

RESOLUTION APPROVING ZONING APPLICATION ABN/Z/CA-2015-01717  
(CONTROL NO. 2003-00061)  
a Class A Conditional Use  
APPLICATION OF TLH-38 Purdy, LLC, K Angelocci Realty LLC  
BY Wantman Group Inc., AGENT  
(Purdy 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 pursuant to 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 ABN/Z/CA-2015-01717 was presented to the Board of County Commissioners at a public hearing conducted on April 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 hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Class A Conditional Use;

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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; 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 ABN/Z/CA-2015-01717, the Application of TLH-38 Purdy, LLC, K Angelocci Realty LLC, by Wantman Group Inc., Agent, for a Class A Conditional Use to allow Zero Lot Line units, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on April 28, 2016, subject to the Conditions of Approval described in

EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

The motion was seconded by Commissioner Valeche 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 April 28, 2016.

Filed with the Clerk of the Board of County Commissioners on May 6th, 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

#### LEGAL DESCRIPTION PER TITLE POLICY:

##### PARCEL 1:

THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE EAST ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 44 SOUTH, RANGE 42 EAST, BEING A PART OF LOTS 21 TO 24, INCLUSIVE OF MODEL LAND COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 5, PAGE 78. LESS AND EXCEPT THE RIGHT-OF-WAY OF PURDY LANE AND ALSO LESS AND EXCEPT THE RIGHT-OF-WAY OF THE LAKE WORTH DRAINAGE DISTRICT L-9 CANAL.

##### PARCEL 2:

THE NORTH 464 FEET OF THE EAST 138 FEET OF THE WEST 1/2 OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE RIGHT-OF-WAY OF PURDY LANE.

##### PARCEL 3:

THE EAST 138 FEET OF THE SOUTH 36 FEET OF THE NORTH 500 FEET OF THE WEST 1/2 OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

##### PARCEL 4:

THE WEST 1/2 OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE NORTH 500.0 FEET OF THE EAST 138.0 FEET, THEREOF. ALSO LESS AND EXCEPT THE RIGHT-OF-WAY OF PURDY LANE AND ALSO LESS AND EXCEPT THE RIGHT-OF-WAY OF THE LAKE WORTH DRAINAGE DISTRICT L-9 CANAL.

ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS FROM PARCEL 4 ABOVE:

##### PARCEL B:

FROM THE NORTHEAST CORNER OF TRACT 21 OF THE MODEL LAND COMPANY SUBDIVISION OF SECTION 14, TOWNSHIP 44 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 5, PAGE 78 IN PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS, RUN SOUTH 89°31'20" WEST ALONG THE NORTH LINE OF SAID TRACT 21, 470.12 FEET TO A POINT; THENCE SOUTH 0° 2' 30" EAST A DISTANCE OF 280 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 0° 2'30" EAST A DISTANCE OF 110 FEET TO A POINT; THENCE WEST A DISTANCE OF 97.35 FEET TO A POINT; THENCE NORTH A DISTANCE OF 110 FEET TO A POINT; THENCE EAST A DISTANCE OF 97.27 FEET TO THE POINT OF BEGINNING. LESS THEREFROM THE WEST 15 FEET FOR ROADWAY PURPOSES.

##### PARCEL C:

PART OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF MODEL LAND CO. SUBDIVISION OF SECTION 14, TOWNSHIP 44 SOUTH, RANGE 42 EAST, LESS THE NORTH 500 FEET OF THE EAST 138 FEET THEREOF ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA IN PLAT BOOK 5, PAGE 78, PALM BEACH COUNTY, PUBLIC RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTHERLY ALONG THE EAST LINE OF THE ABOVE DESCRIBED PROPERTY, A DISTANCE OF 500.0 FEET; THENCE WESTERLY PARALLEL WITH THE NORTH LINE OF THE ABOVE DESCRIBED PROPERTY, A DISTANCE OF 138 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING, CONTINUE WESTERLY ALONG THE SAME COURSE A DISTANCE OF 97.43 FEET; THENCE NORTHERLY PARALLEL WITH THE WEST LINE OF THE ABOVE DESCRIBED PROPERTY A DISTANCE OF 110 FEET; THENCE EASTERLY PARALLEL WITH THE WESTERLY COURSE OF AFORE-DESCRIBED, A DISTANCE OF 97.35 FEET; THENCE SOUTHERLY ALONG THE EAST LINE OF THE ABOVE DESCRIBED PROPERTY A DISTANCE OF 110 FEET TO THE POINT OF BEGINNING.

