

RESOLUTION NO. R-2015- 0539

RESOLUTION APPROVING ZONING APPLICATION PDD-2014-01122
(CONTROL NO. 2014-00064)
an Official Zoning Map Amendment to a Planned Development District
APPLICATION OF Lois Dubois Ltd & William A. Sr Trust &, HGC, LLC
BY Urban Design Kilday Studios, AGENT
(Flavor Pict Townhomes 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 PDD-2014-01122 was presented to the Board of County Commissioners at a public hearing conducted on April 23, 2015;

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 PDD-2014-01122, the application of Lois Dubois Ltd & William A. Sr Trust &, HGC, LLC, by Urban Design Kilday Studios, agent, for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential 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 April 23, 2015 subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger 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:

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| Commissioner Shelley Vana, Mayor | - Aye |
| Commissioner Mary Lou Berger, Vice Mayor | - Aye |
| Commissioner Hal R. Valeche | - Aye |
| Commissioner Paulette Burdick | - Aye |
| Commissioner Steven L. Abrams | - Aye |
| Commissioner Melissa McKinlay | - Aye |
| Commissioner Priscilla A. Taylor | - Absent |

The Mayor thereupon declared that the resolution was duly passed and adopted on April 23, 2015.

Filed with the Clerk of the Board of County Commissioners on April 29th, 2015.

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

LEGAL DESCRIPTION:

THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; LESS THE RIGHT OF WAY FOR THE E-3 CANAL; AND FURTHER LESS THE RIGHT OF WAY OF FLAVOR PICT ROAD, AS RECORDED IN O.R. BOOK 6994, PAGE 505, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND DESCRIBED AS: A PARCEL OF LAND FOR ROAD RIGHT OF WAY PURPOSES FOR FLAVOR PICT ROAD LYING IN THE SOUTHEAST 1/4 SECTION OF SECTION 2, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 2; THENCE SOUTH 01°44'53" EAST ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, 30.0' TO THE NORTH RIGHT OF WAY LINE OF FLAVOR PICT ROAD PER ROAD PLAT BOOK 3, PAGE 59, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE SOUTH 89°11'04" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 301.68' TO THE POINT OF INTERSECTION WITH THE PROPOSED SOUTH RIGHT OF WAY LINE OF FLAVOR PICT ROAD; THENCE NORTH 89°58'09" EAST ALONG SAID PROPOSED SOUTH RIGHT OF WAY LINE, 301.78' TO THE ABOVE REFERENCED EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2; THENCE NORTH 01°44'53" WEST ALONG SAID EAST LINE, 4.13' TO THE POINT OF BEGINNING.

AND THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 80.0' THEREOF AND FURTHER LESS THE WEST 65 FEET THEREOF; TOGETHER WITH THE WEST 123.87 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, LESS THE SOUTH 80.0 FEET THEREOF, TOGETHER WITH THE WEST 60.0 FEET OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 LESS THE NORTH 10.0 FEET THEREOF; LESS THE RIGHT OF WAY OF FLAVOR PICT ROAD, AS RECORDED IN O.R. BOOK 8341, PAGE 61, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND DESCRIBED AS: A PARCEL OF LAND FOR ROAD RIGHT OF WAY PURPOSES FOR FLAVOR PICT ROAD LYING IN THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 2; THENCE NORTH 89°11'04" EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 2, TO THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 2, 998.07' FEET; THENCE SOUTH 1°49'16" EAST ALONG SAID WEST LINE TO THE NORTH LINE OF THE EXISTING RIGHT OF WAY OF FLAVOR PICT ROAD AS RECORDED IN ROAD PLAT BOOK 3, PAGE 59, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING, 8.0 FEET; THENCE CONTINUE SOUTH 1°49'16" EAST ALONG SAID WEST LINE TO THE SOUTH RIGHT OF WAY LINE OF PROPOSED FLAVOR PICT ROAD, 30.70 FEET; THENCE NORTH 89°58'09" EAST ALONG SAID PROPOSED SOUTH RIGHT OF WAY LINE TO THE EAST LINE OF THE WEST 60.0 FEET OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 2, 60.02 FEET; THENCE NORTH 1°49'16" WEST ALONG SAID EAST LINE TO THE SOUTH LINE OF THE AFOREMENTIONED EXISTING RIGHT OF WAY OF FLAVOR PICT ROAD, 31.52 FEET; THENCE SOUTH 89°11'04" WEST ALONG SAID SOUTH RIGHT OF WAY LINE TO THE POINT OF BEGINNING, 60.0 FEET.

