

RESOLUTION NO. R-2017-1640

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2016-01831
(CONTROL NO. 2003-30038)
a Class A Conditional Use
APPLICATION OF Betsalel Lazar
BY WGI, AGENT
(Aladdin Residential)

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 Z/CA-2016-01831 was presented to the Board of County Commissioners at a public hearing conducted on October 26, 2017;

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, 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, 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 Z/CA-2016-01831, the Application of Betsalel Lazar, by WGI, 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 October 26, 2017, 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 Berger and, upon being put to a vote, the vote was as follows:

Commissioner Paulette Burdick, Mayor	-	Aye
Commissioner Melissa McKinlay, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Dave Kerner	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 26, 2017.

Filed with the Clerk of the Board of County Commissioners on November 7th, 2017.

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

That certain piece or tract of land lying, being and situate in Palm Beach County, Florida, more particularly described as the Easterly 265.00 feet of the Westerly 874.10 feet of the Southerly 220.61 feet of the Southwest 1/4 of the Southwest 1/4 of Section 18, Township 45 South, Range 43 East, Palm Beach County, Florida.

Containing 57926 square feet, or 1.32980 acres more or less.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

N.T.S.

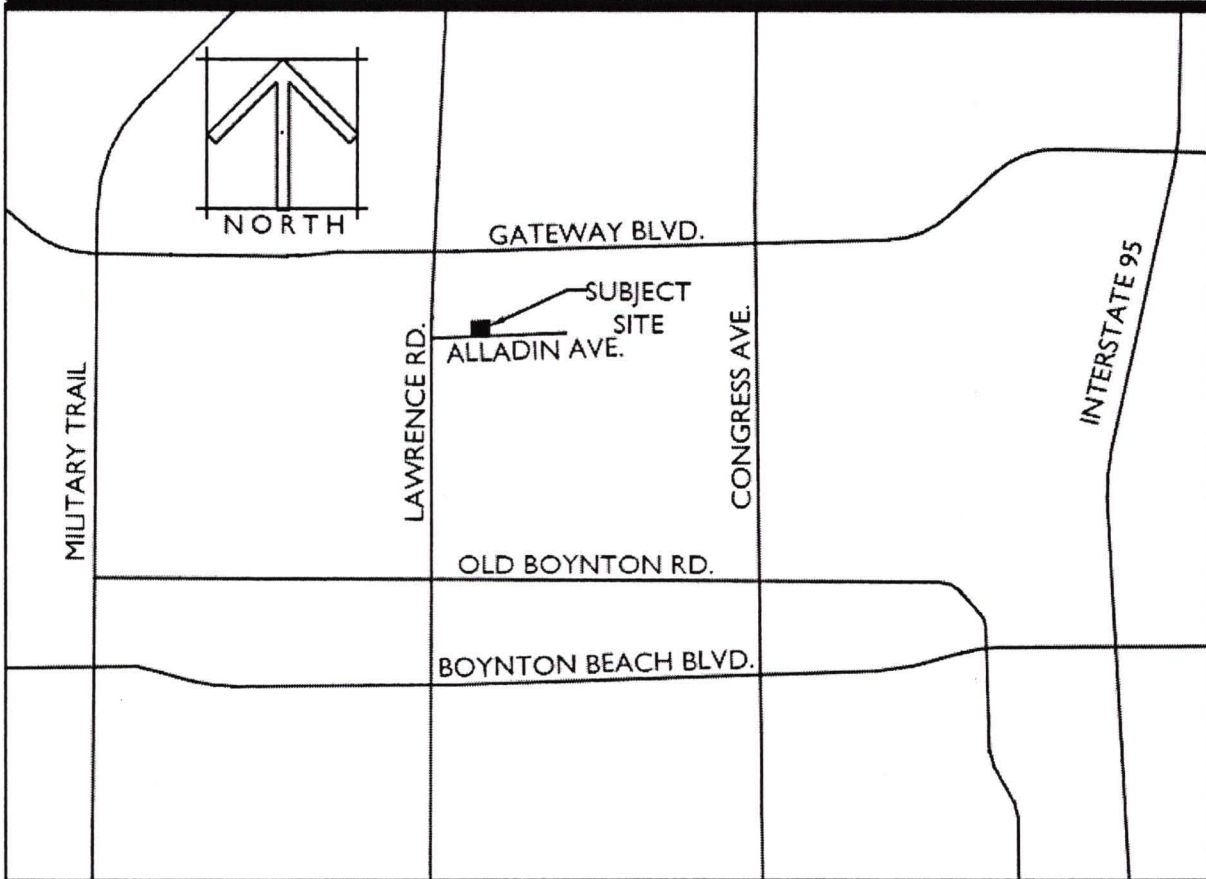


EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Subdivision Plan is dated August 10, 2017. 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. (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 the issuance of the first Building Permit, the Property Owner shall configure the property into legal lots of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

