

RESOLUTION APPROVING ZONING APPLICATION ABN/Z/CA-2022-00218
(CONTROL NO. 2005-00454)
an Official Zoning Map Amendment
APPLICATION OF Palm Beach Recovery 2016 LLC, AHC Acquisitions, LLC - Charlie
Scardina, HRS Palm Beach LLC
BY Insite Studio, AGENT
(Brentwood of Wellington)

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 ABN/Z/CA-2022-00218, submitted on behalf of Palm Beach Recovery 2016 LLC, HRS Palm Beach LLC, and AHC Acquisitions, LLC, by Insite Studio, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Community Commercial (CC) Zoning District on 1.05 acres and the Planned Unit Development (PUD) Zoning District on 9.17 acres to the Residential Multifamily (RM) Zoning District with a Conditional Overlay Zone on 10.22 acres, was presented to the Board of County Commissioners at a public hearing conducted on March 23, 2023;

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, and Art. 3.B.3 for a Conditional Overlay Zone;

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/Z/CA-2022-00218, the Application of Palm Beach Recovery 2016 LLC, AHC Acquisitions, LLC - Charlie Scardina, HRS Palm Beach LLC, by Insite Studio, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Community Commercial (CC) Application No. ABN/Z/CA-2022-00218
Control No. 2005-00454
Project No 00959-001

Zoning District on 1.05 acres and the Planned Unit Development (PUD) Zoning District on 9.17 acres to the Residential Multifamily (RM) Zoning District, with a Conditional Overlay Zone, on 10.22 acres, 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 23, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Baxter moved for the approval of the Resolution.

The motion was seconded by Commissioner Sachs and, upon being put to a vote, the vote was as follows:

Commissioner Gregg K. Weiss, Mayor	-	Aye
Commissioner Maria Sachs, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Michael A. Barnett	-	Aye
Commissioner Marci Woodward	-	Aye
Commissioner Sara Baxter	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on March 23, 2023.

Filed with the Clerk of the Board of County Commissioners on March 24, 2023.

This resolution shall not become effective unless and until the effective date of Large Scale Land Use Amendment No. LGA-2022-020.

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

PARCEL 1:

BRENTWOOD OF WELLINGTON, P.U.D., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 117, PAGES 177 THROUGH 180, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 445,252 SQUARE FEET/10.2216 ACRES, MORE LESS.

SAID LANDS SITUATE IN SECTION 36, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

NON-EXCLUSIVE EASEMENT FOR DRAINAGE AND OTHER PURPOSES AS DEFINED IN AND SUBJECT TO THAT CERTAIN DRAINAGE EASEMENT RECORDED APRIL 2, 2003, IN OFFICIAL RECORDS BOOK 15005, PAGE 252; AND RECORDED JANUARY 25, 2006, IN OFFICIAL RECORDS BOOK 19841, PAGE 1703, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B

