

RESOLUTION NO. R-2016- 0136

RESOLUTION APPROVING ZONING APPLICATION ZV/Z/DOA-2015-01385
(CONTROL NO. 2012-00650)
an Official Zoning Map Amendment
APPLICATION OF AMKBJ Partners LTD LLLP, TLH 29 Anwar LLC, TLH 35 Bac
Pioneer LLC
BY Wantman Group Inc., AGENT
(Pioneer Royale)

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 ZV/Z/DOA-2015-01385 was presented to the Board of County Commissioners at a public hearing conducted on January 28, 2016;

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 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 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 of the ULDC; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the 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 ZV/Z/DOA-2015-01385, the application of AMKBJ Partners LTD LLLP, TLH 29 Anwar LLC, TLH 35 Bac Pioneer LLC, by Wantman Group Inc., Agent, for an Official Zoning Map Amendment to allow a rezoning from Agricultural Residential (AR), Residential Estate (RE), and Residential Transitional (RT) Zoning Districts to the Residential Single-family (RS) Zoning District with a Conditional Overlay Zone (COZ), 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 January 28, 2016 subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McKinlay 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 Mary Lou Berger, Mayor	- Aye
Commissioner Hal R. Valeche, Vice Mayor	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Shelley Vana	- 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 January 28, 2016.

Filed with the Clerk of the Board of County Commissioners on February 8th, 2016.

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

THE EAST 2/3 OF THE SOUTH 1/2 OF TRACT 2, BLOCK 11, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SUBJECT TO AN EASEMENT OVER THE SOUTH 20 FEET THEREOF; AND TOGETHER WITH AN EASEMENT OVER THE SOUTH 20 FEET OF THE WEST 1/3 OF SAID TRACT 2 AND OVER THE WEST 20 FEET OF TRACT 15, BLOCK 11, PALM BEACH FARMS CO., PLAT NO. 3.

TOGETHER WITH:

THE SOUTH HALF OF TRACT 3, EXCEPT THE WEST 2/3 THEREOF AND THE SOUTH HALF OF TRACT 2, EXCEPT THE EAST 2/3 THEREOF, ALL IN BLOCK 11, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. TOGETHER WITH AN EASEMENT OVER THE WEST 20 FEET OF TRACT 15, BLOCK 11, THE PALM BEACH FARMS CO. PLAT NO. 3.

TOGETHER WITH:

TRACT 14, IN BLOCK 11, OF PALM BEACH FARMS CO., PLAT NO. 3, LESS THE SOUTH 18.00 FEET FOR PIONEER ROAD RIGHT-OF-WAY; ALSO THE WEST 20 FEET OF TRACT 15, BLOCK 11, OF SAID PLAT, LESS THE SOUTH 18.00 FEET FOR SAID RIGHT-OF-WAY, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE EAST 213.33 FEET OF TRACT 15, BLOCK 11, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 18 FEET THEREOF FOR ROAD RIGHT-OF-WAYS AS RECORDED IN DEED BOOK 951, AT PAGE 297, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 1: THE WEST 1/2 OF THE 213.33 FEET OF TRACT 15, BLOCK 11, LYING JUST EAST OF THE WEST 233.34 FEET OF TRACT 15, BLOCK 11, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 18 FEET THEREOF FOR ROAD RIGHT-OF-WAY PER INSTRUMENT RECORDED IN DEED BOOK 951, PAGE 297.

AND

PARCEL 2: THE EAST 1/2 OF THE 213.33 FEET OF TRACT 15, BLOCK 11, LYING JUST EAST OF THE WEST 233.34 FEET OF TRACT 15, BLOCK 11, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 18 FEET THEREOF FOR ROAD RIGHT-OF-WAY PER INSTRUMENT RECORDED IN DEED BOOK 951, PAGE 297.

SUBJECT TO EASEMENTS RESTRICTIONS AND RESERVATIONS OF RECORD AND TAXES FOR THE YEAR 2015 AND THEREAFTER.

THE ABOVE DESCRIBED PARCELS OF LAND CONTAINS 22.943 ACRES OR 399,382 SQUARE FEET, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

N.T.S.