3. Prior to the issuance of the first Building Permit, the Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing or proposed structures. (BLDGPM: MONITORING - Engineering)

4. 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. Drainage study shall be provided the Land Development Division prior to Final Approval of the Subdivision Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required subdivision of land or recorded prior to issuance of the first Building Permit, whichever shall occur first. (BLDGPM/DRO/PLAT: ENGINEERING - Engineering)

ENVIRONMENTAL

1. A Phase II Environmental Audit shall be submitted to the Department of Environmental Resources Management prior to Final Approval by the Development Review Officer. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - GENERAL

1. Concurrent with the submittal for building permits, 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. (BLDGPM: BUILDING DIVISION - Zoning)

2. All palms required to be planted on the property, except on individual residential lots, shall meet the following minimum standards at installation:

a. Palm heights: 12 feet clear trunk;

b. Clusters: staggered heights 12 to 18 feet; and,

c. Credit may be given for existing or relocated palms provided they meet current Unified Land Development Code requirements. (BLDGPM: BUILDING DIVISION - Zoning)

LANDSCAPE - PERIMETER

3. SOUTH PROPERTY LINE (FRONTAGE OF ABUTTING ALADDIN AVENUE) In addition to the Code requirements, landscaping and/or buffer width along the south property line shall be upgraded to include:

- a. One palm or pine for each for each 30 linear feet of the property line; and
- b. No proposed plant material shall encroach into the LWDD Easement. (BLDGPMPT: BUILDING DIVISION - Zoning)

LANDSCAPE - PRESERVATION OF VEGETATION

4. Prior to the issuance of any Building Permit(s) the Property Owner shall:

- a. submit an application for a Vegetation Barricade Permit to the Building Division. The application shall be routed to the Zoning Division for coordinated review by Zoning, ERM and Building Divisions;
- b. include the approved DRO plan(s) with the approved Disposition Chart;
- c. complete the installation of all vegetation protection barricades and tagging; and,
- d. schedule inspections to receive a "Pass" status with Zoning Landscape Inspectors prior to any land clearing activity. (BLDGPMPT: ZONING - Zoning)

5. Prior to Final Approval by the Development Review Officer, the Property Owner shall submit Final Subdivision Plan with a Tree Disposition Chart for review and approval. All Vegetation that is subject to be preserved, relocated, replaced or mitigated shall be clearly identified on the Plan(s) and the Tree Disposition Chart, per Technical Manual, Title 4. The Plan(s) shall show:

- a. the temporary location for the relocated Vegetation and identify what type of tree barricades will be utilized;
- b. the location of all preserved Vegetation and identify what type of the permanent tree barricades/protection devices will be utilized;
- c. a Justification Statement describing the maintenance of the relocated Vegetation prior to the installation of the Vegetation to the new location, and the length of time associated with the temporary storage of the relocated Vegetation; and,
- d. the above requirements (a thru c) shall be updated in the Tree Disposition Chart. (DRO: ZONING - Zoning)

6. No vegetation shall be removed or relocated and no Building Permit(s) shall be issued until Landscape Conditions 4 and 5 are satisfied. (ONGOING: ZONING - Zoning)

7. Failure to comply with the Landscape - Preservation of Vegetation, Conditions 4 thru 5 may result in a Stop Work Order being placed on the site and applicable fines assessed. (ONGOING/VEGPMT: ZONING - Zoning)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to Platting, LWDD will require the Access Easement per ORB 7334 PG 289 be extinguished. PLAT: ENG - LWDD (PLAT: LAKE WORTH DRAINAGE DISTRICT - Lake Worth Drainage District)

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)

USE LIMITATIONS

1. Hours of construction activity during all stages of site development shall be limited to 7 a.m. to 7 p.m. Monday through Friday. Construction shall be prohibited on Saturday,

Sunday, and statutory holidays. (ONGOING: CODE ENF - Zoning)

2. Prior to the Issuance of a Demolition Permit for the existing structures on the subject property, the Property Owner shall enter into a Contract with a licensed exterminator for the removal and control of any rodents on the subject property. A copy of this Contract or other acceptable documentation shall be submitted to the Building Division to verify compliance. (BLDG/PMT/ONGOING: BUILDING DIVISION - 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.