VICINITY SKETCH

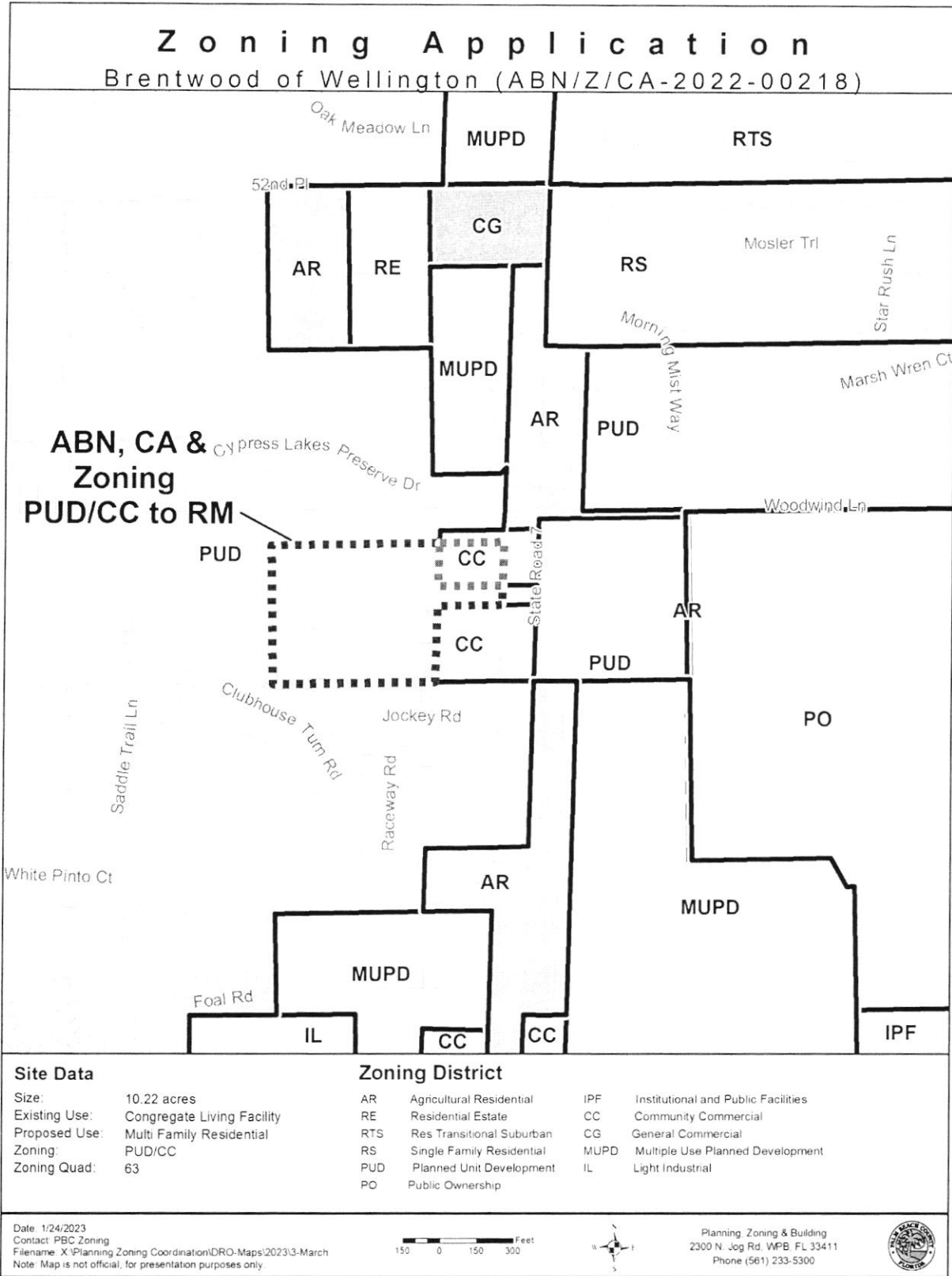


EXHIBIT C

CONDITIONS OF APPROVAL

Official Zoning Map Amendment - Conditional Overlay Zone

LANDSCAPE - GENERAL

1. The Landscape Buffer along the south property line, shall be a minimum of fifteen feet in width. (BLDGPMT/DRO: ZONING - Zoning)

PLANNING

1. Per LGA 2022-020, condition 1: The subject site shall be limited to a maximum of 132 dwelling units. (ONGOING: PLANNING - Planning)

2. Per LGA 2022-020, condition 2: A minimum of 20 Transfer of Development Rights (TDR) units shall be purchased and constructed onsite. Thirty four percent of the TDR units shall be purchased at the WHP rate and shall apply to the minimum number of workforce housing units required by this ordinance. (ONGOING: PLANNING - Planning)

3. Per LGA 2022-020, condition 3: The Zoning Development Order shall require a minimum of 25% of the total dwelling units to be built as onsite workforce housing units. The workforce housing units are subject to the applicable requirements of the Workforce Housing Program (WHP) in Article 5.G.1 of ULDC. (ONGOING: PLANNING - Planning)

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: ZONING - 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.