

RESOLUTION NO. R-2015- 1545

RESOLUTION APPROVING ZONING APPLICATION PDD-2015-00746  
(CONTROL NO. 2014-00194)

an Official Zoning Map Amendment for a Planned Development District  
APPLICATION OF Verzaal Family Ltd Partnership, Preferred Realty and Development  
BY Cotleur & Hearing, Inc., AGENT  
(Orchid Bend )

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) (ULDC), have been satisfied;

WHEREAS, Zoning Application PDD-2015-00746 was presented to the Board of County Commissioners at a public hearing conducted on October 22, 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-2015-00746, the application of Verzaal Family Ltd Partnership, Preferred Realty and Development, by Cotleur & Hearing, Inc., Agent, for an Official Zoning Map Amendment for a Planned Development District to allow a rezoning from the 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 October 22, 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 Abrams and, upon being put to a vote, the vote was as follows:

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	- Absent
Commissioner Priscilla A. Taylor	- Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on October 22, 2015.

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

DESCRIPTION: PARCEL 1

A PORTION OF SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 46 SOUTH, RANGE 42 EAST. LESS THE WEST 40.00 FEET THEREOF. PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

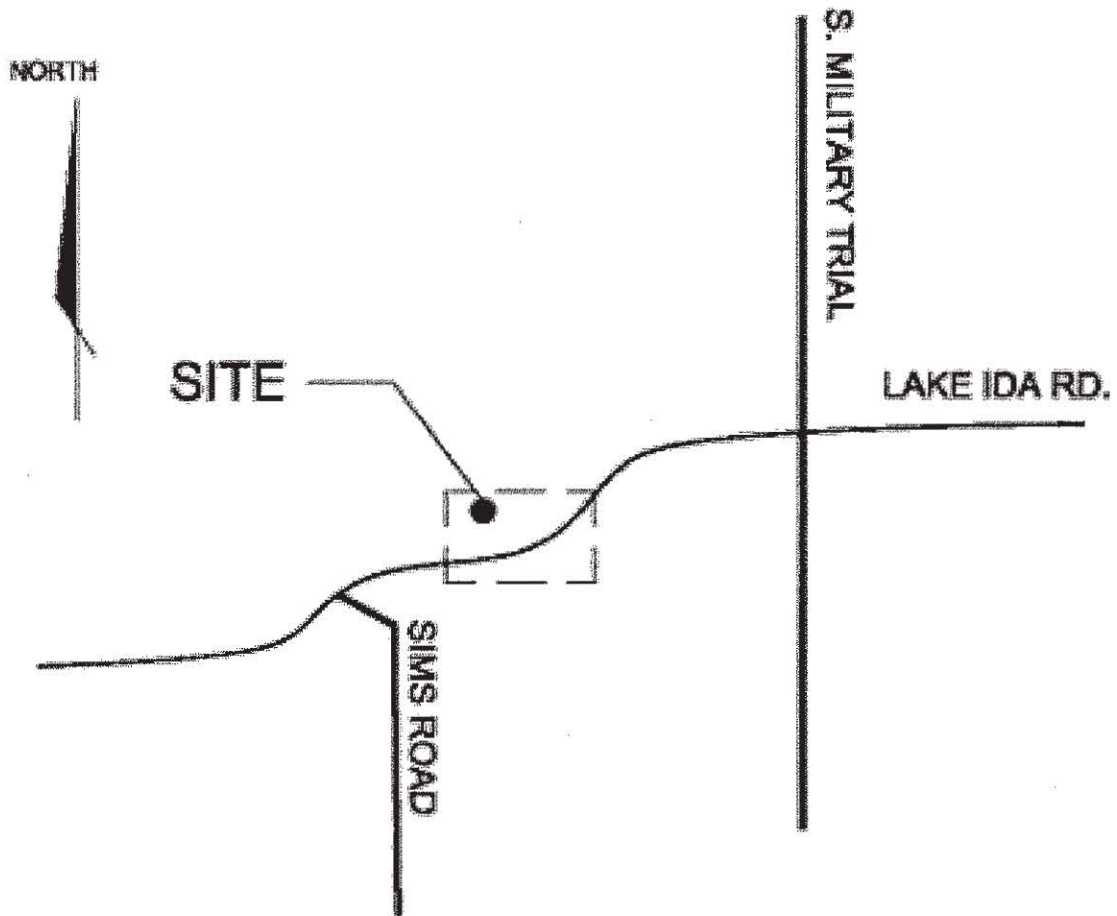
COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF "HIGH POINT OF DELRAY WEST", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 42, AT PAGE 180 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH A LINE 40.00 FEET EAST OF THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 11, SAID LINE BEING THE EAST LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E—3; THENCE RUN NORTH 89°09'42" EAST ALONG SAID NORTH LINE OF "HIGH POINT OF DELRAY WEST" FOR A DISTANCE OF 160.89 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 83°18'53" EAST FOR A DISTANCE OF 583.59 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 640.00 FEET, THROUGH A CENTRAL ANGLE OF 23°52'42", FOR AN ARC DISTANCE OF 266.72 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 59°26'11" EAST FOR A DISTANCE OF 48.53 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 700.00 FEET, THROUGH A CENTRAL ANGLE OF 21°43'59", FOR AN ARC DISTANCE OF 265.52 FEET TO A POINT IN THE NORTH LINE OF THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 11; THENCE RUN NORTH 89°11'35" EAST ALONG SAID NORTH LINE FOR A DISTANCE OF 58.14 FEET TO A POINT; THENCE RUN SOUTH 00°22'55" EAST ALONG THE EAST LINE OF THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 11 FOR A DISTANCE OF 336.11 FEET TO A POINT; THENCE RUN SOUTH 89°09'42" WEST ALONG THE SOUTH LINE OF THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 11 FOR A DISTANCE OF 1130.72 FEET TO THE POINT OF BEGINNING, CONTAINING 113,454 SQUARE FEET OR 2.6045 ACRES MORE OR LESS.

