

RESOLUTION NO. R-2013- 0209

RESOLUTION APPROVING ZONING APPLICATION ZV/TDD/R-2011-01203
(CONTROL NO. 2011-00245)
a Requested Use
APPLICATION OF Fairways Llc
BY Urban Design Kilday Studios, AGENT
(Reflection Bay)

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 ZV/TDD/R-2011-01203 was presented to the Board of County Commissioners at a public hearing conducted on February 28, 2013; 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 a a Requested Use .

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 ZV/TDD/R-2011-01203, the petition of Fairways Llc, by Urban Design Kilday Studios, agent, for a Requested Use to allow a Type III, Congregate Living Facility in the TND 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 February 28, 2013, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

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

Commissioner Steven L. Abrams, Mayor	-	Aye
Commissioner Priscilla A. Taylor, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Nay
Commissioner Paulette Burdick	-	Nay
Commissioner Shelley Vana	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Nay

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 24, 2013.

Filed with the Clerk of the Board of County Commissioners on March 6th, 2013.

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

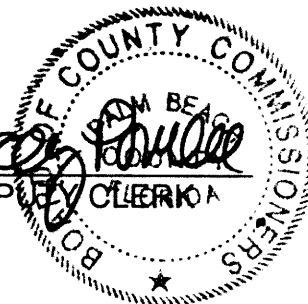
SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



The seal is circular with a double-line border. The outer ring contains the text 'PALM BEACH COUNTY COMMISSIONERS' at the top and 'BOARD OF COUNTY COMMISSIONERS' at the bottom, separated by a star. The center of the seal contains the text 'PALM BEACH COUNTY' and 'CLERK & COMPTROLLER'.

EXHIBIT A

LEGAL DESCRIPTION

REFLECTION BAY
LEGAL DESCRIPTION

A PORTION OF TRACT 36, "CENTURY VILLAGE PLAT NO. FOURTEEN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, PAGES 156 AND 157, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 43 SOUTH, RANGE 42 EAST; THENCE NORTH 00°00'00" EAST, ALONG THE EAST LINE OF SAID SECTION 23, A DISTANCE OF 656.00 FEET; THENCE NORTH 89°57'11" WEST, AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 23, A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°57'11" WEST, ALONG THE SOUTH LINE OF SAID TRACT 36, AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 865.99 FEET; THENCE NORTH 00°00'00" EAST, ALONG THE WEST LINE OF SAID TRACT 36 AND THE SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 663.25 FEET; THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 572.00 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 319.85 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS NORTH 25°55'24" WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 565.00 FEET AND A CENTRAL ANGLE OF 44°37'43", A DISTANCE OF 440.09 FEET; THENCE NORTH 76°45'00" WEST, ALONG A NON-RADIAL LINE, A DISTANCE OF 227.22 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS NORTH 66°24'52" WEST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 340.00 FEET AND A CENTRAL ANGLE OF 20°40'18", A DISTANCE OF 122.67 FEET; THENCE SOUTH 76°45'00" EAST, ALONG A NON-RADIAL LINE, A DISTANCE OF 227.22 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS NORTH 82°56'53" WEST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 565.00 FEET AND A CENTRAL ANGLE OF 07°03'07", A DISTANCE OF 69.54 FEET TO THE POINT OF TANGENCY; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 655.00 FEET; THENCE NORTH 78°41'24" WEST, A DISTANCE OF 229.46 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 35.00 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 200.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1290.82 FEET AND A CENTRAL ANGLE OF 08°34'42", A DISTANCE OF 193.26 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 720.41 FEET AND A CENTRAL ANGLE OF 17°09'24", A DISTANCE OF 215.72 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1290.82 FEET AND A CENTRAL ANGLE OF 08°34'42", A DISTANCE OF 193.26 FEET TO THE POINT OF TANGENCY; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 506.00 FEET (THE LAST FIFTEEN DESCRIBED COURSES BEING COINCIDENT WITH THE BOUNDARY OF SAID TRACT 36); THENCE SOUTH 45°00'00" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF HAVERHILL ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 7711 AT PAGE 1368 OF SAID PUBLIC RECORDS, A DISTANCE OF 55.15 FEET; THENCE SOUTH 00°00'00" WEST, ALONG SAID WEST LINE, A DISTANCE OF 2187.95 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 57.539 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

