



CITY OF RIVIERA BEACH

TO: HON. MAYOR AND CITY COUNCIL MEMBERS

FROM: JONATHAN E. EVANS, CITY MANAGER, MPA, MBA, ICMA-CM

SUBJECT: PEANUT ISLAND - AUTHORIZATION TO NEGOTIATE A LEASE AGREEMENT W/ THE PORT OF PALM BEACH – PEANUT ISLAND

DATE: FEBRUARY 5, 2020

CC: GENERAL PUBLIC

Background:

The premise of this memorandum is to inform the City Council concerning the city's desire to pursue the opportunity to have a controlling interest of the 4.3 acres that possesses the following structures: the Pres. John F. Kennedy nuclear fallout bunker, the Coast Guard facility, and the boathouse. City Manager Evans presented updates to the elected officials as early as August 14, 2019, and subsequent presentations and memorandums have followed. The city sees this as an opportune venture to work with both public- and private-sector firms with the intent of effectuating the restoration and revitalization of these important historic structures. As previously discussed, there would be the need for substantial economic investment to restore these facilities with the intention of promoting ecotourism, passive recreation, and historical preservation. Grant opportunities have been identified to assist in these restoration efforts; however, private-sector funds will have to augment public-sector dollars to facilitate the opportunity articulated in previous memorandums. The Port of Palm Beach currently owns and operates 129.8 acres of uplands and submerged lands and has entered into an agreement with Palm Beach County for a 30-year term which is set to expire in 2024 and will automatically renew without a 90-day notice.

The City of Riviera Beach staff believes that appropriations through the legislature as well as funding from trust funds, grants, and even the Florida Inland Navigation District are all potential contributors to the restoration of these facilities. The projected cost for renovations is approximately \$4.7 million; nonetheless, the city will pursue private-sector involvement in capital campaigns to raise money to facilitate the construction and



restoration of these valuable assets. Furthermore, as the closest municipality, it is only befitting that the City of Riviera Beach pursue such an endeavor to promote and advocate for access to the water, and historical preservation coincides with two of the city's five strategic priorities: enhance government stewardship and community engagement.

City staff would like the support to pursue the following objectives:

Objective 1: Acquisition - The city manager and city attorney will negotiate the terms and conditions of a lease agreement that will transfer the rights and responsibilities of the 4.3 acres where the historic facilities reside. The term of the lease will be (4) years, with (2) 25-year renewal periods, with the intention of attempting to secure two 50-year renewal periods for a term not to exceed 100 years. The intention behind the four-year period is to secure grant funding, private- and government-sector partners, and leverage the lease agreement for economic investment from potential contributors. If supported, city staff will proceed immediately with drafting and proffering the terms and conditions of a new lease agreement between the Port of Palm Beach and the City of Riviera Beach.

Objective 2: Operation and Maintenance - The city, in collaboration with the Port of Palm Beach, will secure the site during the initial period to ensure that the property is properly maintained to mitigate against any risk for both agencies. Furthermore, Parks and Recreation, Public Works, and Police will work with the Port of Palm Beach to improve any conditions that could be problematic.

Objective 3: Lobbying - As a condition of this agreement, both entities, the Port of Palm Beach and the City of Riviera Beach, would advocate for the modification of Ordinance 2001 – 83 and Resolution 2009 – 0722 to allow for the opportunity to promote ecotourism, educational visits, passive social and recreational events, etc. To ensure the viability and success of these facilities once they are restored, certain elements in the public policy actions must be reformed.

Objective 4: Funding - As a condition of the agreement, the city and the Port of Palm Beach will work in collaboration and identify, secure, and pursue grant opportunities that could enhance the conditions and the facilities on Peanut Island. Furthermore, in the event that the city is not successful in obtaining grant funding or a partner to facilitate the economic investments necessary, a provision should be included to allow for the city to provide notice to the Port of Palm Beach, to include a stipulation that requires modifications from the county.

In addition to the four provisions articulated above, there are multiple elements that will be included as part of discussions and negotiations of a lease agreement for the property reference in the above. Furthermore, concurrently, staff will be working to bring forward potential revisions to the interlocal agreement to effectuate a more positive and productive relationship between the Port of Palm Beach and the City of Riviera Beach. As part of the



discussions of the interlocal agreement, there are certain elements that may pertain to Peanut Island that are incorporated in the overall agreement between both parties.

Citywide Goal:

Riviera Beach 2030 – Goal(s): strengthen community engagement & enhance government stewardship.

Budget/Fiscal Impact:

No monies have been expended as of yet, and any monies associated with this particular endeavor will result in funds having to be pulled from contingency. Money associated with the operation and maintenance and the pursuit of grant opportunities will be requested as appropriations through subsequent budgets if necessary.

Recommendation:

City staff recommends that the City Council direct the City Manager and City Attorney to negotiate the terms and conditions of a lease agreement for a period of four years to allow for the city to pursue partners and grant opportunities for the restoration and renovation of the historic facilities on Peanut Island. In drafting the appropriate documents in collaboration with the Port of Palm Beach, effectuate the transfer of appropriate responsibilities, as well as begin the solicitation process for private- and public-sector partners and begin pursuing grant opportunities.

Attachments:

- Peanut Island Update(s)
- August 14, 2019
- October 4, 2019
- October 10, 2019 – LOI to the Port of Palm Beach
- October 28, 2019 – LOI Update
- City Manager – PowerPoint to Port of Palm Beach
- January 21, 2020 – Peanut Island Update
- County Resolution No. R. – 2009 – 0722 Zoning Application
- County Ordinance No. 2001-083



INTEROFFICE MEMORANDUM

TO: HON. MAYOR AND CHAIRPERSON, AND CITY COUNCIL

FROM: JONATHAN E. EVANS, CITY MANAGER

SUBJECT: PEANUT ISLAND – CITY OF RIVIERA BEACH

DATE: AUGUST 14, 2019

CC: ASSISTANT CITY MANAGER – MS. JACOBS
FINANCE DIRECTOR – MR. SHERMAN
RECREATION DIRECTOR – MR. BLANKENSHIP
CITY ATTORNEY – MS. WYNN

The premise of this memorandum is to communicate a proposal that I hope the board will consider. Pursuant to a conversation I had with the executive director of the Port of Palm Beach, there seems to be an opportunity for the City of Riviera Beach to enter into an agreement for a 25-year lease to manage the activities and happenings on our beloved Peanut Island. Currently, the cost to renovate and modernize the facility is projected to be \$4.5 to \$5 million. The Port of Palm Beach is not interested in making the capital investment, nor does it want to control and operate a tourist attraction, as it is not within its overall scope and purview. Palm Beach County's previous lessor has communicated that it does not wish to pursue grant funding. It will be interested only if a turnkey opportunity is presented to it or it can simply occupy the space versus invest in renovations. Based on the preliminary conversation I had with the executive director, the concession operations at Peanut Island generated approximately \$1 million per annum. Additionally, Palm Beach County ran the operations through the County's parks and recreation department. However, having a curator to manage the trips and the experience would be necessary to ensure the lease's long-term success. As you are acutely aware, the process for acquiring grant, and obtaining the appropriate permitting to modernize the facility will require some additional time, effort, and money. Furthermore, the presence of police would need to be discussed in greater detail—specifically, what the city would need to do to secure the site in the interim until it is open to the public.