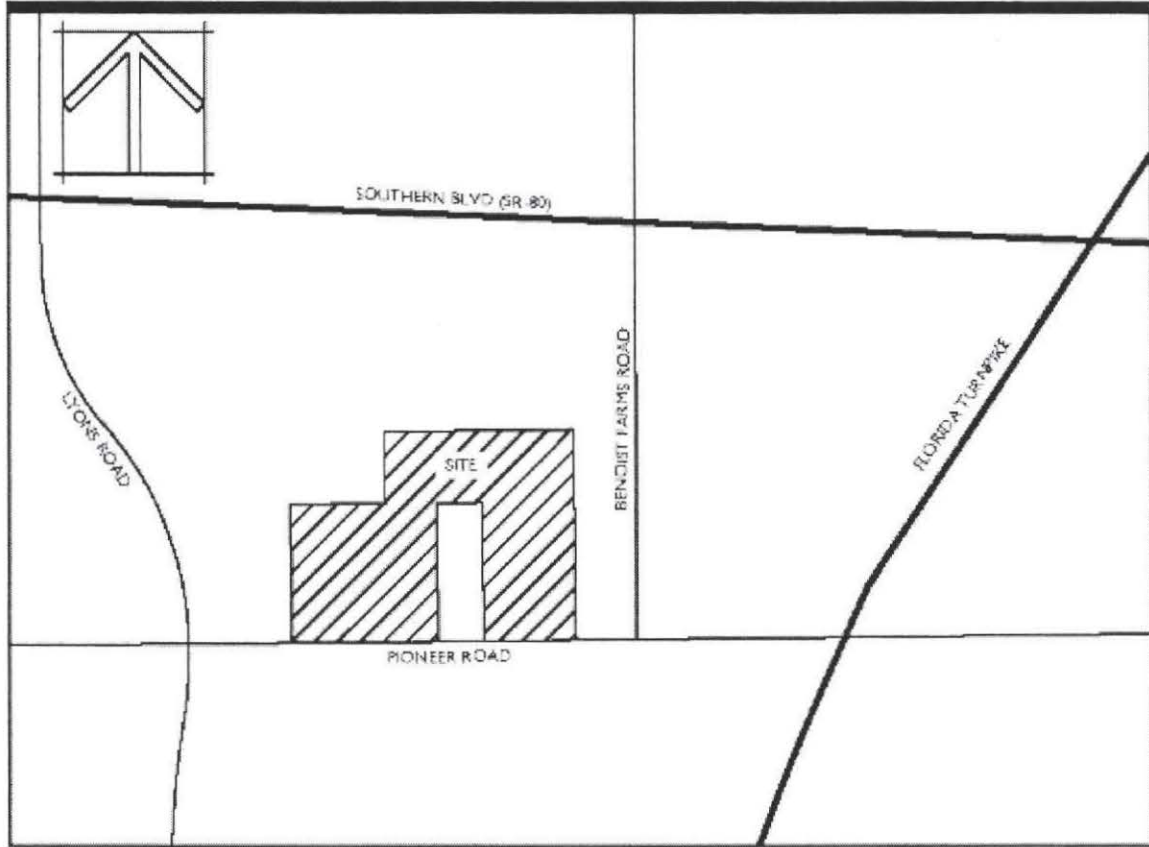


EXHIBIT C

CONDITIONS OF APPROVAL

Official Zoning Map Amendment

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property as contained in Resolution R-2013-01526 (Control Number 2012-00650) and R-2008-0918 (Control No 1979-00124), are hereby revoked. (ONGOING: MONITORING - Zoning)

2. The Preliminary Subdivision and Regulating Plans are dated December 1, 2015 and November 12, 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 ULDC 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 DRO approval the Property Owner shall provide a drainage study that identifies and addresses any historic off site drainage that may have occurred into this site from surrounding lots. These inflows from surrounding lots must be addressed in the drainage design. (DRO: MONITORING - Engineering)

3. 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)

4. Prior to issuance of the first building permit, the Property Owner shall include in the plat, all residual parcels created by the subdivision, in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

