

RESOLUTION NO. R-2015- 1352

RESOLUTION APPROVING ZONING APPLICATION PDD/R-2015-00755
(CONTROL NO. 2005-00506)

an Official Zoning Map Amendment to a Planned Development District
APPLICATION OF Providence I Investments LLC
BY Wantman Group Inc., AGENT
(Providence Living in Delray Beach)

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) (UDLC), have been satisfied;

WHEREAS, Zoning Application PDD/R-2015-00755 was presented to the Board of County Commissioners at a public hearing conducted on September 24, 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 ULDC 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 ULDC 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 ULDC 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/R-2015-00755, the application of Providence I Investments LLC, by Wantman Group Inc., Agent, for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from Agriculture 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 24, 2015 subject to the Conditions of Approval 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 Abrams and, upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared that the resolution was duly passed and adopted on September 24, 2015.

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

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

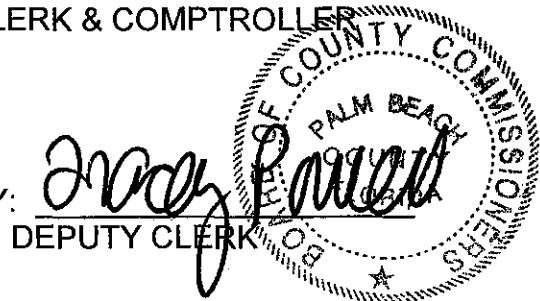
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

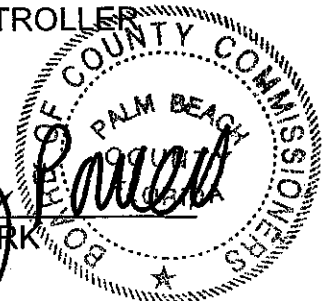


EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1:

The East 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 14, Township 46 South, Range 42 East, in Palm Beach County, Florida, LESS the south 500 feet thereof, and LESS the north 12.5 feet for road right-of-way, and LESS the east 40 feet for the E-3 Canal right-of-way, and LESS the west 40.00 feet of the east 120 feet thereof for road right-of-way.

PARCEL 2:

The north 125 feet of the south 500 feet of the East 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 14, Township 46 South, Range 42 East, in Palm Beach County, Florida, LESS the east 80 feet for the E-3 Canal right-of-way, and LESS the west 40.00 feet of the east 120 feet thereof for road right-of-way.

PARCEL 3:

The north 125 feet of the south 375 feet of the East 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 14, Township 46 South, Range 42 East, in Palm Beach County, Florida, LESS the east 40 feet for the E-3 Canal right-of-way, and LESS the west 80.00 feet of the east 120 feet thereof for road right-of-way.

PARCEL 4:

The West 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4, LESS the north 12.5 feet for road right-of-way, of Section 14, Township 46 South, Range 42 East, in Palm Beach County, Florida.

Said lands situate in Palm Beach County, Florida and containing 329,712 square feet (7.57 acres) more or less.

EXHIBIT B
VICINITY SKETCH

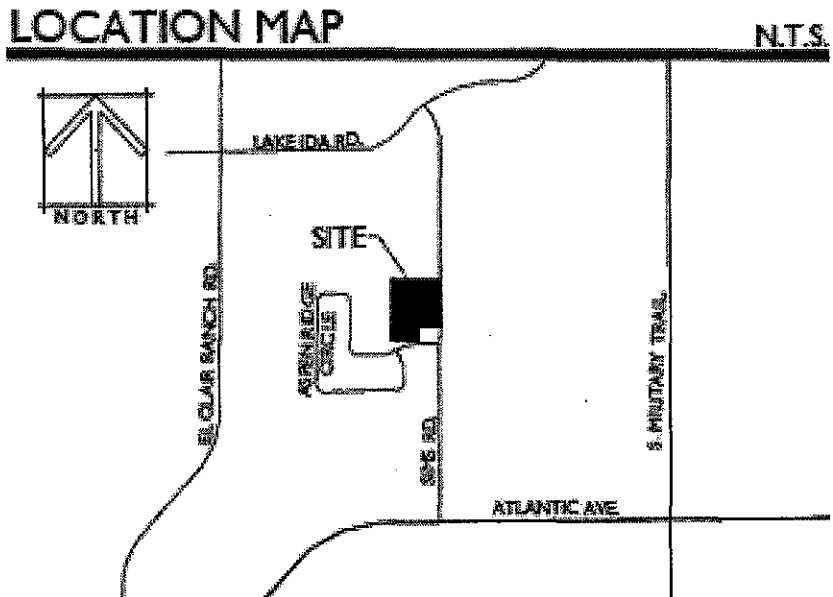


EXHIBIT C

CONDITIONS OF APPROVAL

PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Master Plan is dated July 9, 2015 and the Preliminary Regulating Plan is dated June 22, 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 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, 2020. 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 combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

3. The Property Owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for:

Frost Lane, twenty five (25) feet, measured from centerline of the proposed right of way on an alignment approved by the County Engineer

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering)

4. The Property Owner shall fund the construction plans and construction of Frost Lane from the west limits of the property to Sims Road to be consistent with Palm Beach County standards for a fifty (50) right of way local street, or as approved 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. Permits required for Improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

5. Property Owner shall construct a five (5) foot concrete sidewalk along both sides of Frost Lane and the west side of Sims Road along the property's north and east sides, or as approved by the County Engineer. 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 building permit. (BLDGPMT: MONITORING - Engineering)

LANDSCAPE - GENERAL

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall indicate, along with other buffer requirements, a Type 2 Incompatibility Buffer along the interior of the recreation pod. The buffer must be 15 feet in width and consist of a six foot high barrier, two rows of shrubs, and trees planted 20 feet on center. (DRO: ZONING - Zoning)

2. Prior to the issuance of a Building Permit, the Property Owner shall submit a 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. (BLDGPMT: BUILDING DIVISION - Zoning)

PLANNED DEVELOPMENT

1. Prior to Final Approval by the Development Review Officer, the Master Plan shall be revised to remove any indication of interior driveways and sidewalks from the Master Plan and relocate the Frost Lane access 90 feet east of the western property line. (DRO: ZONING - Zoning)

2. Prior to Final Approval by the Development Review Officer, the Site Plan shall be revised to relocate the service and emergency access along Frost Lane. The centerline of the access shall be a minimum of 90 feet east of the western property line. (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; 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.