

RESOLUTION NO. R-2014- 0738

RESOLUTION APPROVING ZONING APPLICATION ZV/SV/PDD-2013-02920
(CONTROL NO. 1974-00175)
an Official Zoning Map Amendment to a Planned Development District
APPLICATION OF K Hovnanian Jupiter LLC
BY Gentile Glas Holloway O'Mahoney & Assoc Inc., AGENT
(Reynolds Ranch 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;

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 ZV/SV/PDD-2013-02920 was presented to the Board of County Commissioners at a public hearing conducted on May 22, 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 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; 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 ZV/SV/PDD-2013-02920, the application of K Hovnanian Jupiter LLC, by Gentile Glas Holloway O'Mahoney & Assoc Inc., agent, for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Agricultural Residential (AR) Zoning District, Community Commercial Zoning District (CC) and Commercial Recreation Zoning District (CRE) to the Rural Residential Planned Unit Development (RR-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 May 22, 2014 subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Valeche 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 Priscilla A. Taylor, Mayor	- Aye
Commissioner Paulette Burdick, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Shelley Vana	- Absent
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 May 22, 2014.

Filed with the Clerk of the Board of County Commissioners on June 11th, 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 COUNTY
FLORIDA



EXHIBIT A

LEGAL DESCRIPTION

**LEGAL DESCRIPTION
REYNOLDS RANCH**

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 12, LESS THE WEST 208.75 FEET THEREOF AND THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 12, LESS THE RIGHT-OF-WAY FOR STATE ROAD NO. 7 AS SHOWN IN THE REPLAT OF JUPITER FARMS AND GROVES, AS RECORDED IN PLAT BOOK 24, PAGE 7, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE FOLLOWING DESCRIBED PARCEL:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE ALONG THE EAST LINE OF SAID SECTION 12, NORTH 00°20'38" EAST, A DISTANCE OF 826.10 FEET; THENCE DEPARTING SAID EAST LINE, NORTH 89°56'14" WEST, A DISTANCE OF 79.46 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF JUPITER FARMS ROAD, A 200 FOOT RIGHT OF WAY SHOWN IN PLAT BOOK 24, PAGE 7, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°56'14" WEST, A DISTANCE OF 450.63 FEET; THENCE NORTH 00°03'46" EAST, A DISTANCE OF 266.00 FEET; THENCE SOUTH 89°56'14" EAST, A DISTANCE OF 455.69 FEET TO A POINT ON SAID WEST RIGHT OF WAY LINE OF JUPITER FARMS ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01°09'03" WEST, A DISTANCE OF 266.05 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