Please note that to see any commercial development, such as restaurants, shops, and other complementary uses for a tourist attraction, the board of county commissioners must lift development restrictions, which will seemingly be the most challenging endeavor associated with this proposal. We can anticipate opposition from individuals from all over the county concerning any development on this parcel. Nonetheless, I believe that some of the most unique eating and



shopping establishments in the county can be built on the site and complement the redevelopment that will occur as part of the Marina Phase II development.

I will contact you by telephone to discuss this item in greater detail, as the meeting is scheduled for Thursday, August 15, 2019, at 4 PM at the Port of Palm Beach. I would like to propose that the City of Riviera Beach be willing to pursue grant opportunities to support the reopening of the amenities on Peanut Island. I would also like the city to enter into a long-term agreement to secure this community amenity for future generations. I am hopeful that you, too, will see the value in this opportunity, as it is a legacy project.

In closing, I am confident that we can work through these issues under your guidance and leadership. We will ultimately allow the residents of Riviera Beach and Palm Beach County to see this gem flourish under our control.



CITY OF RIVIERA BEACH – MEMORANDUM

TO: HON. MAYOR, CHAIRPERSON, AND CITY COUNCIL

FROM: JONATHAN E. EVANS, CITY MANAGER, MPA, MBA, ICMA-CM

SUBJECT: PEANUT ISLAND – UPDATE

DATE: OCTOBER 4, 2019

CC: GENERAL UPDATE

Background

The premise of this memorandum is to request direction from the City Council with regards to how the legislative body wishes to proceed concerning a proposal to consider the feasibility of operating, maintaining, and facilitating the restoration of the Coast Guard facilities, as well as President Kennedy's nuclear fallout bunker. Currently, the Port of Palm Beach owns approximately 129.8 acres of upland and submerged lands and entered into a 30-year lease agreement with Palm Beach County. That lease is slated to expire in 2024 with one (1) 25-year renewal option, which will automatically renew in January 2024, absent a 90-day written notice by the Port to the County.

The property identified requires significant capital expenditures to make the facility fully compliant, as well as operable, for public entertainment benefit and related activities. Attached you will find a 2018 estimate that projects the cost for construction at approximately \$4.7 million. Staff believes that construction estimates could increase by approximately 20%, as it will require material to be transported by barge, not to account for the additional issues that may be uncovered as construction commences. Furthermore, the city would have to work in collaboration with Palm Beach County, the Port of Palm Beach and Florida Inland Navigation District (“FIND”), as all have vested interests in property rights on the existing parcel.

The parcel is in unincorporated Palm Beach County, and the County retains land use and zoning authority over the property. Furthermore, the property has restrictions that prohibit



a lot of activities and maintains the position that the property would be passive concerning its use. In addition, ordinance 2001 – 083 prohibits all commercial retail uses, including restaurants on the site, a strict definition concerning noise, and language that allows for assembly, nonprofit institutional museum use.

Furthermore, should the City Council wish to proceed with a proposal that must be provided on or before October 17, 2019, the following factors must be considered:

- Funding
 - Grants/private funders, public investment
 - Revenue generation, i.e.
 - Museum operations – concession/gift shop
 - Ecotourism
- Capital expense
 - Projected cost \$4.7 - \$5.7 Million
- Permitting/Zoning
 - Palm Beach County
 - Use limitations
- Operations
 - Operational costs - staffing, maintenance, advertising and marketing

These factors are not insurmountable or provide for additional research concerning how the city can feasibly proffer a proposal that is practical and sustainable.

Fiscal/Budget Impact

At this particular moment, there isn't a fiscal impact in relation to this presentation as staff is requesting direction from the City Council. However, the report has identified its desires to request that the city consider the disposal of properties in close proximity of the port to assist its proposed expansions. Currently, the city has an inventory of properties that could be proffered and would require legislative action and further research to determine whether the disposition of any parcel will not create any adverse impact to the city and will ultimately benefit the taxpayers in the community, by providing economic growth and jobs and by not creating an adverse impact to the neighborhoods. Staff also does believe that there are significant opportunities for grant funding from multiple local, state and federal agencies to offset the cost associated with the renovations of this particular site. Should the board consider proceeding in such a fashion, staff will assign an individual to manage this project to its completion. Being that the parcel will not be controlled by the city until 2024, it provides adequate time to apply and receive information concerning grant funding and other appropriations either by the state or the federal government.



Recommendation

Staff recommends City Council provide direction on how they wish to proceed concerning this item and direct the city manager to proceed consistent with the direction provided by the City Council. Staff does believe that this can be a mecca for ecotourism, considering the unique aquatic habitats present in the Lake Worth Lagoon and that President Kennedy's bunker possesses extreme historical value both regionally and nationally, and it should be in every party's interest to see these facilities restored to pristine conditions for the residents of Palm Beach County, the State of Florida, and the United States of America.



THE CITY OF RIVIERA BEACH – MEMORANDUM

TO: HON. PORT OF PALM BEACH—PORT COMMISSIONERS

FROM: JONATHAN E. EVANS, CITY MANAGER, MPA, MBA, ICMA-CM

SUBJECT: CITY OF RIVIERA BEACH—LETTER OF INTEREST (“LOI”)

DATE: OCTOBER 10, 2019

CC: HON. MAYOR, CHAIRPERSON, AND CITY COUNCIL
ASSISTANT CITY MANAGER – JACOBS
CITY ATTORNEY – WYNN

The premise of this letter is to express the City of Riviera Beach’s interest in working with the Port of Palm Beach to restore and reopen the historic Coast Guard facility and the President Kennedy nuclear fallout bunker. On Saturday, October 5, 2019, the City Council provided direction for the city administration to pursue negotiations concerning the viability of the city being a participant and partner in the operations, renovation, and reopening of the facilities on Peanut Island as well as a lease agreement to operate and maintain the adjacent parcels currently under the auspices of Palm Beach County. The city sees that the 36 acres, as well as the 4.3 acres, are a vital part of making the city’s proposed concept work. However, the City Council expressed some concerns about the stipulations enumerated in Palm Beach County Ordinance 2001–083, which places significant limitations on the operations that could conceivably be considered by the city. Those limitations are not limited to permitting, zoning, and other operational challenges. Nonetheless, the city stands poised and positioned to utilize resources to attempt to secure funding for the renovations and to reopen these historical sites to promote ecotourism and access to the island for all residents of Palm Beach County.