##### PARCEL D:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 14, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE RUNNING SOUTH 2° 13' 57" W ALONG THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 1300.85 FEET TO THE CENTER LINE OF PURDY LANE AS LAID OUT AND IN USE; THENCE SOUTH 88°07'33" WEST; ALONG THE CENTER LINE OF SAID PURDY LANE AND PARALLEL TO THE NORTH LINE OF THE SOUTH ONE HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF SAID SECTION 14, A DISTANCE OF 2001.98 FEET; THENCE SOUTH 2° 25' 12" WEST A DISTANCE OF 270.74 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 2° 25' 12" WEST A DISTANCE OF 110 FEET; THENCE SOUTH 88°13' 10" EAST A DISTANCE OF 97 FEET; THENCE N 2° 25' 12" EAST A DISTANCE OF 110 FEET; THENCE SOUTH 88° 13'10" WEST A DISTANCE OF 97 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT THE RIGHT-OF-WAY FOR WESTWOOD ROAD AS NOW LAID OUT AND IN USE AND AS DESCRIBED IN DEEDS RECORDED IN O.R. BOOK 2730, PAGE 1808; O.R. BOOK 2730, PAGE 1811; O.R. BOOK 2730, PAGE 1830; O.R. BOOK 2730, PAGE 1832; O.R. BOOK 2730, PAGE 1834 AND O.R. BOOK 2771, PAGE 688, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOTAL AREA CONTAINING 593,196.81 SQUARE FEET OR 13.618 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Conditional Use Class A

##### ALL PETITIONS

1. The approved Preliminary Subdivision Plan is dated February 11, 2016 and Preliminary Regulating Plan is dated February 11, 2016. 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 Article 2, Section E of the Unified land Development Code. (DATE: MONITORING - Engineering)

2. Prior to issuance of the first building permit, the Property Owner shall configure the property and any residual parcels into legal lots of record in accordance with the provisions of Article 11 of the Unified Land Development Code. This includes any residual parcels created by the subdivision.. (BLDGPM: MONITORING - Engineering)

3. Prior to reconfiguration of the property into a legal lot of record, the Property Owner shall abandon the existing 30 foot right of way. (PLAT: MONITORING - Engineering)

4. Prior to reconfiguration of the property into a legal lot of record, the Property Owner shall abandon / release the 130 foot reservation at the southeast corner of the site.. (PLAT: MONITORING - Engineering)

5. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. The drainage study shall be provided to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: MONITORING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first Building Permit, whichever shall occur first. (BLDGPM: MONITORING - Engineering)

6. The Property Owner shall fund the construction plans and construction of Westwood Road from the southern terminus to Purdy Lane to be consistent with Palm Beach County standards for a 50 foot right of way local street. 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 (BLDGPM: MONITORING - Engineering)

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

7. The Property Owner shall fund the construction plans and the construction of a storm water drainage system within Westwood Road. The drainage system shall be sized to accommodate the roadway and all adjacent properties. This construction shall be concurrent with the paving and drainage improvements for the site.

a. Permits required for Improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDGPMPT: MONITORING - Engineering)

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

8. 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 Westwood Road and Purdy Lane along the property frontage; and a maximum of an additional 800 feet of Purdy Lane. 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 road section(s) of the included segment. Specifically, one through lane 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)

9. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall remove all driveways that are not a part of the final approved access points. (BLDGPMPT/CO: MONITORING - Engineering)

#### **LANDSCAPE - GENERAL**

1. Prior to Final Approval by the Development Review Officer (DRO):

a. The Property Owner shall submit an Alternative Landscape Plan (ALP) to the Landscape Section for review and approval to be generally consistent with the Preliminary Subdivision Plan submitted on February 11, 2016

b. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein and shall account for all preserved and mitigated trees.

c. The property Owner shall meet with Landscape Staff to ensure that the maximum amount of existing native is incorporated into the final site design.

(DRO/ONGOING: ZONING - Zoning)

2. At time of Final DRO, the Property Owner shall submit Landscape Plan(s) to the Landscape Section for review and approval. The Plan(s) and/or supporting documents shall demonstrate the Preserve vegetation will meet or exceed the Unified Land Development Code requirements. Additional native vegetation may be relocated or added to preserve areas to meet the intent of this condition. (DRO: ZONING - Zoning)

3. All existing trees to remain in the affected area (including canopy trees, pines or palms) are required to be protected with tree barriers during all stages of construction. Permanent tree protection devices including, but not limited to: tree wells, retaining walls, shall be installed for the preservation of trees. All protecting devices must be illustrated on the FRP. (ONGOING: ZONING - Zoning)

4. A landscaping inspection shall be completed prior to the issuance of any tree removal or building permits to ensure preserved trees are properly marked and protection devices are installed (BLDGPMT/ONGOING: ZONING - Zoning)

#### **LANDSCAPE - PERIMETER**

5. Prior to Final Approval by the DRO, the property Owner shall provide:

a. mitigated trees between twelve (12) and eighteen (18) feet in height within a eight (8) wide area of the Lake Maintenance Easement; and

b. mitigated trees between twelve (12) and eighteen (18) feet in height within the ten (10) wide slope area between the Lake Maintenance Easement and Lake Surface Area.

(DRO/ONGOING: ZONING - Zoning)

6. Prior to Final Approval by (DRO), the Property Owner shall incorporate to the ALP street trees between twelve (12) and eighteen (18) feet in height within the eight (8) foot grass area along the internal Right of Way. All the proposed trees must be the same height. (DRO: ZONING - Zoning)

7. Prior to Final Approval by DRO, the Property Owner shall incorporate a minimum of thirty (30) percent of the mitigated trees in the ALP (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 unit at \$81,500 per WHP unit). (BLDGPMT: 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" by 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 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 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.