VICINITY SKETCH

LOCATION MAP

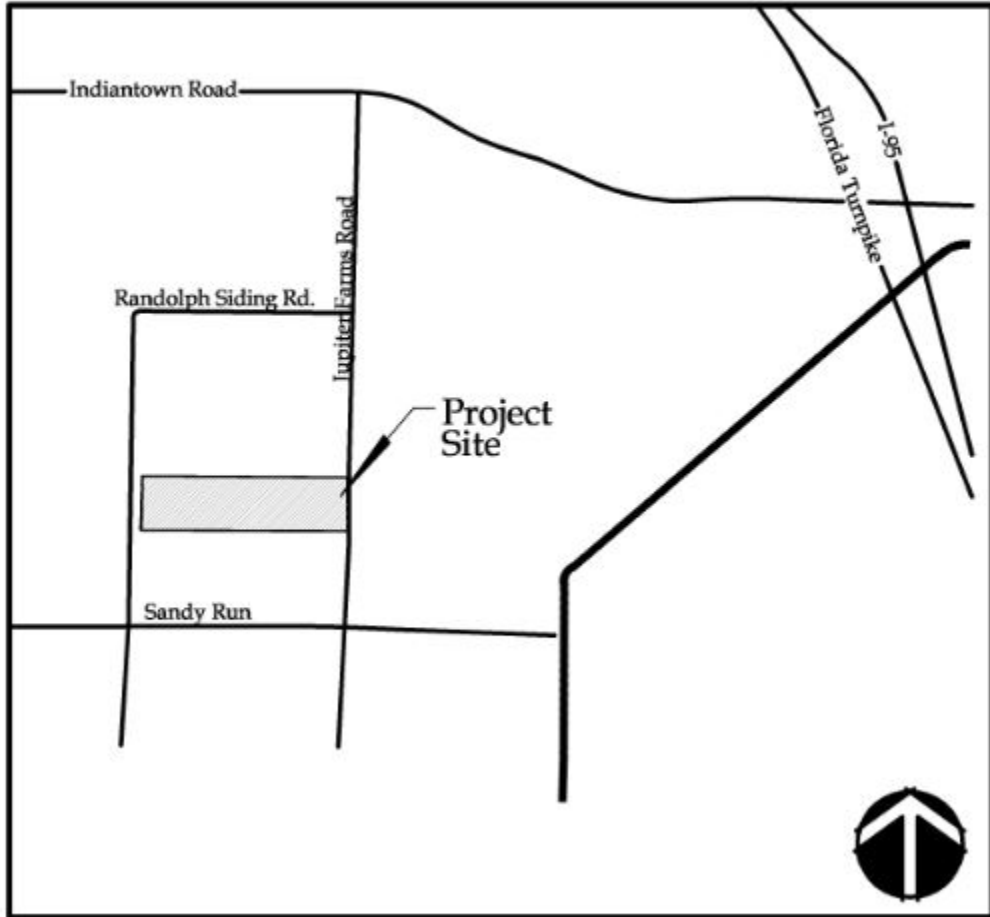


EXHIBIT C

CONDITIONS OF APPROVAL

PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Master Site Plan is dated March 13, 2014. Modifications to the Development Order inconsistent with the Conditions of Approval, the approved Type II Variances, 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. The previous use approval for a Class A Conditional Use allowing a Motion Picture Productions Studio applicable to the subject property, as contained in Resolution R-93-898 (Control No. CA93-15), is hereby revoked. (ONGOING: ZONING - Zoning)
3. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-93-898 (Control No. 1993-00051), have been deleted. (ONGOING: ZONING - Zoning)
4. Prior to Final Approval by the Development Review Officer, the Property Owner shall submit the Open Space Management Plan for review and approval. (DRO: ZONING-Zoning)
5. Prior to submittal for final Plat approval, a Conservation Easement shall be recorded over the Open Space area, excluding the 1.6-acre Civic parcel. The Conservation Easement is to preserve the Open Space, Public Trails, and the Water Management Tract in perpetuity. The Jupiter Farms Environmental Council, Inc. shall be a third party to the Easement. (PLAT: ZONING-Zoning)

ENGINEERING

1. 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 12/31/2018. 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 Art. 2.E of the Unified Land Development Code. (BLDG/PMT/DATE: MONITORING - Engineering)

LANDSCAPE - GENERAL

1. Concurrent with the submittal for Final Approval by the Development Review Officer, the Property Owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. (DRO/ONGOING: LANDSCAPE - Zoning)
2. A minimum of sixty (60) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
 - a. tree height: fourteen (14) feet to sixteen (16) feet staggered heights; and,
 - b. credit may be given for existing or relocated trees provided they meet the Unified Land Development Code requirements. (DRO/ONGOING: LANDSCAPE - Zoning)
3. All pines required to be planted on the property shall meet the following minimum standards at installation:
 - a. pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation; and,

b. credit may be given for existing pines provided they meet current Unified Land Development Code requirements. (DRO/ONGOING: LAND DEVELOPMENT - Zoning)

LANDSCAPE - INTERIOR

4. Prior to Final Approval by the Development Review Officer, all landscape focal points shall be shown on the Regulating Plan(s), and shall be subject to review and approval by the Landscape Section. (DRO/ONGOING: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OR JUPITER FARMS ROAD)

5. LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OR JUPITER FARMS ROAD)

In addition to the Code requirements, landscaping along the east property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip; and,
- b. one (1) native palm and one (1) pine for each for each thirty (30) linear feet of the property line. The Palms and Pines may be clustered for a naturalistic planting design. (DRO/ONGOING: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH, SOUTH AND WEST PROPERTY LINES