As a result of this letter of intent, the City will pursue the following actions:

- Commence the negotiations to reach an agreement that includes the 4.3 acres and the 36 acres currently under the auspices of Palm Beach County.
- Begin researching and applying for grant funding to assist in the restoration of the facilities on the island.



- Assign city staff to pursue funding opportunities.
- Contact the state and federal lobbyists to pursue monies for renovation and restoration.
- Aggressively pursue private sector partners to assist in the restoration and renovation of the Coast Guard station and the President Kennedy bunker.
- Identify and/or create a nonprofit entity to create a museum/educational experience for the general public to promote ecotourism.
- Discuss economic development opportunities for a joint and mutual benefit (i.e., port expansion) as long as it does not interrupt redevelopment of the Broadway corridor.
- Create a business plan/pro-forma operational master plan to explore viable recreational uses on the parcel.
- Obtain revised estimates/quotes for capital projects that must be cogitated regarding restoring operational visits to the island.
- Request that Palm Beach County considers modifying Ordinance 2001–83 to allow for some modifications to offset any monies expended to renovate the facilities on the island.


Moreover, if the Port of Palm Beach is interested in negotiating the terms and conditions of a lease agreement that provides some flexibility and creativity, the City of Riviera Beach would like to pursue the possibility of combining both lease agreements and pursuing viable opportunities that promote, share, and showcase the unique facilities and environmental assets found only in this county. A viable and practical approach for the Port of Palm Beach and the city to consider would be for the Port of Palm Beach to allow a due diligence period for legal and administrative entities and policymakers to pursue all feasible options working with partners throughout the state. Furthermore, the City Council expressed that it would actively pursue all options; however, in the event that the financial contingencies of grant funding and private sector contributions are not met, it wanted the ability to exit the agreement, as a part of this endeavor. In addition, the use of public monies would not be a preferred approach by the City Council unless staffing and other operational costs are considered as part of a matching requirement usually stipulated under the grant agreements.

In closing, the City of Riviera Beach believes that this partnership between the Port of Palm Beach and the City of Riviera Beach, its host city, can work together to spearhead reconstruction of facilities that are invaluable to the history of this county, state, and this nation. We look forward to the opportunity of exploring the possibility of a due diligence period to negotiate the terms and conditions of an agreement between both parties.



THE CITY OF RIVIERA BEACH – MEMORANDUM

TO: HON. MAYOR, CHAIRPERSON, AND CITY COUNCIL

FROM: JONATHAN E. EVANS, CITY MANAGER, MPA, MBA, ICMA-CM 

SUBJECT: PEANUT ISLAND – LOI UPDATE

DATE: OCTOBER 28, 2019

CC: ASSISTANT CITY MANAGER – JACOBS
CITY ATTORNEY – WYNN
BUSINESS AND ECONOMIC DEVELOPMENT MANAGER – DR. WIHBEY

The premise of this memorandum is to provide an update on the city’s interest in possessing an operational interest in the restoration of the facilities on Peanut Island. On Thursday, October 17, 2019, I provided a presentation to the Port of Palm Beach concerning the city’s intentions pursuant to the Letter of Interest (LOI) provided to the City Council in advance of my presentation. By virtue of legislative action, the Port of Palm Beach has allowed a due diligence period of approximately 120 days to proceed with attempting to solidify the terms and conditions of a long-term contract. As a result of the specific deliverables, additional assistance will be acquired to coordinate a municipal, private-sector, nonprofit interest group that would assist in the renovation, restoration, and operation of the facilities at Peanut Island. This coordinated approach invariably would spread the risk to other entities and work in collaboration to advocate for the modification of County Ordinance 2001–83, which places significant restrictions on the use of the property. As communicated in the attached presentation, the city’s interests range from historical preservation, conservation, and ecotourism to passive recreational opportunities. As discussed at the retreat on October 5, 2019, a copious number of benefits are associated with the restoration of these facilities, especially under the auspices of the City of Riviera Beach. To proceed in an informed fashion, staff would like to coordinate trips to the island for each individual councilperson and their respective aids, if necessary, to view the opportunities that are present on the island. City administration will work to coordinate such trips within the next two weeks based on the availability of the board.



In closing, I would also like to proceed with working with a grant writer to begin researching the opportunities available to the city in the event that we can secure a lease agreement to operate the facilities. Furthermore, the port has expressed interest in acquiring or leasing properties owned by the city for port expansion. The Property(ies) has yet to be identified or defined; however, the city may be able to generate income from lease agreements on certain parcels until the property(ies) is slated for economic development. This information is merely for your edification as it was communicated during the Port of Palm Beach meeting on October 17, 2019.

This is a major opportunity for the city, and your support and continued guidance and direction will invariably lead to the successful restoration and reconstitution of these historical facilities within our geographical region.

Attachments:

- Original – LOI
- City Manager PowerPoint



Presented By:

Jonathan Evans

MBA, MPA, ICMA-CM

City Manager, City of Riviera Beach

Topic:

City of Riviera Beach - Letter of Interest (“LOI”) - Peanut Island



City's Interest:



Historical Preservation and Conservation



Ecotourism

- Youth/Adult Education/Activities – Marine Sciences
 - Ecological education



Passive Recreation

- Weddings
- Nature Walks

City's Interest



The city's LOI includes the following:



Commence the negotiations to reach an agreement that includes the 4.3 acres and the 36 acres currently under the auspices of Palm Beach County.



Begin researching and applying for grant funding to assist in the restoration of the facilities on the island.



Assign city staff to pursue funding opportunities.



Contact state and federal lobbyists to pursue monies for renovation and restoration.

City's LOI Cont...



Aggressively pursue private sector partners to assist in the restoration and renovation of the Coast Guard station and the President Kennedy bunker.



