

RESOLUTION NO. R-2014- 0005

RESOLUTION APPROVING ZONING APPLICATION Z/DOA-2013-01849  
(CONTROL NO. 2005-00414)  
a Development Order Amendment  
APPLICATION OF Lennar Homes LLC  
BY Urban Design Kilday Studios, AGENT  
(Marquez-Jones)

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, 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;

WHEREAS, Zoning Application Z/DOA-2013-01849 was presented to the Board of County Commissioners at a public hearing conducted on January 9, 2014;

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 (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;

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;

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 APPLICANT voluntarily agrees to the amendment of the COZ overlay for the property being considered for the Development Order Amendment;

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 Development Order Amendment; and,

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/DOA-2013-01849, the petition of Lennar Homes LLC, by Urban Design Kilday Studios, agent, for a Development Order Amendment to reconfigure the Subdivision Plan, to add land area and units; and to modify Conditions of Approval (Engineering, Planning, Workforce Housing). 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 January 9, 2014, 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 Burdick and, upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared that the resolution was duly passed and adopted on January 9, 2014.

Filed with the Clerk of the Board of County Commissioners on January 10th, 2014.

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

TRACT 3 OF HYPOLUXO FARMS, ACCORDING TO THE UNRECORDED PLAT THEREOF PREPARED BY E. ELLIOTT GROSS AND ASSOCIATES REG. ENGINEERS. WEST PALM BEACH. FLORIDA, JUNE 1954, BEING A SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY. FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, SAID POINT BEING 685.30 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 11 WHICH NORTHWEST CORNER IS 5315.17 FEET WESTERLY FROM THE CENTERLINE OF MILITARY TRAIL; THENCE CONTINUE SOUTHERLY ALONG THE WEST LINE OF THE NORTHEAST 1/4; OF SECTION 11, A DISTANCE OF 342.65 FEET; THENCE EASTERLY MAKING AN ANGLE OF 86°38'52" WITH THE PRECEDING COURSE, MEASURED FROM NORTH TO EAST. A DISTANCE OF 1374.00 FEET; THENCE NORTHERLY MAKING AN ANGLE OF 90°55'22" WITH THE PRECEDING COURSE, MEASURED FROM WEST TO NORTH A DISTANCE OF 340.26 FEET; THENCE WESTERLY MAKING AN ANGLE OF 89°09' 12" WITH THE PRECEDING COURSE, MEASURED FROM SOUTH TO WEST A DISTANCE OF 1359.45 FEET TO THE POINT OF BEGINNING. (EXCEPTING THEREFROM THE WEST 42.24 FEET AS CANAL RIGHT OF WAY AND THE EAST 25 FEET AS ROAD RIGHT OF WAY.)

TOGETHER WITH

TRACT 4, HYPOLUXO FARMS. ACCORDING TO THE UNRECORDED PLAT THEREOF, PREPARED BY E. ELLIOTT GROSS AND ASSOC. REG. ENGINEERS. WEST PALM BEACH FLORIDA, JUNE 1954, BEING A SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 45 SOUTH. RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, SAID POINT BEING 1027.95 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF SECTION 11, WHICH NORTHWEST CORNER IS 5315.17 FEET WESTERLY FROM THE CENTER LINE OF MILITARY TRAIL; THENCE CONTINUE SOUTHERLY ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 11, A DISTANCE OF 342.65 FEET; THENCE EASTERLY MAKING AN ANGLE OF 86°34'17" WITH THE PRECEDING COURSE, MEASURED FROM NORTH TO EAST. A DISTANCE OF 1388.85 FEET; THENCE NORTHERLY MAKING AN ANGLE OF 90°59'57" WITH THE PRECEDING COURSE, MEASURED FROM WEST TO NORTH. A DISTANCE OF 340.26 FEET; THENCE WESTERLY MAKING AN ANGLE OF 89°04'38" WITH THE PRECEDING COURSE, MEASURED FROM SOUTH TO WEST, A DISTANCE OF 1374.00 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE WEST 42.24 FEET PER CHANCERY CASE 407 AS RECORDED IN OFFICIAL RECORDS BOOK 6495 PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AS CANAL RIGHT OF WAY AND THE EAST 25 FEET AS ROAD RIGHT OF WAY (SAID ROAD RIGHT OF WAY BEING MORE PARTICULARLY DESCRIBED IN INSTRUMENT RECORDED IN DEED BOOK 1057 PAGE 225 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.)

