

RESOLUTION NO. R-2024 -0861

RESOLUTION APPROVING ZONING APPLICATION ABN/PDD/CA-2023-00832
(CONTROL NO. 1973-00033)
TRANSFER OF DEVELOPMENT RIGHTS (TDR)
APPLICATION OF West Palm Beach Lodge # 1352
BY Schmidt Nichols, AGENT
(Spring Haven 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 ABN/PDD/CA-2023-00832, the Application of West Palm Beach Lodge # 1352 by Schmidt Nichols, Agent, for a Development Order Abandonment to abandon a Special Exception for a Fraternal Organization approved by Resolution R-73-401; an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District; and a Class A Conditional Use to allow a combined density increase through the Workforce Housing Program (WHP) (+71) and Transfer of Development Rights (TDR) (+34) in excess of 2 units per acre (a combined total increase of 105 WHP and TDR units) on 11.22 acres was presented to the Board of County Commissioners at a public hearing conducted on July 17, 2024;

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) and the Factors for Consideration contained within Article 5.G.1 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,

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application ABN/PDD/CA-2023-00832, the Application of West Palm Beach Lodge # 1352, by Schmidt Nichols, Agent, for a Class A Conditional Use to allow a combined density increase through the Workforce Housing Program (WHP) (+71) and Transfer of Development Rights (TDR) (+34) in excess of 2 units per acre (a combined total increase of 105 WHP and TDR units) on 11.22 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 July 17, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss 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	- Absent
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 July 17, 2024.

Filed with the Clerk of the Board of County Commissioners on July 24, 2024.

This resolution shall not become effective unless or until the effective date of the Large Scale Land Use Amendment No. LGA-2024-005.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

TRACT 2, BLOCK 5, OF THE PALM BEACH FARMS COMPANY'S PLAT NO.3. A SUBDIVISION IN PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT BOOK 2, PAGES 45 TO 54 INCLUSIVE.

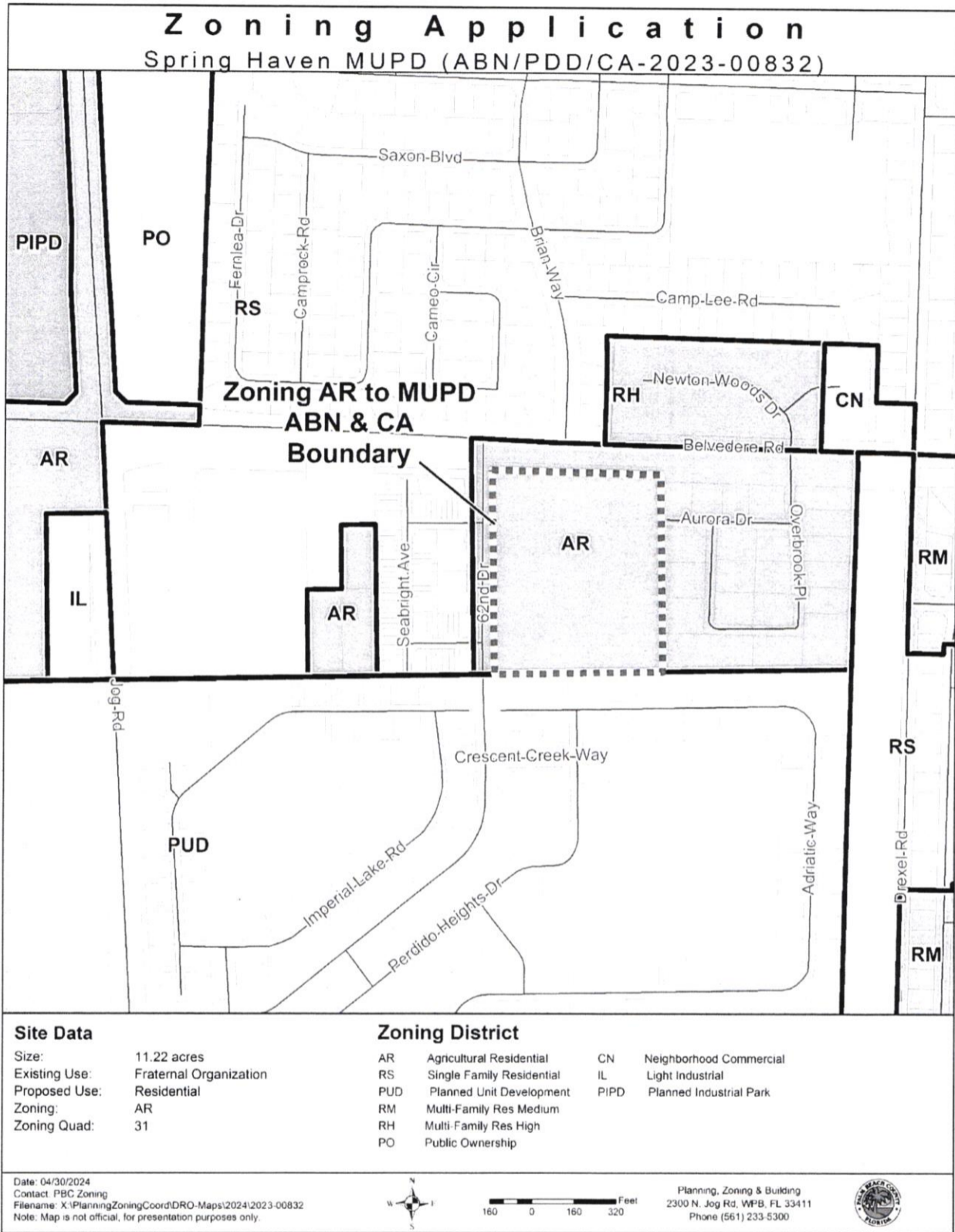
ALSO DESCRIBED AS:

