

RESOLUTION NO. R-2023- 1747

RESOLUTION APPROVING ZONING APPLICATION Z/W-2022-01517
(CONTROL NO. 1999-30103)
a Type 2 Waiver
APPLICATION OF Cagigas Family Holding Co. LLC
BY Land Research Management, Inc., AGENT
(Cagigas Medical Center)

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/W-2022-01517, the Application of Cagigas Family Holding Co. LLC, by Land Research Management, Inc., Agent, for an Official Zoning Map Amendment to allow a rezoning from the General Commercial (CG) Zoning District on 0.86 acres and Residential Multifamily (RM) Zoning District on 1.25 acres to the Urban Infill (UI) Zoning District on 2.11 acres and a Type 2 Waiver to allow the building to be articulated so that the shortest side fronts the street; to allow a 35 percent building frontage along the primary street; and, to eliminate the pedestrian pass-through on 2.11 acres was presented to the Board of County Commissioners at a public hearing conducted on November 29, 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 a Type 2 Waiver;

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:

1. The foregoing recitals are true and correct and are incorporated herein.

2. Zoning Application Z/W-2022-01517, the Application of Cagigas Family Holding Co. LLC, by Land Research Management, Inc., Agent, for a Type 2 Waiver to allow the building to be articulated so that the shortest side fronts the street, to allow a 35 percent building frontage along the primary street, and, to eliminate the pedestrian pass-through on 2.11 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 November 29, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof, and Type 2 Waiver Summary as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Barnett moved for the approval of the Resolution.

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

- Commissioner Maria Sachs, Mayor - Aye
- Commissioner Maria G. Marino, Vice Mayor - Aye
- Commissioner Gregg K. Weiss - 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 November 29, 2023.

Filed with the Clerk of the Board of County Commissioners on November 29th, 2023

This resolution shall not become effective unless and until the effective date of Small Scale Land Use Amendment No. SCA-2023-00016.

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 NORTH 150 FEET OF THE NORTH-ONE -HALF (N ½) OF THE NORTHWEST ONE-QUARTER (N ¼) OF THE SOUTHWEST ONE-QUARTER (SW ¼) OF THE NORTHEAST ONE-QUARTER (NE ¼) OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, LESS THE WEST 10 FEET THEREOF AND BEING ALSO DESCRIBED AS THE NORTH 150 FEET OF THE NORTH ONE-HALF (N ½) OF THE WEST ONE-HALF (W ½) OF LOT 5, BLOCK 1, PLAT NO. 1, MODEL LAND COMPANY'S SUBDIVISION OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, LESS THE WEST 10 FEET THEREOF (PALM BEACH PLANTATIONS), ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 20, LESS THAT PARCEL AS DESCRIBED IN DEED TO THE STATE OF FLORIDA, AS RECORDED IN O.R. BOOK 1439, PAGE 250, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOTAL AREA = 9,2126 sq ft / 2.11 ACRES

