

RESOLUTION NO. R-2018-1714

RESOLUTION APPROVING ZONING APPLICATION PDD/CA-2018-00146
(CONTROL NO. 2017-00194)
an Official Zoning Map Amendment
APPLICATION OF Lake Worth Road Villas, LLC
BY Insite Studio, Inc., AGENT
(Lake Worth 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 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application PDD/CA-2018-00146 was presented to the Board of County Commissioners at a public hearing conducted on October 31, 2018;

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 (Application Processes and 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 Processes) for an Official Zoning Map Amendment;

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.B.6.C (Board Action) 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 PDD/CA-2018-00146, the Application of Lake Worth Road Villas, LLC, by Insite Studio, Inc., Agent, for an Official Zoning Map Amendment to allow a rezoning from the Residential Transitional (RT) Zoning District to the Planned Unit Development (PUD) Zoning District, 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 31, 2018, 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 Bernard and, upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared that the resolution was duly passed and adopted on October 31, 2018.

Filed with the Clerk of the Board of County Commissioners on November 14th, 2018

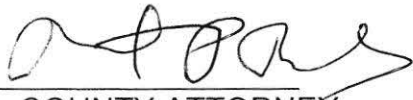
This resolution shall not become effective unless or until the effective date of Large Scale Land Use Amendment No. LGA 2018-015

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

A PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING A PORTION TRACTS 2, 15, 17, 18, 31 AND 32 TOGETHER WITH THAT PORTION OF THE 30 FOOT WIDE RIGHT-OF-WAY LYING BETWEEN SAID TRACTS 15 AND 18, ALL IN BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF FIELDS AT GULFSTREAM POLO - PLAT ONE, AS RECORDED IN PLAT BOOK 123, PAGES 80 THROUGH 95, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°56'30" WEST ALONG THE WEST LINE OF SAID TRACT 2, BLOCK 28, BEING THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID FIELDS AT GULFSTREAM POLO - PLAT ONE, A DISTANCE OF 575.07 FEET TO A POINT ON THE SOUTH LINE OF LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 24358, PAGE 1059 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 85°23'17" EAST ALONG SAID SOUTH LINE OF LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY, A DISTANCE OF 80.38 FEET; THENCE SOUTH 00°56'30" EAST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 389.31 FEET; THENCE NORTH 89°03'30" EAST, A DISTANCE OF 333.37 FEET TO A POINT ON THE WESTERLY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY; THENCE SOUTH 01°48'42" WEST, A DISTANCE OF 522.55 FEET; THENCE SOUTH 02°28'02" EAST, A DISTANCE OF 30.90 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 552.19 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 44°22'48", A DISTANCE OF 427.71 FEET TO A POINT OF TANGENCY; THENCE SOUTH 46°50'50" EAST, A DISTANCE OF 146.86 FEET; THENCE SOUTH 44°08'44" EAST, A DISTANCE OF 74.36 FEET (THE PRECEDING FIVE COURSES BEING COINCIDENT WITH SAID WESTERLY LINE OF LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 24358, PAGE 1059 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA); THENCE SOUTH 45°51'16" WEST DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 10.30 FEET TO A NON-TANGENT POINT ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 811.46 FEET AND WHOSE CENTER BEARS SOUTH 45°51'16" WEST, FROM SAID POINT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 43°08'08", A DISTANCE OF 610.91 FEET TO A POINT OF TANGENCY; THENCE SOUTH 01°00'36" EAST, A DISTANCE OF 177.75 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 11628.54 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 0°08'08", A DISTANCE OF 27.52 FEET TO A POINT OF NON-TANGENCY, SAID POINT BEING A POINT ON THE SOUTH LINE OF THE NORTH HALF OF SAID TRACTS 31 AND 32, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, SAID POINT ALSO BEING THE NORTH LINE OF TRACT L-5, AS SHOWN ON SAID FIELDS AT GULFSTREAM POLO - PLAT ONE; THENCE SOUTH 89°03'30" WEST ALONG SAID SOUTH LINE OF THE NORTH HALF OF TRACTS 31 AND 32, BLOCK 28 AND SAID NORTH LINE OF TRACT L-5, A DISTANCE OF 925.96 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 31, BLOCK 28, SAID POINT ALSO BEING A POINT ON THE EAST LINE OF SAID FIELDS AT GULFSTREAM POLO - PLAT ONE; THENCE NORTH 00°56'30" WEST ALONG THE WEST LINE OF SAID TRACTS 15, 18 AND 31, BLOCK 28 AND THE WEST LINE OF SAID 30 FOOT WIDE RIGHT-OF-WAY AND SAID EAST LINE OF FIELDS AT GULFSTREAM POLO - PLAT ONE, A DISTANCE OF 1680.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

THE TOTAL LAND AREA = 27.354 ACRES (1,191,554 SQUARE FEET) MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

LOCATION MAP

N.T.S.