BEGINNING AT THE NORTHWEST CORNER OF THE PLAT OF WATERWAYS TAHERI PUD REVISED AS RECORDED IN PLAT BOOK 105, PAGE 62 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA; THENCE ALONG THE NORTHERLY LINE OF SAID PLAT N89°03'02"E A DISTANCE OF 639.85 FEET TO THE SOUTH WEST CORNER OF LOT 12 OF THE UNRECORDED PLAT OF OVERBROOK; THENCE ALONG THE WESTERLY LINE OF SAID UNRECORDED PLAT N00°56'49"W A DISTANCE OF 750.97 FEET; THENCE LEAVING SAID WESTERLY LINE AND ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-3 CANAL AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE N88°37'30"W A DISTANCE OF 640.34 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE EASTERLY RIGHT-OF-WAY LINE OF 62ND DRIVE AS RECORDED IN OFFICIAL RECORD BOOK 15203, PAGE 62 OF SAID PUBLIC RECORDS; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE S00°56'39"E A DISTANCE OF 776.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.22 ACRES MORE OR LESS.

EXHIBIT B

VICINITY SKETCH



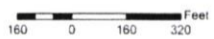
Site Data

Size: 11.22 acres
 Existing Use: Fraternal Organization
 Proposed Use: Residential
 Zoning: AR
 Zoning Quad: 31

Zoning District

AR	Agricultural Residential	CN	Neighborhood Commercial
RS	Single Family Residential	IL	Light Industrial
PUD	Planned Unit Development	PIPD	Planned Industrial Park
RM	Multi-Family Res Medium		
RH	Multi-Family Res High		
PO	Public Ownership		

Date: 04/30/2024
 Contact: PBC Zoning
 Filename: X:\Planning\ZoningCoord\DRO-Maps\2024\2023-00832
 Note: Map is not official, for presentation purposes only.



Planning, Zoning & Building
 2300 N. Jog Rd, WPB, FL 33411
 Phone (561) 233-5300



EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use on 11.22 acres

ALL PETITIONS

1. The approved Preliminary Site Plan is dated May 9, 2024. 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

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall submit a Contract for Sale and Purchase of Transfer of Development of Rights (TDRs) in a manner and form approved by the County Attorney, signed by the Developer and/or Property Owner, in order that it is signed by the Executive Director of Planning, Zoning and Building Department.

The Contract for Sale and Purchase of TDRs shall accommodate a maximum of 34 TDR units at a total selling price of \$705,120.00 (22 TDR units to be purchased at the Market Rate Multi-Family price of \$31,200.00 per unit (\$686,400.00) and 12 TDR units to be purchased at the at the Workforce Multi-Family rate of \$1,560 per unit (\$18,720).

Upon execution, the Property Owner shall submit the Contract to the Palm Beach County Clerk of Court for recordation, and a copy of the recorded Contract shall be provided to the Zoning Division. (DRO: ZONING - Planning)

2. Prior to Final Approval by the Development Review Officer, the Property Owner shall submit the Transfer of Development Rights Deed in a manner and form approved by the County Attorney, signed by the Developer and/or Property Owner, in order that it is signed 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 Funds, pursuant to the recorded Contract for Sale and Purchase of TDRs, to the Board of County Commissioners, through the Zoning Division. (BLDGPMPT/TC: ZONING - Zoning)

4. Prior to the issuance of the first Building Permit, except Sales Models or temporary Real Estate Sales and Management Offices, the Zoning Division provides the Developer and/or Property Owner the executed Transfer of Development Rights Deed, in order for the Property Owner to submit the TDR Deed to the Palm Beach County Clerk of Court for recordation, and a copy of the recorded TDR Deed shall be provided to the Zoning Division. (BLDGPMPT: 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: MONITORING - Zoning)

DISCLOSURE

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