AND THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM

BEACH COUNTY, FLORIDA; LESS THE RIGHT OF WAY OF FLAVOR PICT ROAD, AS RECORDED IN O.R. BOOK 6994, PAGE 521, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND DESCRIBED AS; A PARCEL OF LAND FOR ROAD RIGHT OF WAY PURPOSES FOR FLAVOR PICT ROAD LYING IN THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 2; THENCE SOUTH 1°44'53" EAST ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, 34.13' TO THE PROPOSED SOUTH RIGHT OF WAY LINE OF FLAVOR PICT ROAD; THENCE NORTH 89°58'09" EAST ALONG SAID PROPOSED RIGHT OF WAY LINE 332.85' TO THE EAST LINE OF THE WEST 1/2 OF THE SAID NORTHEAST 1/4; THENCE NORTH 1°49'16" WEST ALONG SAID LINE 38.70' TO THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2 AND THE 40 ACRE LINE; THENCE SOUTH 89°11'04" WEST ALONG SAID NORTH LINE 332.69' TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

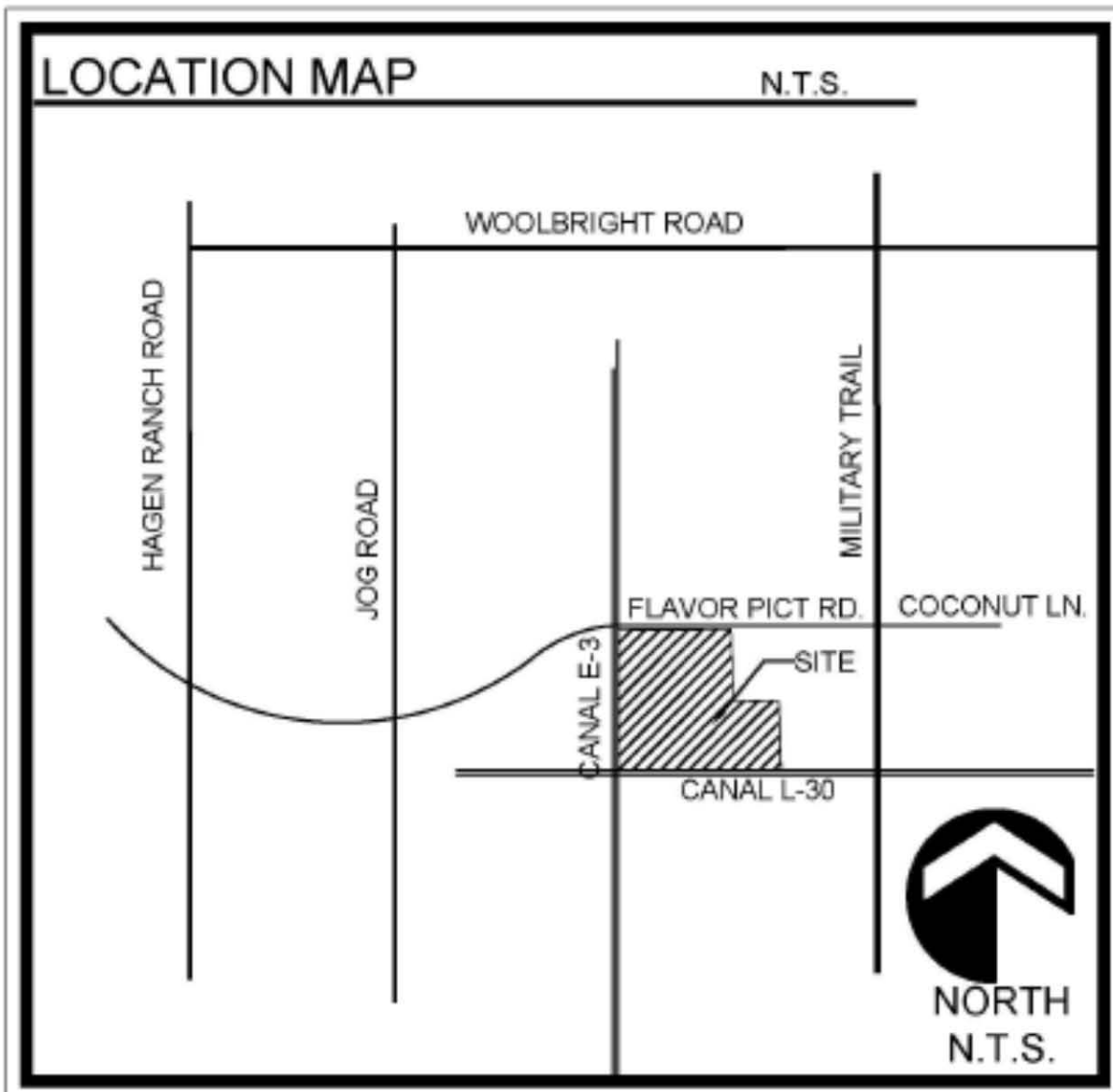


EXHIBIT C

CONDITIONS OF APPROVAL

PDD- Residential Planned Development District

ALL PETITIONS

1. The Preliminary Master Plan is dated February 19, 2015. 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. 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, 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. (DATE: MONITORING - Engineering)