Identify and/or create a nonprofit entity to create a museum/educational experience for the general public to promote ecotourism.



Discuss economic development opportunities for joint and mutual benefit (i.e., port expansion) as long as it does not interrupt redevelopment of the Broadway corridor.



Create a business plan/pro-forma operational master plan to explore viable recreational uses on the parcel.

City's LOI Cont...



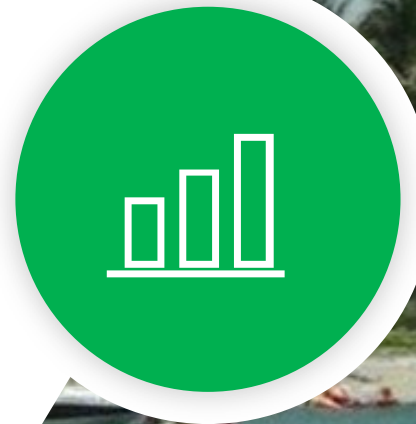
Obtain revised estimates/quotes for capital projects that must be cogitated regarding restoring operational visits to the island.

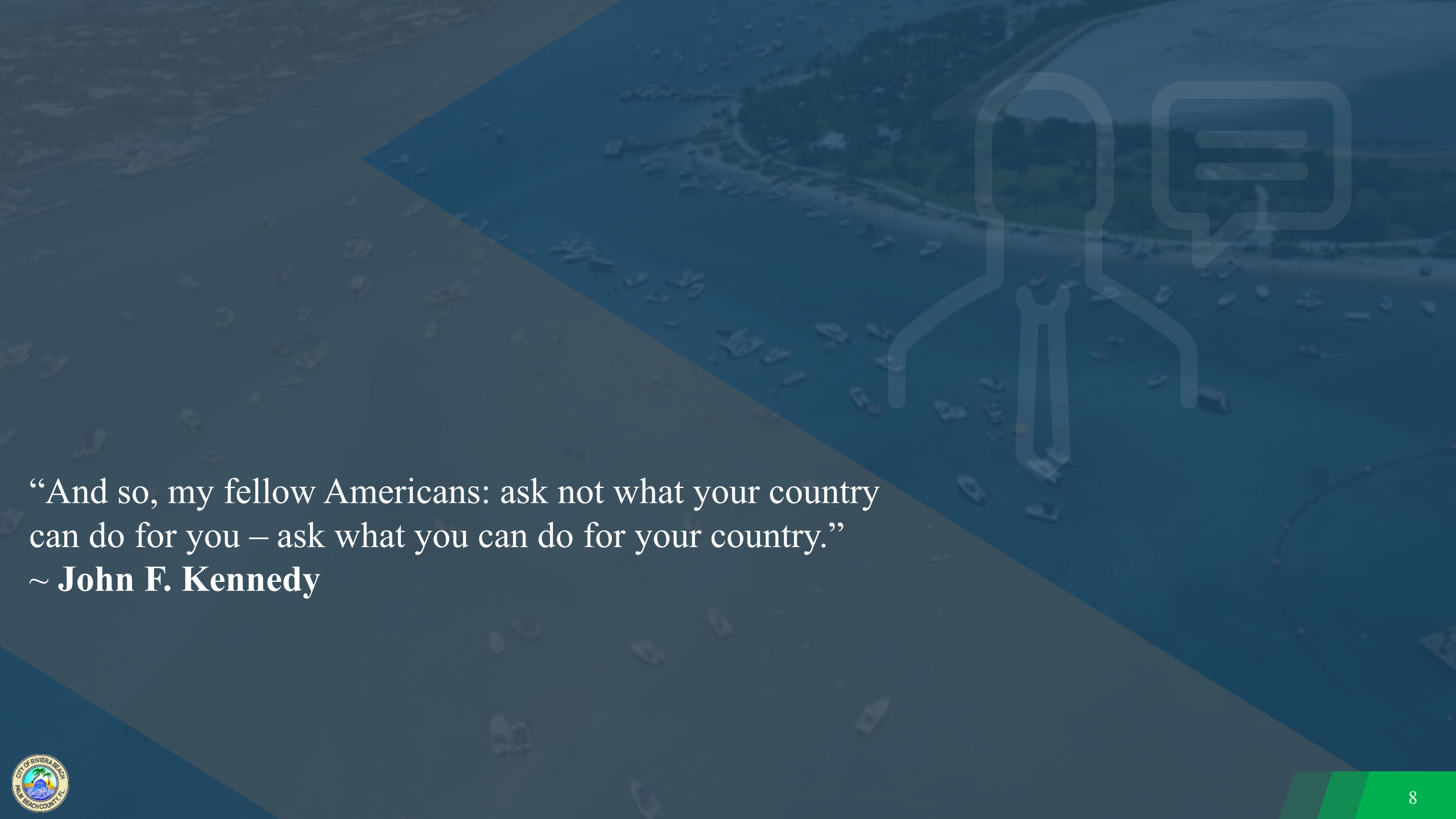


Request that Palm Beach County consider modifying Ordinance 2001-83 to allow for some modifications to offset any monies expended to renovate the facilities on the island.

Next Steps:

- If accepted, the City will commence its due diligence period (90 days)
 - Contract negotiations/discussions with staff
- Explore opportunities to collaborate jointly with Palm Beach County and municipal partners
 - If interests are aligned*
- Engage nonprofit and private sector partners to discuss opportunities to facilitate restoration and operations of facilities in a “brainstorming session.”
- Explore public, private and philanthropic fundraising opportunities
- Discuss Palm Beach County Ordinance 2001–083 with County Staff to include permitting, zoning, etc.



An aerial photograph of a crowded beach with many people and umbrellas. A large, semi-transparent blue graphic overlay is positioned on the right side of the image, featuring a stylized white icon of a person with a speech bubble. The background is a mix of dark blue and light blue tones.

“And so, my fellow Americans: ask not what your country can do for you – ask what you can do for your country.”

~ **John F. Kennedy**



**THANK YOU,
ANY
QUESTIONS?**





CITY OF RIVIERA BEACH

TO: HON. MAYOR AND CITY COUNCILMEMBERS

FROM: JONATHAN E. EVANS, CITY MANAGER, MPA, MBA, ICMA-CM

SUBJECT: PEANUT ISLAND UPDATE – CITY COUNCIL

DATE: JANUARY 21, 2020

CC: GENERAL PUBLIC

Background:

The purpose of this memorandum is to provide an update concerning Peanut Island. The city staff has continued to have productive conversations with the Port of Palm Beach concerning the potentiality of the City of Riviera Beach participating in the restoration and reconstitution of the historical facilities situated on Peanut Island. The city staff has also identified additional funding sources that are available via multiple state funding programs, such as the Florida Communities Trust, the Land and Water Conservation Grant, and the Special Category Historical Grant Program. Additionally, the city staff has received inquiries from philanthropic, nonprofit and private-sector entities that desire restoration of these historic facilities.