EXHIBIT B
VICINITY SKETCH

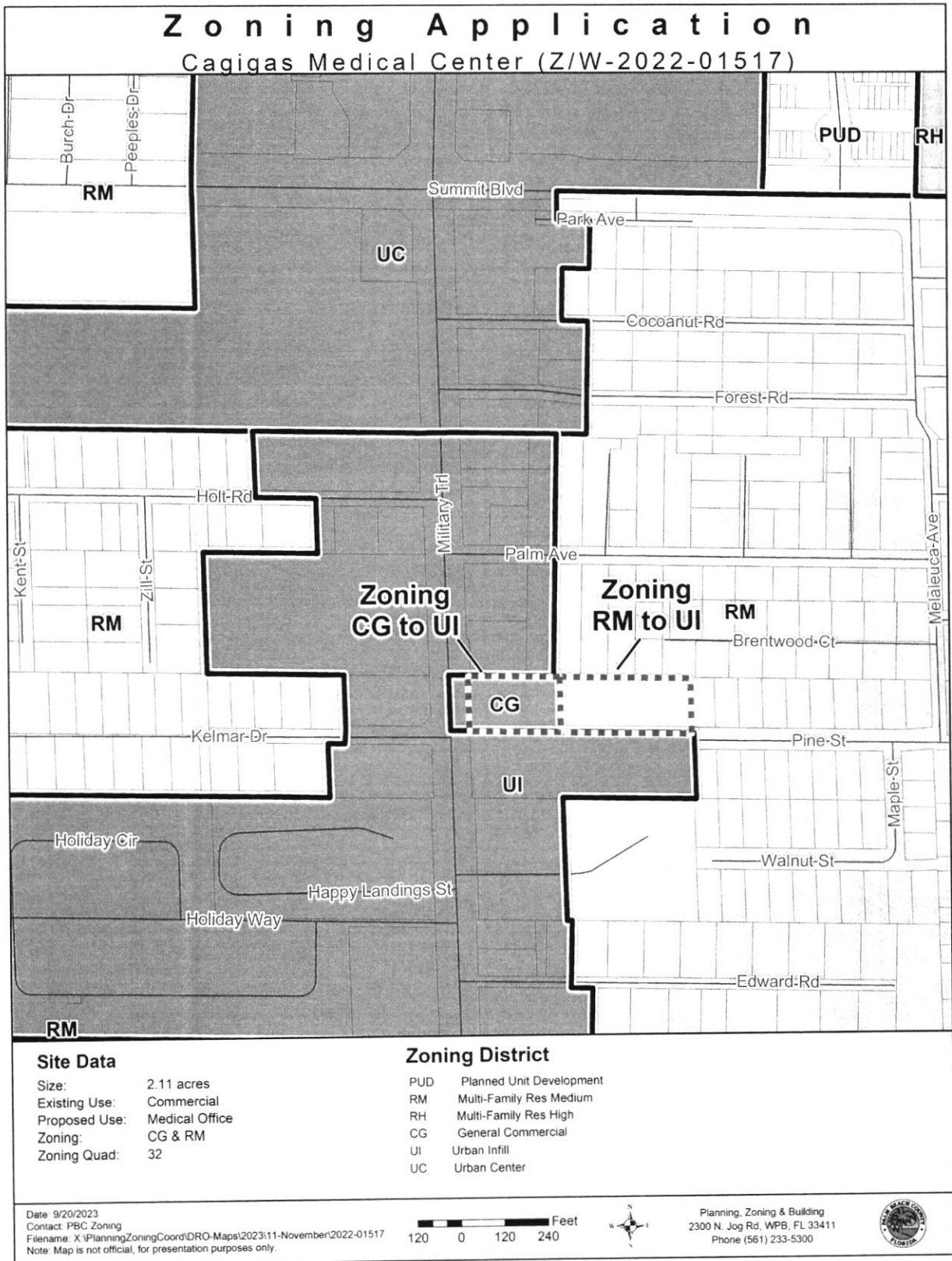


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Waiver

ALL PETITIONS

1. The approved Site Plan is dated September 13, 2023. 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)

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.

EXHIBIT D

TYPE 2 WAIVER SUMMARY

Waiver #	ULDC Article	Required	Proposed	Requested Waiver
W1	3.B.16.F.6.a, Building Placement	Building should be articulated so that the longest façade fronts the street	Building articulated so that the shortest side fronts the street	to allow the building to be articulated so that the shortest side fronts the street
W2	3.B.16.F, PRA Block Building PDRs - Building Frontage Percentage	Minimum 50% of building frontage along the primary street	Less than 50% of building frontage along the primary street	to allow a 35% building frontage along the primary street
W3	3.B.16.F, PRA Block Building PDRs – Pedestrian Pass- through	Pedestrian pass-through shall be provided	No pedestrian pass-through provided	to eliminate the requirement for a pedestrian pass-through