

RESOLUTION NO. R-2022-0894

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/CA-2022-00374
(CONTROL NO. 2010-00049)
an Official Zoning Map Amendment
APPLICATION OF Hangar Bravo, LLC
BY Urban Design Studio, Dunay, Miskel and Backman, LLP, AGENT
(Hangar and Airfield Business Park MUPD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapters 125 and 163, 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 ZV/PDD/CA-2022-00374, submitted on behalf of Hangar Bravo, LLC, by Urban Design Studio and Dunay, Miskel and Backman, LLP., Agents, for an Official Zoning Map Amendment to allow a rezoning from Residential Multifamily (RM), Neighborhood Commercial (CN), and General Commercial (CG) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District and a Class A Conditional Use : to allow a Light Vehicle Sales and Rental was presented to the Board of County Commissioners at a public hearing conducted on August 25, 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 ZV/PDD/CA-2022-00374, the Application of Hangar Bravo, LLC, by Urban Design Studio, Dunay, Miskel and Backman, LLP, Agent, for an Official Zoning Map Amendment to allow a rezoning from Residential Multifamily (RM), Neighborhood Commercial (CN), and General Commercial (CG) Zoning Districts to the Multiple Use Planned Development

(MUPD) Zoning District, 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 25, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino moved for the approval of the Resolution.

The motion was seconded by Commissioner Bernard 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	- Nay
Commissioner Maria Sachs	- Nay
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 25, 2022.

Filed with the Clerk of the Board of County Commissioners on August 25th, 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: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

ALL THAT CERTAIN PLOT OR PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE WEST LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT 396 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION; THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID SECTION A DISTANCE OF 660 FEET; THENCE NORTH PARALLEL TO THE WEST LINE OF SAID SECTION A DISTANCE OF 990 FEET; THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID SECTION A DISTANCE OF 660 FEET TO THE WEST LINE OF SAID SECTION; THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION A DISTANCE OF 990 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM, HOWEVER, THE RIGHT-OF-WAY FOR THE ROAD KNOWN AS CONGRESS AVENUE AS THE SAME IS PRESENTLY SITUATE AND RIGHTS-OF-WAY FOR DRAINAGE CANALS, LESS THAT PORTION OF LAND QUIT-CLAIMED FEBRUARY 25, 1944 TO THE STATE ROAD DEPARTMENT FOR ROAD PURPOSES RECORDED IN DEED BOOK 682, PAGE 289.

ALSO DESCRIBED AS:

BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 29, RUN THENCE NORTH $01^{\circ}32'37''$ EAST ALONG THE WEST LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 29, A DISTANCE OF 396.00 FEET; THENCE SOUTH $88^{\circ}26'54''$ EAST (DEPARTING FROM SAID WEST LINE), A DISTANCE OF 75.94 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF CONGRESS AVENUE, AS SAME IS SHOWN ON ROAD PLAT BOOK 3, PAGES 174 AND 175, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF CONGRESS AVENUE, SAID EAST RIGHT-OF-WAY LINE ALSO BEING A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 5679.60 FEET (A RADIAL LINE PASSING THROUGH SAID POINT BEARS NORTH $87^{\circ}13'48''$ WEST) THROUGH A CENTRAL ANGLE OF $00^{\circ}54'17''$, A DISTANCE OF 89.67 FEET TO THE POINT OF TANGENCY; THENCE NORTH $03^{\circ}40'29''$ EAST CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 200.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 5779.60 FEET; THENCE NORTHERLY ALONG THE ARC OF CURVE AND ALONG SAID EAST RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF $00^{\circ}37'31''$, A DISTANCE OF 63.07 FEET TO A POINT ON A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 540.17 FEET (A RADIAL LINE PASSING THROUGH SAID POINT BEARS NORTH $80^{\circ}31'26''$ WEST), SAID CURVE ALSO BEING THE EAST RIGHT-OF-WAY LINE OF OLD CONGRESS AVENUE AS DESCRIBED IN DEED BOOK 682, PAGE 289, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF $10^{\circ}18'34''$, A DISTANCE OF 97.19 FEET TO THE POINT OF TANGENCY; THENCE NORTH $19^{\circ}47'08''$ EAST CONTINUING ALONG THE SAID EAST RIGHT-OF-WAY LINE OF OLD CONGRESS AVENUE, A DISTANCE OF 328.54 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 510.93 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $19^{\circ}42'57''$, A DISTANCE OF 175.81 FEET TO THE POINT OF TANGENCY; THENCE NORTH $00^{\circ}04'11''$ EAST, A DISTANCE OF 57.82 FEET; THENCE SOUTH $88^{\circ}26'54''$ EAST (DEPARTING FROM SAID EAST RIGHT-OF-WAY LINE OF OLD CONGRESS AVENUE), A DISTANCE OF 432.15 FEET; THENCE SOUTH $01^{\circ}32'37''$ WEST, A DISTANCE OF 990.00 FEET; THENCE NORTH $88^{\circ}26'54''$ WEST, A DISTANCE OF 584.06 FEET TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD. SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 11.737 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