Furthermore, the city administration would like to bring forward a proposal and scope that will allow for private-sector participation in funding the restoration and reconstitution of the existing facilities. The city staff understands and is looking to mitigate any risks, and it seeks to work with private funders who will bear the cost of the responsibility to bring these historic facilities to life. This will be a much-needed asset and tourist destination for the City of Riviera Beach and the great Palm Beach County.

Fiscal/Budget Impact:

A fiscal impact discussion is not currently germane to the conversation. However, subsequent discussions may result in additional resources needing to be allocated to solidify the terms and conditions of an agreement between the Port of Palm Beach and the City of Riviera Beach.



City Goal(s):

The city's goal is to strengthen community engagement and achieve a sustainable economy.

Recommendation:

The city staff recommends providing direction to the city manager to effectuate drafting the terms/scope of the contractual arrangement between the Port of Palm Beach and the City of Riviera Beach. This arrangement will be formally discussed at the first regular meeting of the City Council in February. If directed, city staff will begin to draft a Request for Proposal to solicit private- and public-sector entities participation in this project.

Attachments:

- Peanut Island Update(s)
- August 14, 2019
- October 4, 2019
- October 10, 2019 – LOI to the Port of Palm Beach
- October 28, 2019 – LOI Update
- City Manager – PowerPoint to Port of Palm Beach

RESOLUTION NO. R-2009 -0722

RESOLUTION APPROVING ZONING APPLICATION Z-2008-01669
(CONTROL NO. 1976-00101)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
APPLICATION OF PALM BEACH COUNTY
BY PALM BEACH COUNTY, AGENT
(PEANUT ISLAND REZONING)

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; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application Z-2008-01669 was presented to the Board of County Commissioners at a public hearings conducted on March 30, 2009 and April 23, 2009; and

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; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the stated purpose, intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations;
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment;
5. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
6. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern; and,
7. This official zoning map amendment is consistent with applicable Neighborhood Plans.

8. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY - Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code 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 Z-2008-01669 the application of Palm Beach County by Palm Beach County, agent, for an Official Zoning Map Amendment from the Preservation Conservation (PC) Zoning District to the Public Ownership (PO) Zoning District with a CONDITIONAL OVERLAY ZONE on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 23, 2009, subject to the conditions of the CONDITIONAL OVERLAY ZONE described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 23, 2009.

Filed with the Clerk of the Board of County Commissioners on May 14, 2009.

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

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PEANUT ISLAND

ALL OF THE LAND LYING ABOVE THE MEAN HIGH WATER LINE OF THE LANDS DESCRIBED BELOW AND RECORDED IN DEED BOOK 409, PAGE 416, DEED BOOK 409, PAGE 455, DEED BOOK 410, PAGE 181, DEED BOOK 453, PAGE 307, DEED BOOK 988, PAGE 266, AND OFFICIAL RECORD BOOK 1791, PAGE 636, SITUATE IN SECTION 34, TOWNSHIP 42 SOUTH, RANGE 43 EAST, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

DEED BOOK 409, PAGE 416

COMMENCING AT THE QUARTER CORNER ON THE NORTH BOUNDARY OF SECTION 33, TOWNSHIP 42 SOUTH, RANGE 43 EAST, AS MARKED BY A CONCRETE MONUMENT; RUN SOUTH 1 DEGREE 19' 30" WEST, 2676.54 FEET TO THE CENTER OF SECTION 33, AS MARKED BY A LIGHTWOOD POST; THENCE RUN SOUTH 88 DEGREES 50' EAST, 1225.62 FEET ALONG THE QUARTER SECTION LINE TO AN IRON BOLT ON THE CENTER LINE OF THE DIXIE HIGHWAY; THENCE RUN SOUTH 0 DEGREES 0' 40" WEST, 1088.02 ALONG THE CENTER LINE OF DIXIE HIGHWAY TO AN IRON BOLT AT THE INTERSECTION OF DIXIE HIGHWAY WITH THE BASE LINE OF LAKE WORTH INLET CHANNEL; THENCE RUN NORTH 69 DEGREES 51' EAST, 2423.82 FEET ALONG THE CHANNEL BASE LINE TO AN IRON PIPE; THENCE RUNS NORTH 1 DEGREE 43' WEST 1761.71 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING RUN NORTH 69 DEGREES 52' 56" EAST, 500.49 FEET TO THE NORTHWEST CORNER OF TRACT CONVEYED TO LAKE WORTH INLET DISTRICT BY DEED NUMBER 17,793.

THENCE NORTH 69 DEGREES 51' 00" EAST, 445.00 FEET ALONG THE NORTH BOUNDARY OF TRACT CONVEYED TO LAKE WORTH INLET DISTRICT BY DEED NUMBER 17,793 TO THE SOUTHWEST CORNER OF TRACT CONVEYED TO THE FLORIDA POWER AND LIGHT COMPANY BY DEED NUMBER 17,794.

THENCE NORTH 0 DEGREE 29' 00" WEST, 2679.53 FEET,

THENCE NORTH 89 DEGREES 19' 00" WEST, 500.06 FEET,

THENCE SOUTH 0 DEGREES 29' 00" WEST, 1839.08 FEET,

THENCE SOUTH 31 DEGREES 29' 00" WEST, 1873.80 FEET TO THE POINT OF BEGINNING AS ABOVE DESCRIBED.

TOGETHER WITH

DEED BOOK 409, PAGE 455

COMMENCING AT THE QUARTER CORNER ON THE NORTH BOUNDARY OF SECTION 33, TOWNSHIP 42 SOUTH, RANGE 43 EAST, AS MARKED BY A CONCRETE MONUMENT; RUN SOUTH 1 DEGREE 19' 30" WEST 2676.56 FEET TO THE CENTER OF SECTION 33, AS MARKED BY A LIGHTWOOD POST; THENCE RUN SOUTH 88 DEGREES 50' EAST, 1225.62 FEET ALONG THE QUARTER SECTION LINE TO AN IRON BOLT ON THE CENTER LINE OF THE DIXIE HIGHWAY; THENCE RUN SOUTH 0 DEGREES 0' 40" WEST 1088.02 FEET ALONG THE CENTER LINE OF DIXIE HIGHWAY TO AN IRON BOLT AT THE INTERSECTION OF DIXIE HIGHWAY WITH THE BASE LINE OF LAKE WORTH INLET CHANNEL; THENCE RUN NORTH 69 DEGREES 51' EAST, 2423.82 FEET ALONG THE CHANNEL BASE LINE TO AN IRON PIPE; THENCE

SOUTH 20 DEGREES 09' EAST, 125.00 FEET, THENCE NORTH 69 DEGREES 51' EAST, 650.00 FEET TO THE POINT OF BEGINNING, WHICH IS THE SOUTHEAST CORNER OF TRACT CONVEYED TO THE BROWN COMPANY BY DEED NUMBER 17,791.