TOGETHER WITH

TRACT 6 OF HYPOLUXO FARMS, ACCORDING TO THE UNRECORDED PLAT THEREOF PREPARED BY E. ELLIOTT GROSS & ASSOCIATES, REG., ENG., WEST PALM BEACH, FLORIDA, JUNE, 1954, BEING A SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, SAID

POINT BEING 1713.25 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 11, WHICH NORTHWEST CORNER IS 5315.17 FEET WESTERLY FROM THE CENTER LINE OF MILITARY TRAIL; THENCE CONTINUE SOUTHERLY ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 11, A DISTANCE OF 342.65 FEET; THENCE EASTERLY MAKING AN ANGLE OF 86°25'08" WITH THE PRECEDING COURSE, MEASURED FROM NORTH TO EAST A DISTANCE OF 1417.65 FEET; THENCE NORTHERLY MAKING AN ANGLE 91°09'06" WITH THE PRECEDING COURSE, MEASURED FROM WEST TO NORTH, A DISTANCE OF 340.26 FEET; THENCE WESTERLY MAKING AN ANGLE OF 88°55'28" MEASURED FROM SOUTH TO WEST, A DISTANCE OF 1403.10 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE EAST 25 FEET AS ROAD RIGHT-OF-WAY AND THE WEST 42.24 FEET AS CANAL RIGHT-OF-WAY PER CHANCERY CASE 407 AS RECORDED IN OFFICIAL RECORDS BOOK 6495 PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