6. In addition to the Code requirements, landscaping and/or buffer width along the north, south and west property lines shall be upgraded to include:

- a. a minimum one hundred and fifty (150) foot wide landscape buffer strip; and
- b. existing native plant material shall be preserved and incorporated within the buffer area to the greatest extent possible and utilized as required landscaping. (DRO/ONGOING: LANDSCAPE - Zoning)

PLANNED DEVELOPMENT

1. Prior to Final Approval by the Development Review Officer, the Master and Regulating Plans shall be revised to indicate the location and detail of the Public and Private Trails. The trails or alternative trail system amenity design shall include, but is not limited to the following:

- a. a minimum five (5) feet in width;
- b. a minimum of one (1) pedestrian benches with hitching post every 750 feet;
- c. one (1) pedestrian trail amenities on the north and west property lines;
- d. two (2) pedestrian trail amenities at each end of the proposed Water Tract; and
- e. details for all items indicated above shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning)

2. Prior to the submission of an application for the Civic Pod to the Development Review Officer (DRO), the use(s) and site design of the Civic Pod shall be presented to Jupiter Farms Residents, Inc. and Jupiter Farms Environmental Council, Inc. for review and comment. Any issues raised which remain open at the completion of plan revisions by Facilities Development & Operations (FD&O) shall be presented to the BCC by FD&O for direction and resolution at a regularly scheduled BCC meeting. (DRO: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

PROPERTY & REAL ESTATE MANAGEMENT

1. PLATTING & DEED

The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a 1.6 acre public civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by July 20, 2016. Property Owner to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

a) Title

Property Owner to provide a title policy insuring marketable title to Palm Beach County for the civic site and any easements that service the civic site as required by the County

Attorney's office. All title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24 month period. If an appraisal is required it shall be obtained by the Property Owner. The Property Owner shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site.

b) Concurrency

Property Owner to assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation for the entire PUD. The Property Owner shall be provided with input as to the size of a structure (and proposed use) which the civic site would support and the corresponding amount of trips. If no County use is applied to the civic site, Property Owner shall assign sufficient traffic trip capacity equivalent to the number of units the civic would support if it were a residential pod.

c) Taxes

All ad valorem real estate taxes and assessments for the year of acceptance shall be prorated to include the day of acceptance.

d) Site condition

Civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.

e) Retention and Drainage

Property Owner shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Property Owner shall specifically address the following issues:

1) The discharge of surface water from the proposed civic site into the Property Owner's water retention basins.

2) As easement across Property Owner's property from the proposed civic site to the retention basins, if required.

f) On-Site Inspections

By acceptance of these conditions Property Owner agrees to allow the County to perform any on site inspections and testing deemed appropriate to support the acquisition of the civic site.

g) Vegetation Permit

Property Owner to perform a tree survey and obtain a vegetation clearing permit. If it is determined by PREM that clearing is not required at time of conveyance, the cost of such clearing shall be paid to the County.

h) Buildable Grade

Prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (until seed has established itself) to the satisfaction of Facilities Development and Operations. (DATE: MONITORING - Property Real Estate Management)

2. SURVEY

The Property Owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by May 20, 2016. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a) The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C.

21HH.6.

- b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
- c) The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey. (DATE: MONITORING - Property Real Estate Management)

3. ENVIRONMENTAL SURVEY

The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by May 20, 2016. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

- a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
- b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
- 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- 3) Hazardous Waste Data Management System List (HWDMS).

- c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
- d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.
- e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone.

If the Phase I audit indicates that a Phase II is necessary, then the property owner shall be required to provide that audit as well. (DATE: MONITORING - Property Real Estate Management)

4. Cash-Out

The Property Owner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the Property Owner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the Property Owner. If off-site land or cash contribution is accepted by Palm Beach County, the Property Owner shall be deemed to have satisfied the intent of ULDC. (ONGOING/PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

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 - 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: ZONING - 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) (ONGOING: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.