FROM THE POINT OF BEGINNING RUN NORTH 69 DEGREES 51' EAST, 1000.00 FEET.

THENCE NORTH 1913.14 FEET.

THENCE SOUTH 69 DEGREES 51' WEST, 1251.47 FEET ALONG THE SOUTH BOUNDARY OF TRACT CONVEYED TO THE FLORIDA POWER & LIGHT COMPANY BY DEED NUMBER 17,794, AND TRACT CONVEYED TO BROWN COMPANY BY DEED NUMBER 17,792.

THENCE SOUTH 7 DEGREES 21' 53" EAST 1,847.70 FEET ALONG THE EAST BOUNDARY OF TRACT CONVEYED TO BROWN COMPANY BY DEED NUMBER 17,791, TO THE POINT OF BEGINNING AS ABOVE DESCRIBED.

ALSO TOGETHER WITH

DEED BOOK 410, PAGE 181

THAT CERTAIN AREA, WHICH IS SEPARATED FROM THE SHORES BY A CHANNEL OR CHANNELS NOT LESS THAN FIVE (5) FEET DEEP AT HIGH TIDE, LOCATED IN THE TIDAL WATERS OF LAKE WORTH, AND BEING SITUATE IN PALM BEACH COUNTY, FLORIDA, BEING A PART OF INLET ISLAND, SO-CALLED, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER CORNER OF THE NORTH BOUNDARY OF SECTION 33, TOWNSHIP 42 SOUTH, RANGE 43 EAST, AS MARKED BY A CONCRETE MONUMENT, RUN SOUTH 1 DEGREE 19'30" WEST, 2676.54 FEET TO THE CENTER OF SECTION 33, AS MARKED BY A LIGHTWOOD POST; THENCE RUN SOUTH 88 DEGREES 50' EAST, 1225.62 FEET ALONG THE QUARTER SECTION LINE TO AN IRON BOLT AT THE INTERSECTION OF DIXIE HIGHWAY; THENCE RUN SOUTH 0 DEGREES 0'40" WEST, 1088.02 FEET ALONG THE DIXIE HIGHWAY/WITH THE BASE LINE OF LAKE WORTH INLET CHANNEL; THENCE RUN NORTH 69 DEGREES 51' EAST, 2423.82 FEET ALONG THE CHANNEL BASE LINE TO AN IRON PIPE WHICH IS THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

