCRIPTION

W-138 (ORB 27001, PG 781)

BEGINNING AT THE SOUTHWEST CORNER OF THE WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE RUNNING EAST ALONG THE SOUTH LINE OF SAID WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4), A DISTANCE OF 179.63 FEET TO A STAKE; THENCE RUNNING NORTH PARALLEL TO THE WEST LINE OF SAID WEST

HALF (W1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4), A DISTANCE OF 375 FEET TO A STAKE AND TO THE POINT OF STARTING; THENCE RUNNING EAST PARALLEL TO THE SOUTH LINE OF SAID WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4), A DISTANCE OF 154.62 FEET TO A STAKE; THENCE RUNNING NORTH PARALLEL TO THE WEST LINE OF SAID WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4), A DISTANCE OF 75 FEET TO A STAKE; THENCE RUNNING WEST PARALLEL TO THE SOUTH LINE OF SAID WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4), A DISTANCE OF 154.62 FEET TO A STAKE; THENCE RUNNING SOUTH PARALLEL TO THE WEST LINE OF SAID WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW1/4), A DISTANCE OF 75 FEET TO THE POINT OF BEGINNING. THE PROPERTY AS MEASURED CONTAINS 11,617 SQUARE FEET OF 0.2667 ACRES MORE OR LESS.

PROPERTY DESCRIPTION

W-192 (PER TITLE COMMITMENT)

BEGINNING AT THE SOUTHWEST CORNER OF THE WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE RUNNING NORTH ALONG THE WEST LINE OF SAID WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4)

OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4), A DISTANCE OF 375.00 FEET TO A STAKE AND TO THE POINT OF STARTING; THENCE RUNNING EAST PARALLEL TO THE SOUTH LINE OF SAID WEST HALF (W1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4), A DISTANCE OF 154.63 FEET TO A STAKE; THENCE RUNNING NORTH PARALLEL TO THE WEST LINE OF SAID WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4), A DISTANCE OF 125.00 FEET TO A STAKE; THENCE RUNNING WEST PARALLEL TO THE SOUTH LINE OF SAID WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4), A DISTANCE OF 154.63 FEET TO A STAKE; THENCE RUNNING SOUTH ALONG THE WEST LINE OF SAID WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4), A DISTANCE OF 125.00 FEET TO THE POINT OF STARTING.

THE PROPERTY AS MEASURED CONTAINS 119,331 SQUARE FEET OF 0.4437 ACRES MORE OR LESS.

PROPERTY DESCRIPTION

W-306 (PER TITLE COMMITMENT)

THE SOUTH 75 FEET OF LOTS 62, 63 AND 64, FERRIS PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGE 9, AND THE WEST 1/2 OF THAT SERVICE STREET LYING EAST AND ADJACENT TO THE SOUTH 75 FEET OF LOT 62, FERRIS PARK, PLAT BOOK 13, PAGE 9, ABANDONED PER RESOLUTION NO. R-80-1083, RECORDED IN OFFICIAL RECORDS BOOK 3359, PAGE 985, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THAT PORTION CONVEYED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION BY STIPULATED ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 12948, PAGE 183 AS SUPPLEMENTED IN OFFICIAL RECORDS BOOK 13428, PAGE 1988 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: A PORTION OF LOT 62, FERRIS PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 13, PAGE 9 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF THE ABANDONED 15 FOOT WIDE SERVICE STREET ADJOINING, AND LYING EASTERLY OF SAID LOT 62 PER RESOLUTION NO. R-80-1083, RECORDED IN OFFICIAL RECORDS BOOK 3359, PAGE 985 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF LOT 64 OF SAID PLAT; THENCE SOUTH 88°43'24" EAST ALONG THE SOUTH LINE OF LOTS 62, 63 AND 64 OF SAID PLAT AND THE NORTHERLY EXISTING RIGHT OF WAY LINE FOR BERTRAM STREET A DISTANCE OF 19.325 METERS (63.40 FEET) TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°43'24" EAST ALONG THE SOUTH LINE OF SAID LOT 62, SAID NORTHERLY EXISTING RIGHT OF WAY LINE AND THE SOUTHERLY BOUNDARY LINE OF SAID ABANDONED SERVICE STREET, A DISTANCE OF 4.616 METERS (15.14 FEET); THENCE NORTH 01°30'23" EAST ALONG SAID ABANDONED SERVICE STREET, A DISTANCE OF 5.180 (16.99 FEET); THENCE NORTH 88°43'24" WEST, A DISTANCE OF 4.616 METERS (15.14 FEET); THENCE SOUTH 01°30'23" WEST, A DISTANCE OF 5.180 (16.99 FEET) TO THE POINT OF BEGINNING.