TOGETHER WITH: DESCRIPTION: PARCEL 2

A PORTION OF THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 46 SOUTH, RANGE 42 EAST, LESS THE WEST 40.00 FEET THEREOF. PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF "HIGH POINT OF DELRAY WEST" ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 42, AT PAGE 180 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH A LINE 40.00 FEET EAST OF THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 11, SAID LINE BEING THE EAST LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-3; THENCE RUN NORTH  $00^{\circ}25'07''$  WEST ALONG SAID EAST LINE FOR A DISTANCE OF 316.82 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH  $00^{\circ}25'07''$  WEST FOR A DISTANCE OF 20.00 FEET TO A POINT; THENCE RUN NORTH  $89^{\circ}11'35''$  EAST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 11 FOR A DISTANCE OF 1,100.80 FEET TO A POINT; THENCE RUN SOUTH  $33^{\circ}00'02''$  WEST FOR A DISTANCE OF 1.99 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 150.00 FEET, THROUGH A CENTRAL ANGLE OF  $08^{\circ}51'37''$  FOR AN ARC DISTANCE OF 23.20 FEET TO A POINT OF COMPOUND CURVATURE; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID COMPOUND CURVE, HAVING A RADIUS OF 560.00 FEET, THROUGH A CENTRAL ANGLE OF  $41^{\circ}27'14''$  FOR AN ARC DISTANCE OF 405.16 FEET TO A POINT OF TANGENCY; THENCE RUN SOUTH  $83^{\circ}18'53''$  WEST FOR A DISTANCE OF 258.90 FEET TO A POINT; THENCE RUN NORTH  $00^{\circ}48'25''$  WEST FOR A DISTANCE OF 203.89 FEET TO A POINT; THENCE RUN SOUTH  $89^{\circ}11'35''$  WEST FOR A DISTANCE OF 473.53 FEET TO THE POINT OF BEGINNING, CONTAINING 112,013 SQUARE FEET, OR 2.5715 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 and Regulating Plans are dated July 27, 2015 and June 22, 2015 respectively. 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, 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 legal lot(s) of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

3. Prior to issuance of the first building permit, the Property Owner shall provide temporary construction easements along both sides of lake Ida Road along the property frontage as required by the County Engineer. (BLDGPM: MONITORING - Engineering)

4. 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, 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 Lake Ida Road, fifty-five (55) 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/ONGOING:

## MONITORING - Engineering)

5. Prior to DRO approval, the Property Owner shall provide Line of Sight Easements where the line of sight is outside of the ultimate right of way. The line of sight shall be determined in accordance with Chapter 3.C.9.b.1 and Figures 3-7 and 3-8 of the Florida Department of Transportation's Manual of Uniform Minimum Standards For Design, Construction and Maintenance For Streets and Highways, 2013 Edition or as updated, commonly known as the "Florida Greenbook". The line of sight shall be based on the ultimate 6 lane design of Lake Ida Road. (DRO: ENGINEERING - Engineering)

## 6. Major Thoroughfare Road Disclosure

a. Prior to the recordation of the first plat, the Property Owner shall include in the homeowners documents and all sales contracts, as well as all sales brochures, Master Plans and related Site Plans a disclosure statement identifying Lake Ida Road as a planned thoroughfare roadway adjacent to or through this property. This shall also include the ultimate number of lanes for the road(s). Information which appears in written form shall appear in bold print. (PLAT: MONITORING - Engineering)

b. The Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before December 31, 2016, and shall continue on an annual basis until all units within the development have been sold or the Property Owner relinquishes control to the homeowners association. (DATE/ONGOING: 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 - PERIMETER-LANDSCAPING ALONG LAKE IDA ROAD AND PERIMETER PROPERTY LINES

1. In addition to the Code requirements, landscaping shall be upgraded to include:

a. one (1) palm or pine for each for each thirty (30) linear feet of the property line. (ONGOING: ZONING - Zoning)

## LANDSCAPE - PERIMETER-NORTH AND SOUTH PROPERTY LINE

2. In addition to Code requirements, the fifteen (15) foot compatible buffer along the north and south property line shall include a six (6) foot vinyl coated chain link fence. (ONGOING: ZONING - Zoning)

## LANDSCAPE - PERIMETER-EAST PROPERTY LINE

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

a. a fifteen (15) foot wide Right-of-Way buffer on the northern 196 feet, and a twenty (20) foot wide Right-of-Way buffer along the southern 140 feet; and,

b. a six (6) foot high vinyl coated chain link fence. (ONGOING: ZONING - Zoning)

## LAKE WORTH DRAINAGE DISTRICT

1. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall convey the western 20 foot by 20 foot area, located on the east side of the E-3 Canal, to Lake Worth Drainage District either by warranty deed or easement. (DRO: ENGINEERING – Lake Worth Drainage District)

## PLANNING

1. Prior to the issuance of the first Building Permit, the property owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

Guarantees the attainability of all required workforce units required per ULDC Article 5.G. These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle) consistent with the requirements in ULDC Article 5.G. The site plan shall also be modified to include the OR Book and Page of the recorded document and provide a copy of the revised site plan to Planning. (BLDGPM: MONITORING - Planning)

2. On an annual basis, beginning November 1, 2018, or as otherwise stipulated in the Declaration of Restrictive Covenants, the owner of the WHP unit shall submit to the Planning Director, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WHP and a copy of any monitoring information provided to and received from the appropriate funding agency/source. (DATE/ONGOING: MONITORING - Planning)

### **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.