2. 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. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (BLDGPM: MONITORING - Engineering)

3. The Entry Pavilion shall be restricted to an architectural feature and shall not be utilized as a security /guard house due to lack of stacking distance to Flavor Pict Road north of this feature. (ONGOING: MONITORING - Engineering)

4. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Flavor Pict Road along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one through lane in each direction must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. 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 deeds and documents. (BLDGPMPT: MONITORING - Engineering)

5. The Property Owner shall construct separate left turn lane and right turn lane, south approach on the project's entrance road at Flavor Pict 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. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering)

6. Property Owner shall construct a five (5) foot wide concrete sidewalk, six (6) foot wide if adjacent to curb, along the south side of Flavor Pict Road along the project's frontage. 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. These improvements shall be completed concurrently with the onsite paving and grading and shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering)

7. Prior to issuance of the first Certificate of Occupancy, the property owner shall submit an acceptable permit application to the Land Development Division, receive a permit and remove the existing driveway connections to Flavor Pict Road and restore the right of way, as approved by the County Engineer. (BLDGPMPT/CO: MONITORING - Engineering)

ENVIRONMENTAL

1. A Phase II Environmental Audit shall be submitted to ERM prior to DRO Site Plan approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - GENERAL

1. 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. (BLDGPMPT/ONGOING: LANDSCAPE - Zoning)

LANDSCAPE - INTERIOR

2. Prior to Final Approval by the Development Review Officer, all five (5) landscape focal points shown at the terminus of the driveway intersections shall be shown on the Regulating Plans, and shall be subject to review and approval by the Landscape Section. (DRO: LANDSCAPE - Zoning)

3. Prior to Final Approval by the Development Review Officer, a minimum of one (1) lake overlook shall be shown on the Regulating Plan, and shall be subject to review and approval by the Landscape Section. (DRO: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER

4. LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF FLAVOR PICT ROAD)

In addition to the Code requirements, landscaping and/or buffer width along the north property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. one (1) palm or pine for each for each thirty (30) linear feet of the property line. (BLDGPMPT/ONGOING: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING LWDD L-30 RIGHT OF WAY)

5. In addition to the Code requirements, landscaping and/or buffer width along the south property line shall be upgraded to include:

- a. a minimum ten (10) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. one (1) pine for each for each thirty (30) linear feet of the property line. (BLDG/PMT/ONGOING: LANDSCAPE - Zoning)

6. Existing Pines along the south property line abutting the Lake Worth Drainage District L-30 Canal shall remain on-site and shall not be mitigated. (ONGOING: LANDSCAPE - Zoning)

LAKE WORTH DRAINAGE DISTRICT

1. Based on the canal cross-sections submitted on 9/22/14, and prior to platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD, either by exclusive easement or warranty deed, the east 25 feet of the west 90 feet of the S 1/2 of the SW 1/4 of the SE 1/4 of Section 2/46/42, less lands owned by LWDD. (PLAT: ENGINEERING - Lake Worth Drainage District)

2. Prior to platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD, either by exclusive easement or warranty deed, the east 35 feet of the west 75 feet of the NW 1/4 of the SW 1/4 of the SE 1/4 of Section 2/46/42, less lands owned by LWDD. (PLAT: ENGINEERING - Lake Worth Drainage District)

3. Prior to platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD, either by exclusive easement or warranty deed, the north 25 feet of the south 105 feet of Section 2/46/42 for a distance of the west 500 feet of the parcel and also the north 5 feet of the south 85 feet of Section 2/46/42 for the remainder of the parcel along the L-30 Canal. (PLAT: ENGINEERING - Lake Worth Drainage District)

PLANNED DEVELOPMENT

1. Prior to Final Approval by the Development Review Officer, the Subdivision and Regulating Plans shall be revised to indicate upgraded recreation amenities within the neighborhood park and the open space amenity on the south portion of the site. These additional amenities shall:

- a. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paving blocks, or other improved surface;
- b. include a minimum of two (2) pedestrian benches;
- c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
- d. include a minimum of one (1) pet waste station; and,
- e. details for all items indicated above shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning)

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)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10 feet by 15 feet public 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 public school 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)

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: ZONING - Zoning)

DISCLOSURE

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