THE PROPERTY CONTAINS 5,654 SQUARE FEET OR 0.1298 ACRES MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

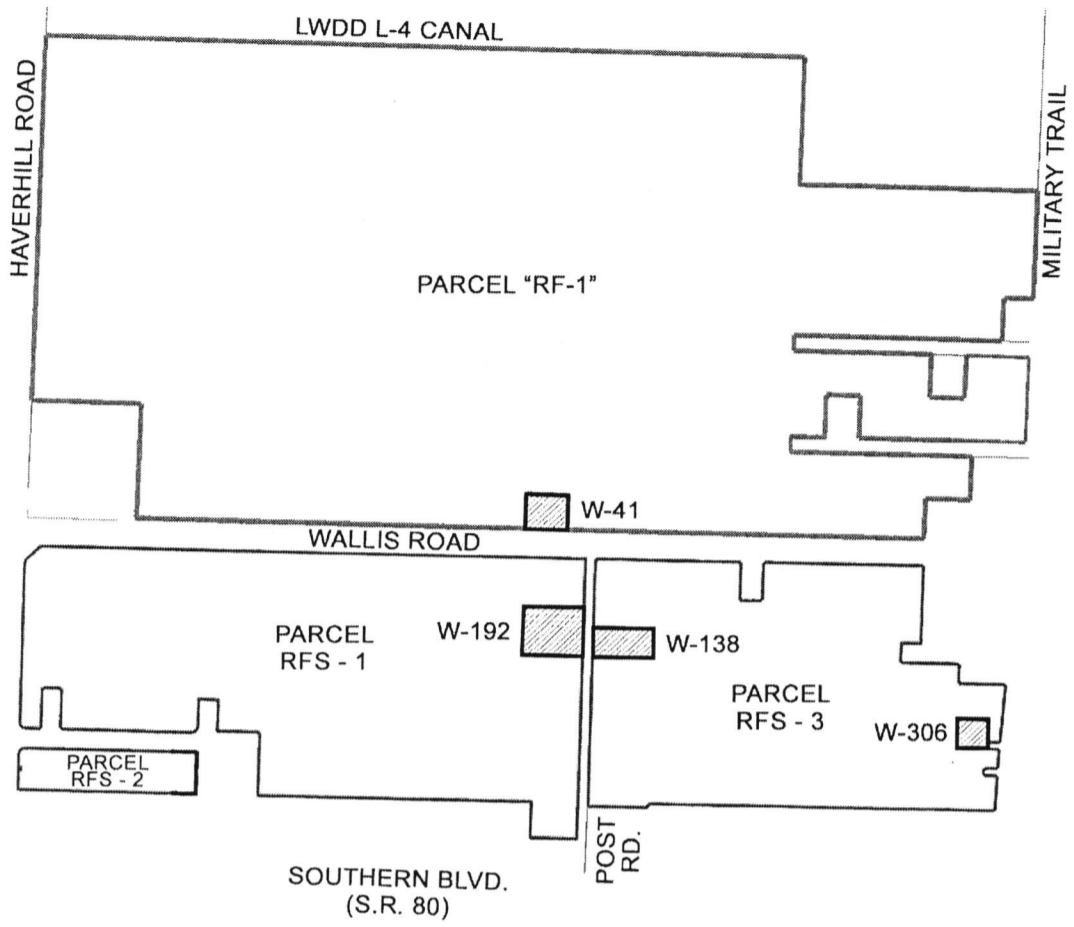


EXHIBIT C

CONDITIONS OF APPROVAL

Official Zoning Map Amendment

ENGINEERING

1. Prior to the issuance of the first building permit, 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. (BLDG/PMT: 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.