5. Prior to issuance of the first building permit, the Property Owner shall abandon all easements in conflict with proposed improvements. (BLDGPM: MONITORING - Engineering)

6. Prior to recordation of the plat, the Property Owner shall record an access easement to the adjacent Property Owners. (PLAT: MONITORING - Engineering)

7. Prior to recordation of the plat, the Property Owner shall provide consent from Florida Power and Light (FPL) to allow drainage, roadways, paths, berms, utilities, and other improvements within the FPL easement. (PLAT: MONITORING - Engineering)

8. The Property Owner shall construct a west approach, right turn lane on Pioneer Road at Marginal 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 and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

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

9. In order to obtain legal positive drainage outfall, the Property Owner shall construct a roadway drainage system from the property frontage along Marginal Road, eastward to the Lake Worth Drainage District E-2 Canal.

This construction shall be concurrent with the paving and drainage improvements for the site. The drainage system shall be designed to have capacity for the project, for Pioneer Road, and for individual lots fronting on Pioneer Road. 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 from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM/CO: MONITORING - Engineering)

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

10. Prior to issuance of the first Certificate of Occupancy, the Property Owner shall receive approval for and construct a minimum of a 5 foot wide sidewalk from the westernmost property line to the easternmost property line within Pioneer Road right of way. (BLDGPM/CO: MONITORING - Engineering)

ENVIRONMENTAL

1. Incorporate existing native trees and under-story into the site plan and label them. If this cannot be accomplished, documentation describing why the trees cannot be incorporated shall be necessary. Tree surveys shall only include the native trees of 6 inches and greater. Labeling shall include the location of the native vegetation, tag number, species and Diameter at Breast height (DBH). (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - GENERAL

1. Prior to Final Subdivision Plan approval by the Development Review Officer (DRO) the Applicant shall update the Tree Inventory Plan and Chart to state the disposition of all the trees described on the Plan. The Property Owner shall work with ERM and Zoning Division to ensure the maximum amount of vegetation is preserved, relocated and mitigate/replaced on site before mitigating off-site or cashed out. (DRO: ZONING - Environmental Resources Management)

LANDSCAPE - PERIMETER-SOUTH PROPERTY LINE (PIONEER ROAD)

2. The Right-of Way buffer east of Voukoun Drive shall be a minimum of 44 feet in width with a maximum of 5 foot easement overlap. The buffer width shall incorporate preserved trees as indicated on the Preliminary Subdivision Plan dated. (DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER-EAST PROPERTY LINE

3. The Compatibility buffer shall be updated to be a minimum of 20 feet in width.
a. A six (6) foot high fence shall be installed in the eastern buffer starting from the south property and ending at the northern easement line of the 160 foot Florida Power and Light (FP&L) Easement. If an easement release from FP&L can not be obtained to allow the 6 foot high fence to traverse through the easment, the fence shall end at the southern line of that easment, adjacent to Lot 22. (DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER-WEST PROPERTY LINE (NORTH AND SOUTH OF THE 160 FOOT FPL EASEMENT)

4. The Compatibility buffer shall be updated to be a minimum of 20 feet in width. (DRO: ZONING - Zoning)

PLANNING

1. Prior to the issuance of the first residential Building Permit, the Applicant shall submit payment to the Department of Economic Sustainability(DES) and a copy of a receipt for that payment to the Planning Division in the amount of \$81,500 (1 units at \$81,500 per WHP unit). (BLDGPM/CO: 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)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10' by 15' 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 shall be the responsibility of the residential Property Owner. (CO: MONITORING School Board.) (CO: MONITORING - School Board)

SITE DESIGN

1. Prior to final plan approval by the Development Review Officer (DRO), the Final Subdivision Plan shall be revised to make the eastern access ingress/egress point emergency access only, designed in compliance with all Land Development, Zoning, and Fire regulations, including but not limited to a gate with a Knox-key switch system, or other system acceptable by Fire Rescue, that shall be provided, on both sides of the gate, that will simultaneously open the gate or traffic arms. (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 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.