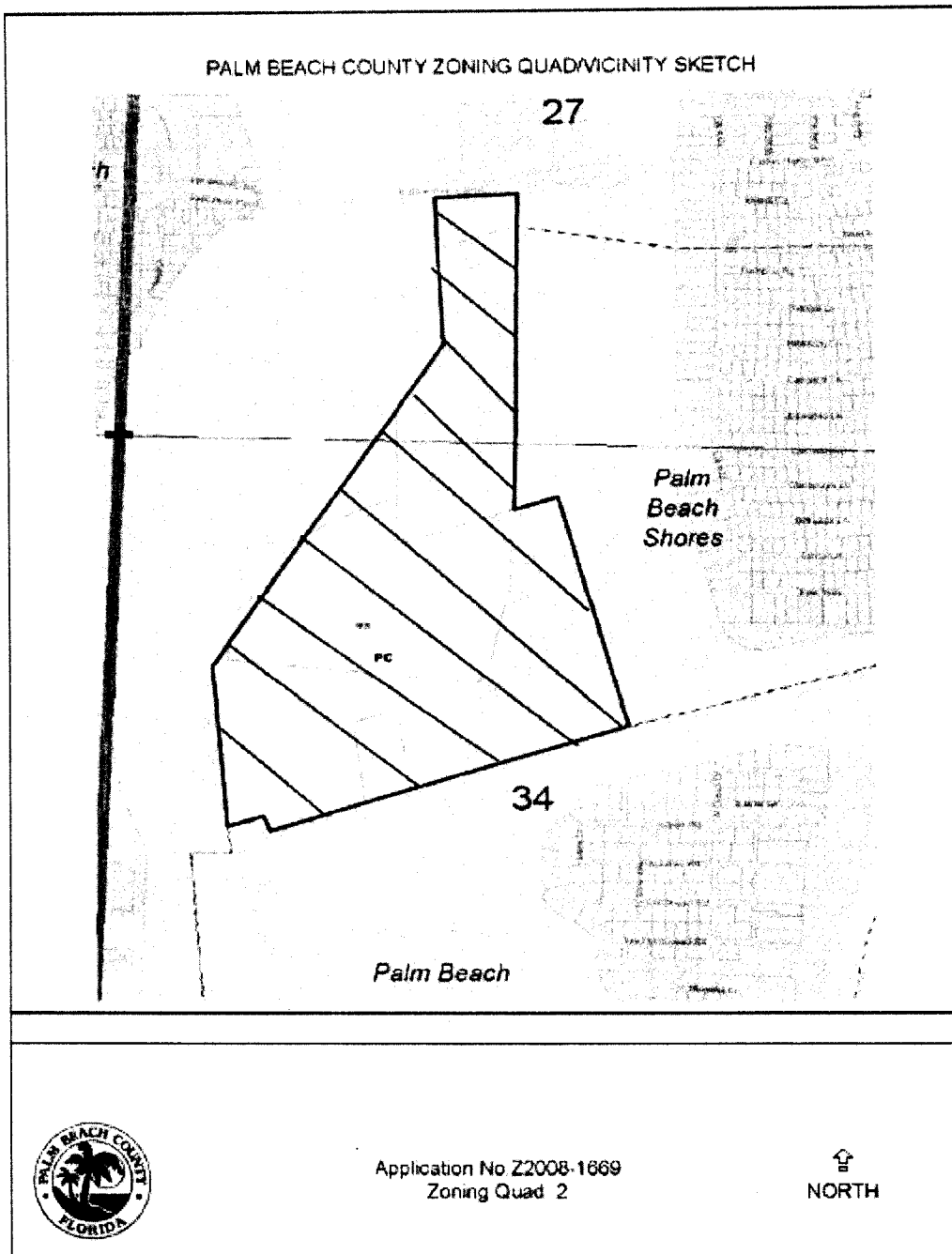


EXHIBIT C

CONDITIONS OF APPROVAL

USE LIMITATIONS

1. While the County retains land use and zoning authority over the subject property, including the ability to place the conditions contained herein, this resolution shall not be deemed to impair or limit exercise of the General and/or Special Powers granted to the Port of Palm Beach District under Article VIII of the District's State Charter, as to the subject property. (ONGOING: ZONING-Zoning)
2. The subject property shall be limited to the following uses:
 - a. assembly, non-profit institutional (museum only);
 - b. campground;
 - c. government services;
 - d. park, passive;
 - e. park, public;
 - f. utility, minor limited to water/sewer/electrical; and,
 - g. spoils deposits. (ONGOING: CODE ENF/ZONING-Zoning)
3. All activities on Peanut Island shall be subject to the following:
 - a. All activities within the "Parks" area shall comply with Section 21-39 (Noise) of the Palm Beach County Code of Ordinances. Specifically, "No person shall make such loud, excessive, unnecessary noise so as to create a nuisance in any county park. Noise shall be considered a nuisance when it produces actual physical discomfort and annoyance to persons of ordinary sensibilities"; and,
 - b. All activities shall comply with Article 5, Chapter E. Section 4 of the Unified Land Development Code (ULDC), including compliance with all noise limitations and prohibitions as defined in said Code;
 - c. All special events shall be required to have a County Sheriffs Deputy on-site while the special event is being conducted. (ONGOING: CODE ENF-ZONING)
4. The property owner(s) shall comply with the use limitation condition pursuant to Ordinance 2001-083, land use amendment of Peanut Island. (ONGOING: CODE ENF/PLANNING - Planning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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; 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 ULDC 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; 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 Conditional Use, Type II Variance, 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.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida.
(ONGOING: MONITORING - Zoning)

ORDINANCE NO. 2001 - 083

1
2
3 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
4 OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989
5 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO.
6 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE
7 ATLAS (FLUA) FOR COUNTY INITIATED AMENDMENT:
8 PEANUT ISLAND, MODIFYING THE FLUA BY CHANGING
9 APPROXIMATELY 84 ACRES OF LAND, LOCATED IN THE
10 INTRACOASTAL WATERWAY APPROXIMATELY 1000 FEET
11 NORTHEAST OF THE PORT OF PALM BEACH, AND
12 APPROXIMATELY 1500 FEET DUE WEST OF THE LAKE
13 WORTH INLET, FROM CONSERVATION (CON) TO PARKS AND
14 RECREATION (PARK) AND SPOIL; SUBJECT TO ONE
15 CONDITION; PROVIDING FOR REPEAL OF LAWS IN
16 CONFLICT; PROVIDING FOR SEVERABILITY; AND
17 PROVIDING FOR AN EFFECTIVE DATE.

18 WHEREAS, on August 31, 1989, the Palm Beach County Board of
19 County Commissioners adopted the 1989 Comprehensive Plan by Ordinance
20 No. 89-17; and

21 WHEREAS, the Palm Beach County Board of County Commissioners
22 amends the 1989 Comprehensive Plan as provided by Chapter 163, Part
23 II, Florida Statutes; and

24 WHEREAS, the Palm Beach County Board of County Commissioners have
25 initiated amendments to several elements of the Comprehensive Plan in
26 order to promote the health, safety and welfare of the public of Palm
27 Beach County; and

28 WHEREAS, the Palm Beach County Local Planning Agency conducted
29 its public hearings on June 15, 22 and July 13, 2001 to review the
30 proposed amendments to the Palm Beach County Comprehensive Plan and
31 made recommendations regarding the proposed amendments to the Palm
32 Beach County Board of County Commissioners pursuant to Chapter 163,
33 Part II, Florida Statutes; and

34 WHEREAS, the Palm Beach County Board of County Commissioners, as
35 the governing body of Palm Beach County, conducted a public hearing
36 pursuant to Chapter 163, Part II, Florida Statutes, on August 14, 2001
37 to review the recommendations of the Local Planning Agency, whereupon
38 the Board of County Commissioners authorized transmittal of proposed
39 amendments to the Department of Community Affairs for review and
40 comment pursuant to Chapter 163, Part II, Florida Statutes; and

41 WHEREAS, Palm Beach County received on November 5, 2001 the
42 Department of Community Affairs "Objections, Recommendations, and
43 Comments Report," dated November 2, 2001 which was the Department's
44 written review of the proposed Comprehensive Plan amendments; and

1 **WHEREAS**, the written comments submitted by the Department of
2 Community Affairs contained no objections to the amendments contained
3 in this ordinance;

4 **WHEREAS**, on December 5, 2001 the Palm Beach County Board of
5 County Commissioners held a public hearing to review the written
6 comments submitted by the Department of Community Affairs and to
7 consider adoption of the amendments; and

8 **WHEREAS**, the Palm Beach County Board of County Commissioners has
9 determined that the amendments comply with all requirements of the
10 Local Government Comprehensive Planning and Land Development
11 Regulations Act.

12 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
13 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

14 Part I. Amendments to the Future Land Use Atlas of the Land Use
15 Element of the 1989 Comprehensive Plan

16 The following amendments to the Land Use Element's Future Land
17 Use Atlas are hereby adopted and attached to this Ordinance:

18 A. **Future Land Use Atlas** is amended as follows:

- 19 **Application No.:** **Peanut Island**
20 **Amendment:** From Conservation (CON) to Parks and
21 Recreation (PARK) and SPOIL;
22 **General Location:** In the intracoastal waterway approximately
23 1000 feet northeast of the Port of Palm
24 Beach, and approximately 1500 feet due west
25 of the Lake Worth Inlet;
26 **Size:** Approximately 84 acres;

27 B. **Condition:** This parcel is subject to the following
28 condition:
29

- 30 1. All Commercial retail uses, including restaurants, on
31 the site shall be prohibited.

32 Part II. Repeal of Laws in Conflict

33 All local laws and ordinances applying to the unincorporated area
34 of Palm Beach County in conflict with any provision of this ordinance
35 are hereby repealed to the extent of such conflict.

