

RESOLUTION NO. R-2011-1851

RESOLUTION APPROVING ZONING APPLICATION EAC-2011-01988
(CONTROL NO. 2005-00058)
an Expedited Application Consideration
APPLICATION OF Br Osprey Acquisition Llc
BY JKM Developers, AGENT
(Osprey Oaks Parcel No. 2)

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

WHEREAS, Zoning Application EAC-2011-01988 was presented to the Board of County Commissioners at a public hearing conducted on December 1, 2011; 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, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

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

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for an Expedited Application Consideration.

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 EAC-2011-01988, the petition of Br Osprey Acquisition Llc, by JKM Developers, agent, for an Expedited Application Consideration to delete a Condition of Approval (Engineering) in the RT Zoning District, on a parcel of land legally described 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 December 1, 2011, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Arronson moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Chair	-	Aye
Commissioner Steven L. Abrams, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Absent
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on December 1, 2011.

Filed with the Clerk of the Board of County Commissioners on December 14th, 2011.

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

Parcel 2

Description:

THE EAST HALF OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, EXCEPT THE NORTH 25 FEET AND THE SOUTH 30 FEET FOR ROAD AND CANAL PURPOSES, AND OTHERWISE DESCRIBED AS LOT 5, BLOCK 6, PALM BEACH RANCHES (UNRECORDED PLAT).

EXHIBIT B
VICINITY SKETCH

VICINITY SKETCH

NTS.

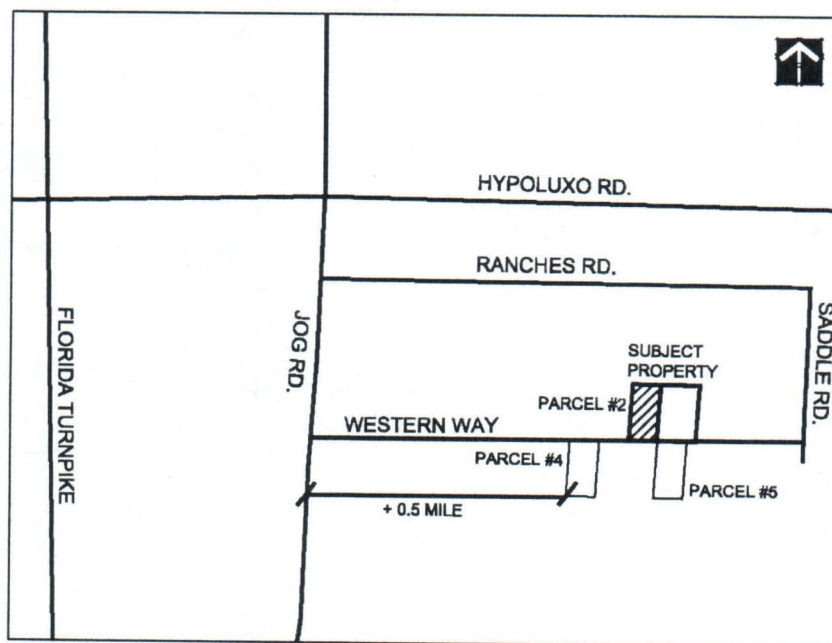


EXHIBIT C

CONDITIONS OF APPROVAL

ENGINEERING

1. Previous Condition E1 of Resolution R-2006-0024, Control No. 2005-058, which currently states:

TRAFFIC PERFORMANCE STANDARDS PHASING REQUIREMENTS

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after October 27, 2008. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

Is hereby deleted. [REASON: A build out date is not required]

2. PLATTING REQUIREMENTS

Any subdivision of this parcel, Osprey Oaks Parcel 2, Zoning Application Z2005-149, shall be combined with the adjacent parcel, Oaks Parcel 3, Application Z2005-152. The combined subdivision plat shall then have only one (1) homeowners association and shall be permitted only one (1) joint access road onto Western Way. (PLAT: ENGINEERING - ENG)

(Previous Condition E2 of Resolution R-2006-0024, Control No. 2005-058)

[Note: COMPLETED]

3. Previous Condition E3 of Resolution R-2006-0024, Control No. 2005-058, which currently states:

PUBLIC SEWER CONNECTION

Prior to plat recordation, the property owner shall provide information to the Land Development Division and Palm Beach County Health Department on the availability of public sewer to the site. If public sewer is available within 1/2 mile of this site, then no septic tank permits shall be issued, and the site shall be required to connect to the public sewer. (PLAT: MONITORING-Eng)

Is hereby deleted. [Reason: No public sewer available]

ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING:ERM-ERM)(Previous Condition No. ERM-1 of Resolution No. R-2006-0024, Control No. Z2006-058)

HEALTH

1. Prior to final DRO approval, the property owner shall submit the results of an asbestos containing material (ACM) survey to the Palm Beach County Health Department. (DRO;HEALTH-Health)

2. Water service is available to the property. Therefore, no potable water wells will be permitted on the site. All existing potable water wells shall be abandoned in accordance with Palm Beach County ECR-II (ONGOING:HEALTH-Health)

3. The property will be served by onsite sewage treatment and disposal systems. Permits will be required for the new systems, and permits are required for the abandonment of the

existing systems. (ONGOING:HEALTH-Health)

SCHOOL BOARD

1.The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD) (Previous Condition SCHOOL BOARD 1 of Resolution R-2006-024, Control No. 2005-058)

SITE DESIGN

1.The site shall be limited to a maximum of three (3) residential lots. Each residential lot shall be no less than one (1) acre in size. (PLAT: ZONING - Zoning)(Previous Condition SITE DESIGN 1 of Resolution R-2006-0024, Control No. 2005-58)

UTILITIES

1.If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the property owner shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD - PBCWUD) (Previous Utilities Condition1 of Resolution R-2006-0024, Control 2005-058)

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) (Previous Condition COMPLIANCE 1 of Resolution R-2006-0024, Control No. 2005-58)

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 a 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING - Zoning) (Previous Condition COMPLIANCE 2 of Resolution R-2006-0024, Control No. 2005-58)