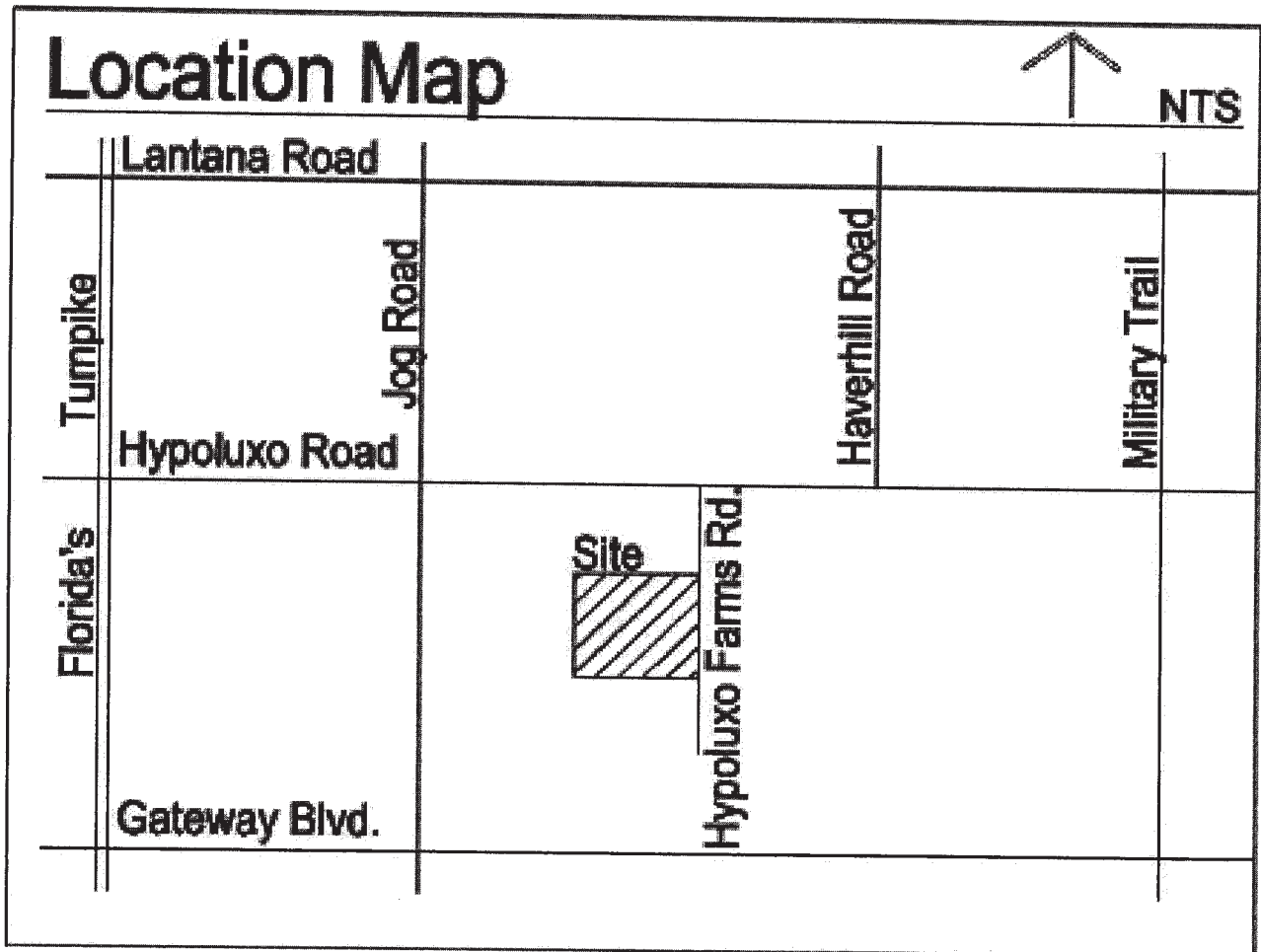
TOGETHER WITH

TRACT 5, HYPOLUXO FARMS, ACCORDING TO THE UNRECORDED PLAT THEREOF PREPARED BY E. ELLIOTT GROSS & ASSOC. REG. ENG., WEST PALM BEACH FLORIDA, JUNE, 1954, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF THE NORTHEAST ¼ OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST SAID POINT BEING 1370.60 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF THE NORTHEAST CORNER OF SAID SECTION 11, WHICH NORTHWEST CORNER IS 5315.17 FEET WESTERLY FROM THE CENTERLINE OF MILITARY TRAIL; THENCE CONTINUE SOUTHERLY ALONG THE WEST LINE OF THE NORTHEAST ¼ OF SECTION 11, A DISTANCE OF 342.65 FEET; THENCE EASTERLY MAKING AN ANGLE OF 86 DEG. 29', 42" WITH THE PRECEDING COURSE, MEASURED FROM NORTH TO EAST, A DISTANCE OF 1403.10 FEET; THENCE NORTHERLY MAKING AN ANGLE OF 91 DEG. 04', 32" WITH THE PRECEDING COURSE MEASURED FROM WEST TO NORTH, A DISTANCE OF 340.26 FEET; THENCE WESTERLY MAKING AN ANGLE OF 89 DEG. 00', 03" WITH THE PRECEDING COURSE, A DISTANCE OF 1388.55 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE EAST 25 FEET AS ROAD RIGHT-OF-WAY AND THE WEST 42.24 FEET AS CANAL RIGHT-OF-WAY PER CHANCERY CASE 407 AS RECORDED IN OFFICIAL RECORDS BOOK 6495 PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID DESCRIBED LANDS (TRACTS 3-6) AFFECTED BY CHANCERY CASE 407 RECORDED IN OFFICIAL RECORDS BOOK 6495 PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA WHICH LESSES OUT THE WESTERLY 42.24 FEET OF THE ABOVE DESCRIBED LANDS. SAID LESS-OUT BEING MEASURED FROM THE CENTERLINE OF THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL ACCORDING TO THE UNRECORDED PLAT OF HYPOLUXO FARMS.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 41.38 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Condition 1 of Resolution R-2008-2266 (Z-2007-2014) Control No. 2005-00414 which currently states:

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Subdivision Plan is dated September 11, 2008. Modifications shall be permitted where required to meet Conditions of Approval or are in accordance with the ULDC. This may include changes to perimeter buffers where existing incompatible uses on adjacent parcels are redeveloped with compatible uses. (ONGOING: ZONING - Zoning)

Is hereby amended to read:

The Approved Preliminary Subdivision Plan is dated October 16, 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)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2008-2266 (Control No. 2005-00414), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

#### ENGINEERING

1. Condition E.1 of Zoning Resolution R-2008-2266, Control No. 2005-0414, which currently states:

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

A) No Building Permits for the site may be issued after December 31, 2011. 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 revised to state:

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

A) No Building Permits for the site may be issued after December 31, 2017. 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.E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. The Property Owner shall construct a left turn lane south approach on Hypoluxo Farms Road at Hypoluxo Road. 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, acquisition of any additional required right of way, drainage improvements for

additional pavement, relocation of guardrails, and required modifications to the culvert crossing at the L-18 canal.

a. Prior to the issuance of the first building permit, permits required from Palm Beach County for this construction shall be obtained. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.2.a of Zoning Resolution R-2008-2266, Control No. 2005-0414)

b. Prior to the issuance of the first Certificate of Occupancy, construction shall be completed. (CO: MONITORING-Eng) (Previous Condition E.2.b of Zoning Resolution R-2008-2266, Control No. 2005-0414)

3. Property Owner shall construct a five foot concrete sidewalk along the project frontage on Hypoluxo Farms Road between the project's north and south property lines, within the seven foot pathway easement. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include any utility relocations. These improvements shall be completed concurrently with the onsite paving and grading.

a. Prior to the issuance of the first Building Permit, permits for this sidewalk shall be obtained. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.3.a of Zoning Resolution R-2008-2266, Control No. 2005--414)

b. Prior to the issuance of the first Certificate of Occupancy, the sidewalk shall be completed. (CO: MONITORING-Eng) (Previous Condition E.3.b of Zoning Resolution R-2008-2266, Control No. 2005-0414)

4. Prior to the issuance of the first Building Permit, the Property Owner shall provide to Palm Beach County Land Development Division a seven foot pathway easement. This easement shall be a continuous seven foot easement along the project's entire frontage on Hypoluxo Farms Road and is to provide for the required five foot concrete sidewalk along the project frontage on Hypoluxo Farms Road. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate easements and documents. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.4 of Zoning Resolution R-2008-2266, Control No. 2005-0414)

#### LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting, approval from LWDD for the plat, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or easement deed the West 80 feet of the NE quarter of Sec 11/45/42 (less lands owned by LWDD). PLAT: ENG-LWDD

#### PLANNING

1. Previous Condition Planning 1 of Resolution R-2008-2266, Control No. 2004-658, which currently states,

Prior to final approval by the Development Review Officer (DRO), the applicant shall meet all of the PREM requirements to complete the transfer of PCN#00-42-44-10-00-000-1510 to Palm Beach County in accordance with ULDC 5.G.1.E.3. Work Force Housing off site options in order to meet the obligation for 6 Workforce Housing units. (DRO: Planning-Planning)

Is hereby deleted. [Reason: no longer applicable]

#### 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)

2. 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(s) shall be the responsibility of the residential property owner. (CO: MONITORING - School Board.)

#### 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.