36
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1 Part III. Severability

2 If any section, paragraph, sentence, clause, phrase, or word of
3 this Ordinance is for any reason held by the Court to be
4 unconstitutional, inoperative or void, such holding shall not affect
5 the remainder of this Ordinance.

6 Part IV. Inclusion in the 1989 Comprehensive Plan



7 The provision of this Ordinance shall become and be made a part
8 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
9 Ordinance may be renumbered or relettered to accomplish such, and the
10 word "ordinance" may be changed to "section," "article," or any other
11 appropriate word.

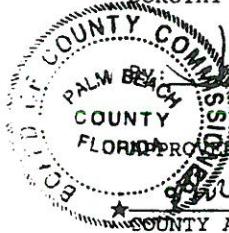
12 Part V. Effective Date

13 The effective date of this plan amendment shall be the date a
14 final order is issued by the Department of Community Affairs or
15 Administration Commission finding the amendment in compliance in
16 accordance with Section 163.3184, Florida Statutes, whichever occurs
17 earlier. No development orders, development permits, or land uses
18 dependent on this amendment may be issued or commence before it has
19 become effective. If the Administration Commission issues a final
20 order of noncompliance, this amendment may nevertheless be made
21 effective by adoption of a resolution affirming its effective status,
22 a copy of which resolutions shall be sent to the Department of
23 Community Affairs, Bureau of Local Planning, 2555 Shumard Oak
24 Boulevard, Tallahassee, Florida 32399-2100.

25 APPROVED AND ADOPTED by the Board of County Commissioners of
26 Palm Beach County, on the 5 day of December, 2001.

27 ATTEST: PALM BEACH COUNTY, FLORIDA,
28 DOROTHY H. WILKEN, Clerk BY ITS BOARD OF COUNTY COMMISSIONERS

29  Deputy Clerk By  Warren H. Newell, Chairman

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44
 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
COUNTY ATTORNEY

40 Filed with the Department of State on the 14th day
41 of December, 2001

EXHIBIT

Future Land Use Atlas is amended as follows:

Amendment No.: Peanut Island

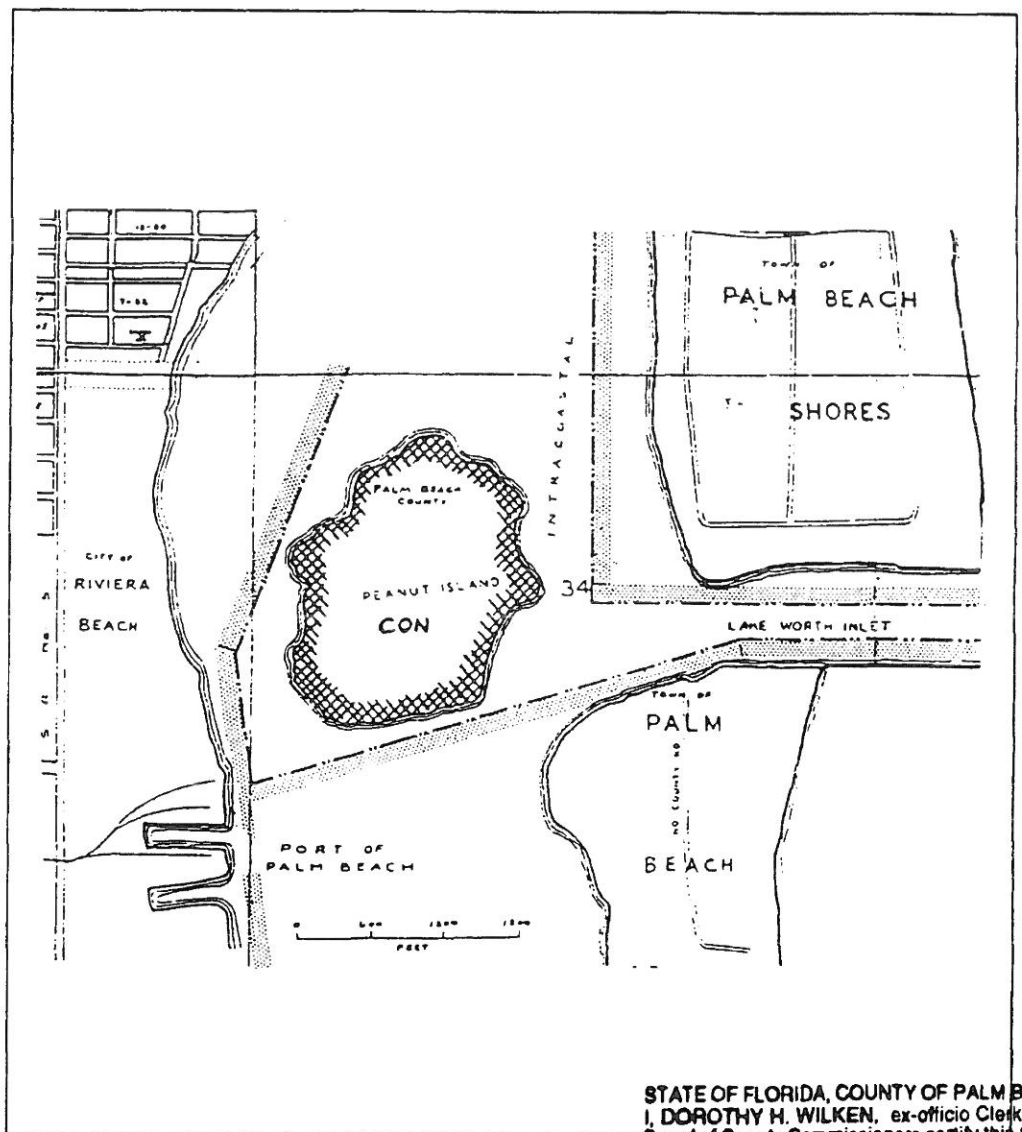
Amendment: From Conservation (CON) to Parks and Recreation (PARK) and SPOIL

Location: In the intracoastal waterway approximately 1000 feet northeast of the Port of Palm Beach, and approximately 1500 feet due west of the Lake Worth Inlet.

Size: Approximately 84 acres

Property No.: 00-43-42-27-00-000-3000 (FIND), 00-43-42-27-00-000-3010 (Port of Palm Beach)

Condition: All Commercial retail uses, including restaurants, on the site shall be prohibited.



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 5, 2001
DATED at West Palm Beach, FL on 12/31/01
DOROTHY H. WILKEN, Clerk
By: Nicole B. [Signature] D.C