

RESOLUTION NO. R-2013- 1251

RESOLUTION APPROVING ZONING APPLICATION PDD-2013-01062
(CONTROL NO. 2013-00179)
an Official Zoning Map Amendment
APPLICATION OF D.R. Horton, Inc.
BY Land Design South, Inc., AGENT
(Abbingtion PUD)

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 PDD-2013-01062 was presented to the Board of County Commissioners at a public hearing conducted on September 26, 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 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; 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.1.B.

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 PDD-2013-01062, the application of D.R. Horton, Inc., by Land Design South, Inc., agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District 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 in EXHIBIT B, attached hereto and made a part hereof, was approved on September 26, 2013 subject to the conditions described in EXHIBIT C, attached hereto and made a part hereof.

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on September 26, 2013.

Filed with the Clerk of the Board of County Commissioners on September 26th, 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:

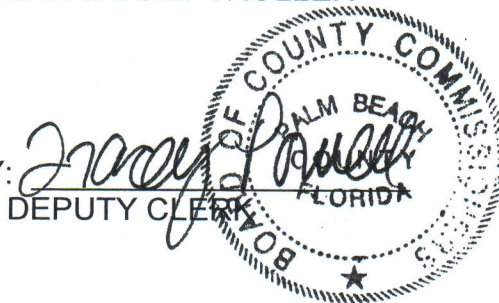

DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LAND DESCRIPTION:

A PORTION OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY SOUTHWEST CORNER OF RIVERMILL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 88, PAGES 71 THROUGH 77 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE N01°10'31"E ALONG A BOUNDARY LINE OF SAID RIVERMILL, A DISTANCE OF 1035.30 FEET; THENCE N89°21'27"W ALONG A BOUNDARY LINE OF SAID RIVERMILL, A DISTANCE OF 609.34 FEET TO THE MOST WESTERLY SOUTHWEST CORNER OF SAID RIVERMILL; THENCE S05°28'48"E ALONG THE EASTERLY RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 1737, PAGE 918 OF SAID PUBLIC RECORDS, A DISTANCE OF 1038.19 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF HYPOLUXO ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 6251, PAGE 1648 OF SAID PUBLIC RECORDS; THENCE S89°00'25"E ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 489.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 567,631 SQUARE FEET/13.031 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

N.T.S.

