

RESOLUTION NO. R-2022-0536

RESOLUTION APPROVING
ZONING APPLICATION SV/ZV/ABN/PDD/CA-2021-00533
(CONTROL NO. 1979-00268)
TRANSFER OF DEVELOPMENT RIGHTS (TDR)
APPLICATION OF Town of Palm Beach and
CRE Fund at Okeechobee Boulevard, LLC - Carlos Gonzales
BY Schmidt Nichols, AGENT
(Fount MUPD)

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 SV/ZV/ABN/PDD/CA-2021-00533 was presented to the Board of County Commissioners at a public hearing conducted on May 26, 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 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 SV/ZV/ABN/PDD/CA-2021-00533, the Application of Town of Palm Beach and CRE Fund at Okeechobee Boulevard, LLC - Carlos Gonzales, by Schmidt Nichols, Agent, for a Class A Conditional Use to allow a Transfer of Development Rights (TDR), 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 May 26, 2022, 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 Weiss 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	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on May 26, 2022.

Filed with the Clerk of the Board of County Commissioners on June 2, 2022.

This resolution shall not become effective unless or until the effective date of the Large Scale Land Use Amendment No. LGA-2020-011.

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

THE WEST (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) AND THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE LANDS CONVEYED PURSUANT TO THE COUNTY DEED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT OFFICE RECORDED APRIL 12, 1989 IN OFFICIAL RECORDS BOOK 6029, PAGE 1155 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING MORE PARTICULARITY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA:

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

- 1) COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 26
- 2) THENCE SOUTH 1° 24' 53" WEST, ALONG THE WEST LINE OF THE SAID NORTHEAST QUARTER A DISTANCE OF 64.02 FEET;
- 3) THENCE SOUTH 88° 26' 20" EAST, A DISTANCE OF 52.47 FEET TO THE POINT OF BEGINNING;
- 4) THENCE CONTINUE SOUTH 88° 26' 20" EAST, ALONG A LINE 64.02' SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 26, SAID LINE ALSO BEING THE THE SOUTH LINE OF THE CHANCERY CASE 407 AS RECORDED IN OFFICIAL RECORD BOOK 6495 PAGE 761 PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, A DISTANCE OF 616.83 FEET;
- 5) THENCE SOUTH 1° 21' 54" WEST, ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 26 A DISTANCE OF 1949.12 FEET;
- 6) THENCE NORTH 88° 57' 19" WEST, ALONG THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 617.53 FEET;
- 7) THENCE NORTH 1° 24' 53" EAST, ALONG THE EAST LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL PER OFFICIAL RECORD BOOK 6495 PAGE 761 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 672.90 FEET;
- 8) THENCE NORTH 88° 47' 00" WEST, AND CONTINUE ALONG THE SAID E-3 CANAL A DISTANCE OF 0.99 FEET;
- 9) THENCE NORTH 1° 24' 53" EAST, AND CONTINUE ALONG THE SAID E-3 CANAL A DISTANCE OF 1281.78 FEET TO THE POINT OF BEGINNING,

SAID PARCEL BEING 1204958.69SQFT OR 27.662 ACRES MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

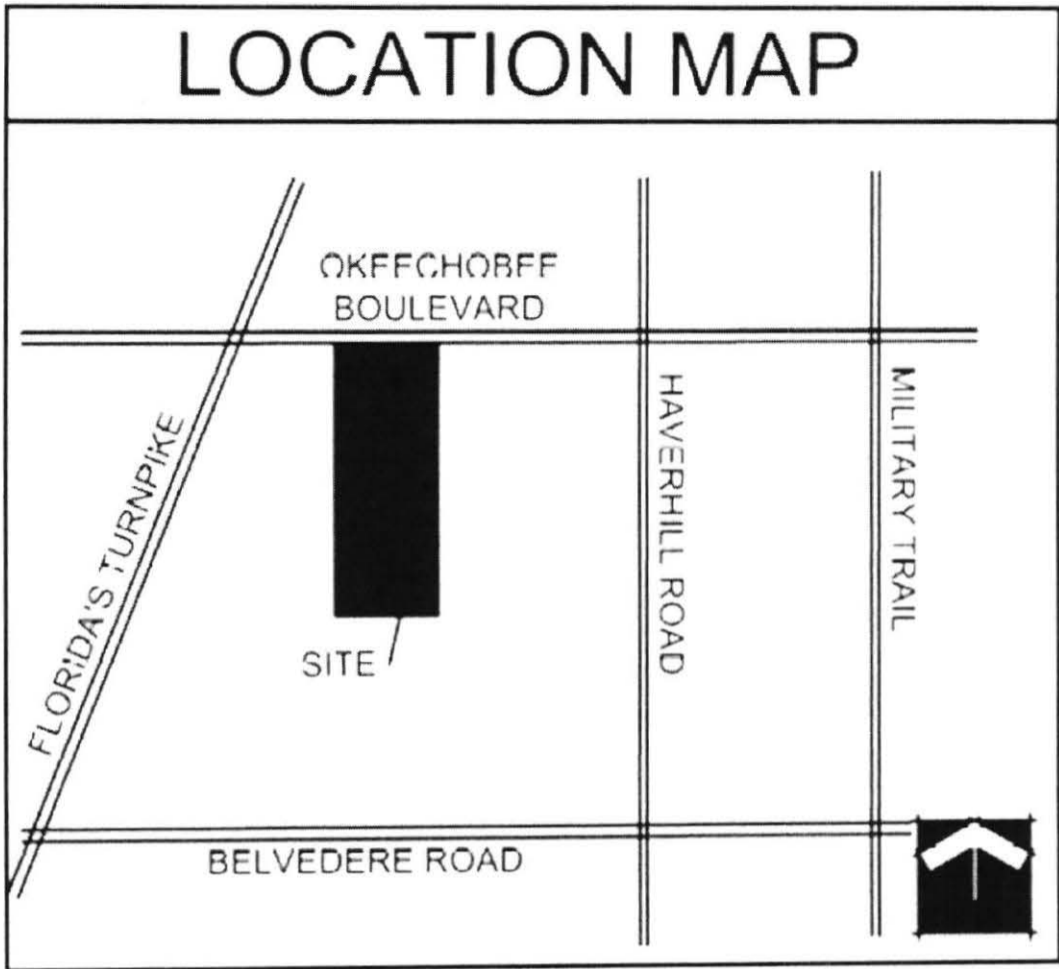


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated February 22, 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. (ONGOING: ZONING - Zoning)

TRANSFER OF DEVELOPMENT RIGHTS-TRANSFER OF DEVELOPMENT RIGHTS

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall 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 111 TDR units at a total selling price of 372,637.00 (78 TDR units to be purchased at the Market Rate Multifamily price of \$4,975.00 per unit and 39 TDR units to be purchased at the CCRT RRIO Workforce Multifamily rate of \$249.00 per unit). Upon execution of the contract, the contract shall be recorded by the Property Owner, and a copy shall be provided to the Zoning Division. (DRO: ZONING - Zoning)

2. Prior to Final Approval by the Development Review Officer, the Property Owner shall 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. (BLDG/PMT/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: ZONING - Zoning)

DISCLOSURE

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