

RESOLUTION NO. R-2023- 1179

RESOLUTION REVOKING RESOLUTION R-2007-01884
(CONTROL NUMBER 1977-00031)
AFFIRMING THE ABANDONMENT
OF ZONING APPLICATION SV/ZV/ABN/DOAW-2022-01312

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 related 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 PDD/R-2006-00953, the Application of Spots Inc., by Kilday and Associates, Inc., Agent, for a Requested use to allow a Hotel was presented to the Board of County Commissioners at a public hearing on October 25, 2007;

WHEREAS, Zoning Application SV/ZV/ABN/DOAW-2022-01312, submitted on behalf of Restoration Property Holdings Inc. and Posh Hospitality No. 3, Congress Avenue LLC, by Dunay, Miskel and Backman, LLP, Agent, for a Development Order Abandonment to abandon a Hotel on 2.48 acres; a Development Order Amendment to reconfigure the Site Plan, add land area and access points; and to delete square footage on 2.78 acres; and a Type 2 Waiver to allow an extension of the hours of operation for a non-residential use located within 250 feet of a parcel of land with a residential future land use designation or use on 2.78 acres was presented to the Board of County Commissioners at a public hearing on August 24, 2023.

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.8 (Public Hearing Processes) for a Development Order Abandonment

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 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 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 Resolution R-2007-1884, approving Zoning Application PDD/R-2006-00953, the application of Spots Inc., by Kilday and Associates, Inc., Agent, for a Requested Use to allow a Hotel on a parcel of land generally described as shown on the legal description in Exhibit A, attached hereto and made part hereof, and depicted in the Vicinity Sketch in Exhibit B, attached hereto and made part hereof, is hereby revoked.

Commissioner Bernard moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Vice 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 August 24, 2023.

Filed with the Clerk of the Board of County Commissioners on August 24th, 2023

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

BY: 
COUNTY ATTORNEY

JOSEPH ABRUZZO
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

LOTS 1 THROUGH 13 AND 25, BLOCK 2, PALM ACRES ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 20, PAGE 5, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

LOTS 23 AND 24, BLOCK 2, PALM ACRES ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 5, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE NORTH 25 FEET OF THE FOLLOWING DESCRIBED TRACT: A PORTION OF OKLAHOMA STREET BEING A 50 FOOT WIDE PUBLIC RIGHT OF WAY, ADJOINING THE SOUTH LINE OF LOTS 5 THROUGH 13 INCLUSIVE, BLOCK 2 AND THE NORTH LINE OF BLOCK 1 OF "PALM ACRES ESTATES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 5, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON REBAR AT THE SOUTHWEST CORNER OF LOT 5 OF SAID PLAT, SAID POINT ALSO BEING THE WEST LINE OF SAID PLAT AND THE EAST RIGHT-OF-WAY LINE OF CONGRESS AVENUE (SR 807); THENCE ALONG THE SAID EAST RIGHT-OF-WAY LINE NORTH 02°32'46" EAST A DISTANCE OF 287.01 FEET TO THE NORTHWEST CORNER OF LOT 1; THENCE DEPARTING SAID EAST LINE SOUTH 88°38'09" EAST A DISTANCE OF 254.45 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF KENTUCKY STREET TO THE NORTHEAST CORNER OF LOT 23; THENCE DEPARTING SAID SOUTH LINE SOUTH 02°59'04" WEST A DISTANCE OF 143.53 FEET TO THE SOUTHEAST CORNER OF LOT 23; THENCE SOUTH 88°38'09" EAST A DISTANCE OF 249.26 FEET TO THE NORTHEAST CORNER OF LOT 13; THENCE SOUTH 03°06'40" WEST A DISTANCE OF 168.54 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 25.00 FEET OF A ABANDONED PORTION OF OKLAHOMA STREET (TO BE ABANDONED BY SEPARATE INSTRUMENT); THENCE RUNNING ALONG SAID SOUTH LINE NORTH 88°38'09" WEST A DISTANCE OF 500.95 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF CONGRESS AVENUE (SR 807); THENCE ALONG THE SAID EAST RIGHT-OF-WAY LINE NORTH 02°32'46" EAST A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 120,961 SQUARE FEET OR 2.78 TOTAL ACRES.

EXHIBIT B
VICINITY SKETCH