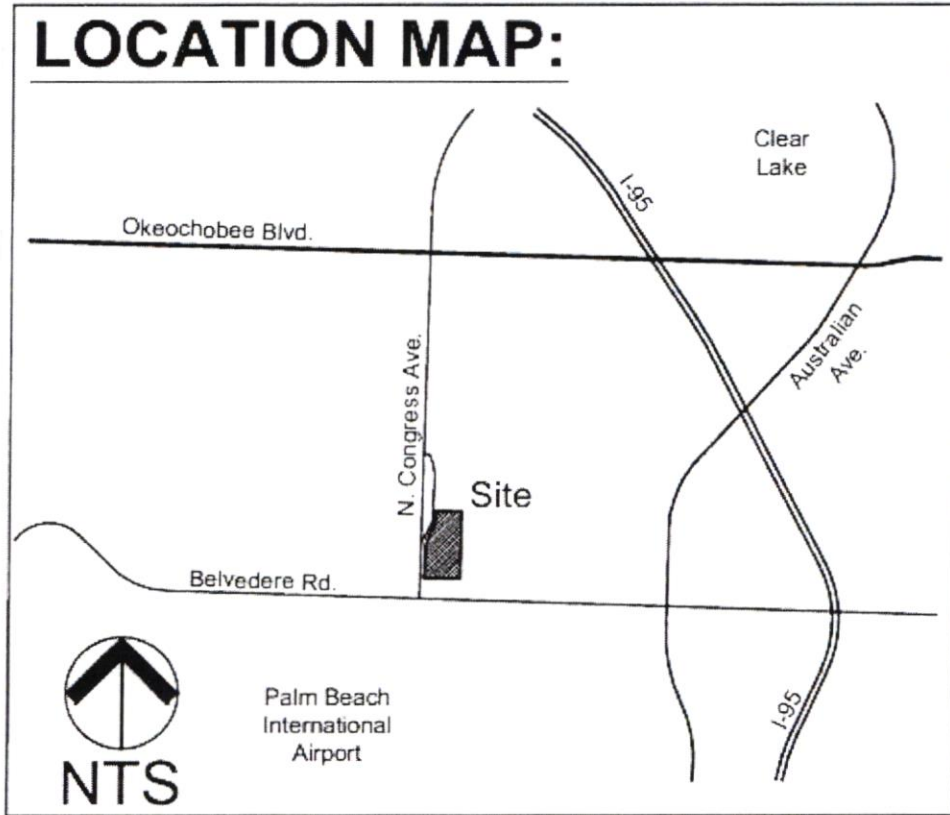


EXHIBIT C

CONDITIONS OF APPROVAL

PDD - Planned Development District

ALL PETITIONS

1. The approved Preliminary Site, Regulating and Master Sign Plans are dated July 7, 2022. 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)

ENGINEERING

1. 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, 2024. 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)

2. The Property Owner shall provide sufficient pavement width at the intersection of Old Congress Avenue and Congress Avenue and the intersection of Belvedere Road and Congress Avenue to allow U-turn operations as per the County typical requirement. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering)

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

c. All accesses onto Congress Avenue shall be prohibited if the above conditions are deemed infeasible or unattainable. (ONGOING: ENGINEERING - Engineering)

3. 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. (BLDGPMT: MONITORING - Engineering)

4. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Congress Avenue, 60 feet, measured from centerline of the proposed right of way on an alignment approved by the County Engineer.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such

clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT/ONGOING: MONITORING - Engineering)

5. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall remove any existing curb cuts and restore the right-of-way. (BLDGPMT/CO: MONITORING - Engineering)

6. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with the recordation of the plat. (PLAT: ENGINEERING - Engineering)

PLANNING

1. Prior to final approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, the Property Owner shall submit a recorded cross access easement agreement, for the location depicted on the site plans. (DRO: PLANNING - Planning)

2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site Plan to add the Official records book and page number for the recorded cross access easement. (DRO: PLANNING - Planning)

3. Prior to the release of the Certificate of Occupancy, the Property Owner shall construct, and pave to the property line, the cross access as shown on the Site Plan. (CO: MONITORING - Planning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the 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 Voluntary Commitments 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.