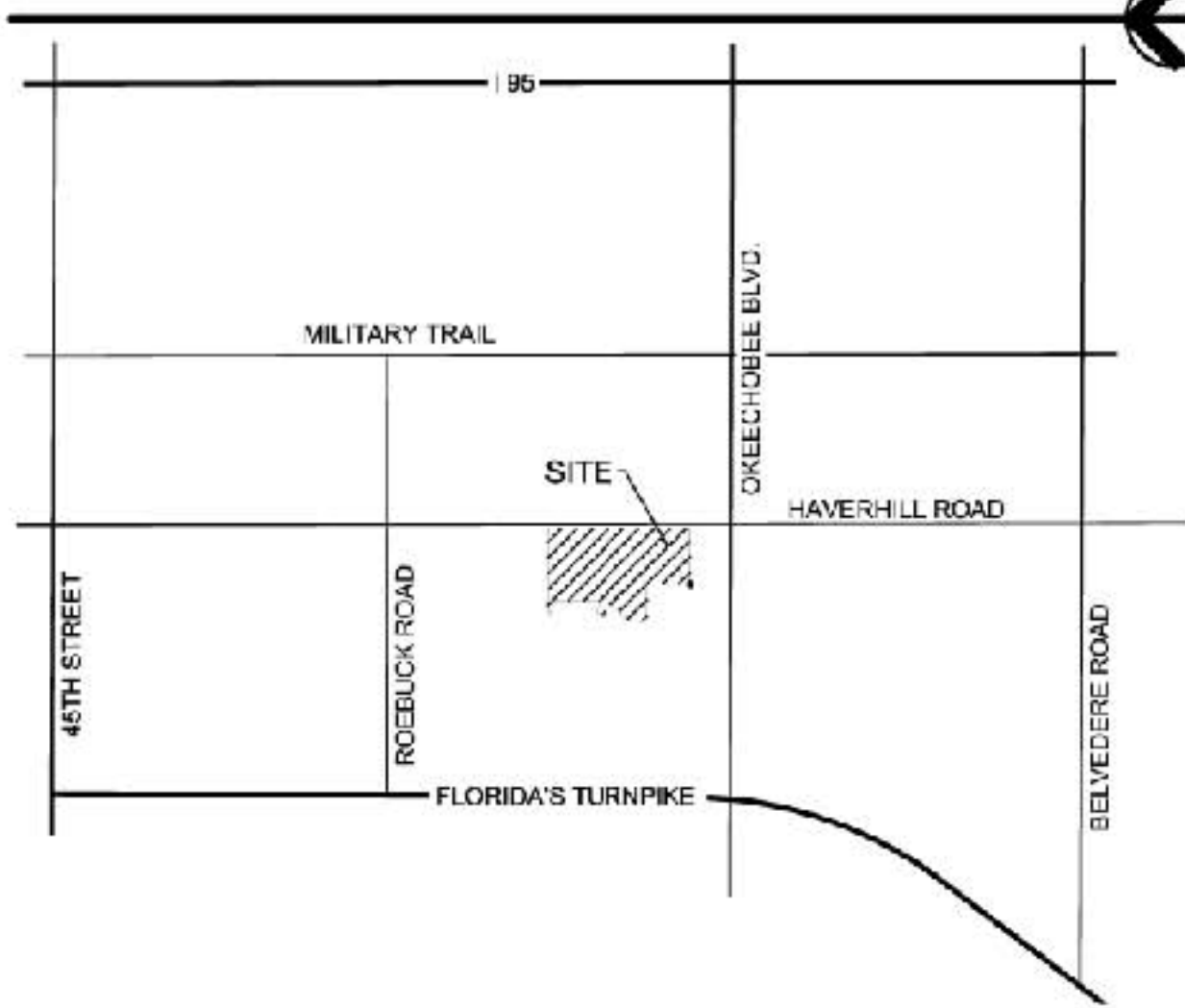


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.The approved Preliminary Master Plan, Type III, Congregate Living Facility Site Plan, Preliminary Regulating Plans (Landscape Buffers, Parking Details, Neighborhood Parks, Neighborhood Square, Block Plan, Pedestrian Circulation Plan, Street Section) are dated October 12, 2011. 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 (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1.At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for structures within the civic pod shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved master plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

COMPLIANCE

1.In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the 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 voluntary commitments 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 (CO); 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 Unified Land Development Code (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 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)