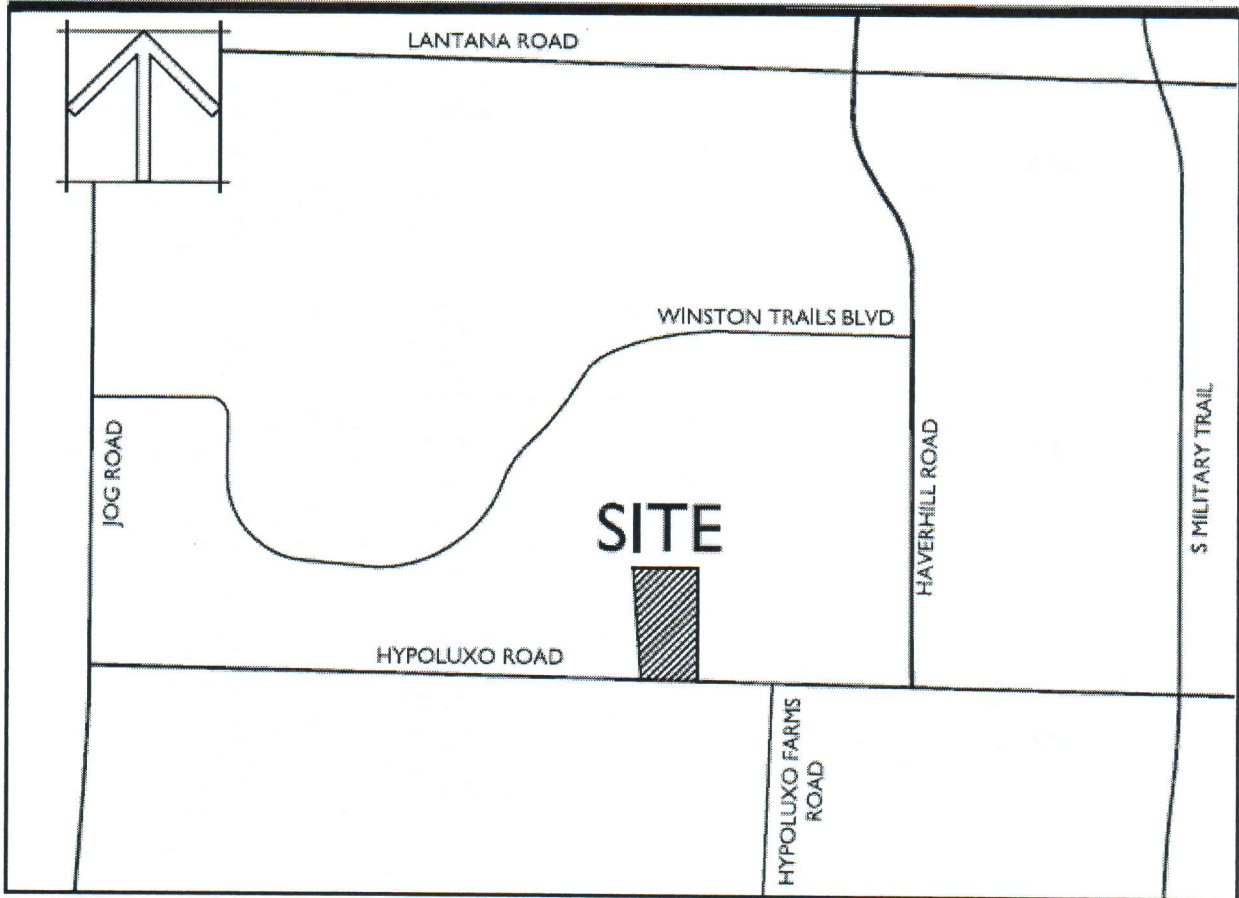


EXHIBIT C

CONDITIONS OF APPROVAL

EXHIBIT C

PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Master Plan is dated June 24, 2013. 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 or the Zoning Commission. (ONGOING: ZONING - Zoning)

ENGINEERING

1. Prior to issuance of the first building permit the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING - Eng)

2. The Property Owner shall lengthen the existing left turn lane west approach on Hypoluxo Road at Rivermill Club Drive. This turn lane shall be lengthened to a minimum 280 feet in length plus 50 foot paved taper or as determined by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required Right-of-way.

A. Prior to the issuance of the first Building Permit, permits required for improvements identified above shall be obtained from Palm Beach County . (BLDG PERMIT: Monitoring - Eng)

B. Prior to the issuance of the first Certificate of Occupancy, construction shall be completed. (CO: MONITORING - Eng)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE

1. A hedge with a minimum of height of six (6) feet at time of planting shall be provided at the terminus of Street 1 as indicated on the Preliminary Subdivision Plan dated June 24, 2013 to provide a continuous opaque vegetative barrier for the width of the Right-of-way. (ONGOING: ZONING - Landscape)

2. A Type 2 Incompatibility Buffer shall be provided along the entire length of the west property line pursuant to Article 7.F.9 Incompatibility Buffer and Article. 7.F.6 Buffer Width Reduction, including where adjacent to residential. (DRO: ZONING - Zoning)

PALM TRAN

1. Prior to Plat Recordation or Issuance of the first Building Permit, whichever shall occur first, the Property Owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran shall be required. (BLDG PERMIT/PLAT: MONITORING - Palm Tran)

PLANNING

1. Prior to the issuance of the first residential Building Permit, the applicant shall submit payment to Housing Community Development (HCD)/Department of Economic Sustainability (DES) and a copy of a receipt for that payment to the Planning Division in the amount of \$244,500 (3 units at \$81,500 per WHP unit). (BLDG PERMIT - MONITORING/HDC - Planning)

SCHOOL BOARD

1. Prior to the issuance of the first Certificate of Occupancy (CO), the 10 feet by 15 feet school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential property owner. (CO: MONITORING - School Board.)

2. 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 - School Board)

SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the northernmost cul-de-sac shall abut a minimum twenty (20) foot wide open space that provides pedestrian access to the Recreation Pod as indicated on the Preliminary Subdivision Plan dated June 24, 2013. (DRO: 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.