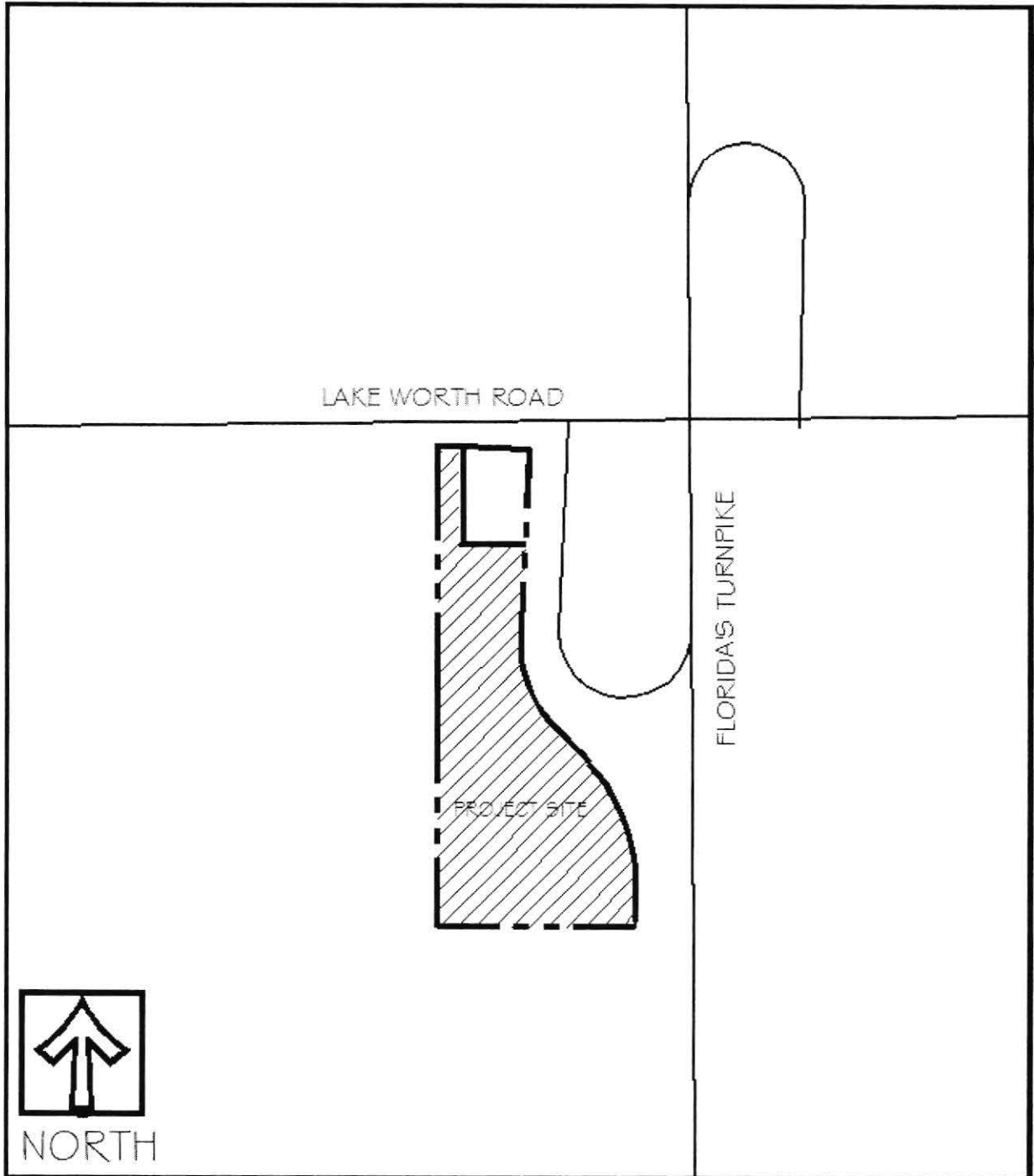


EXHIBIT C

CONDITIONS OF APPROVAL

PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Master Plan is dated August 27, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses 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 plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code, or as otherwise approved by the County Engineer. 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. (BLDGPMT: MONITORING - Engineering)

3. The Property Owner shall fund the construction plans and construction of Hooks Road from Lake Worth Road to the southern terminus to be consistent with Palm Beach County standards for an eighty (80) foot right of way non-plan collector 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. (BLDGPMT: MONITORING - Engineering)

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

4. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall provide to Florida Department of Transportation (FDOT), by deed, additional right of way for the construction of a right turn lane on Lake Worth Road at the west approach at Hooks Road, unless waived by the County Engineer. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by FDOT and the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT 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 and FDOT 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 coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPMPT: MONITORING - Engineering)

5. The Property Owner shall construct right turn lane west approach on Lake Worth Road at Hooks Road. This turn lane shall be a minimum of 280 ft in length and 50 ft in taper or as approved by the FDOT.

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

6. Property Owner shall construct a minimum 5 foot wide concrete sidewalk along the east and west sides of Hooks Road from Lake Worth Road to the southern terminus. 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 certificate of occupancy. (BLDGPMPT/CO: MONITORING - Engineering)

7. NOISE MITIGATION

a. Prior to DRO certification of the Preliminary Development Plan, the Property Owner shall submit to the Palm Beach County Engineering Department and Zoning Division a detailed noise analysis acceptable to the Florida Department of Transportation. This noise study shall be in accordance with Florida State Statutes Chapter 335 as outlined in FDOT Project Development and Environmental Manual, Chapter 17. Any required mitigation as a result of the anticipated noise, such as a sound wall and landscape buffer, shall be shown on the Preliminary Development Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: MONITORING - Engineering)

b. Construction of any required sound walls and landscape buffers as outlined in the Noise Analysis shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMPT/CO: ENGINEERING - Engineering)

8. The Property Owner shall provide an access easement over the proposed Hooks Road alignment from Lake Worth Road to the proposed connection to the west as approved by the County Engineer. The easement shall be approved by the County Attorney and Land Development prior to recordation. The easements shall be recorded by the Property Owner and prior to the issuance of the first building permit. (BLDGPMPT: MONITORING - Engineering)

9. The Property Owner shall apply to the Florida Department of Transportation and receive approval for a no U-turn sign on eastbound Lake Worth Road at the turnpike interchange immediately east of Hooks Road, prior to the issuance of the first Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering)

PLANNING

1. Per LGA 2018-015, condition 1, Development of the 27.02 acres of HR-8 is limited to a maximum of 375 dwelling units or other uses allowed in a residential future land use designation. Development of the 3 acres under the Commercial High designation is limited to a total maximum net daily trips of 1,147 and a maximum peak hour trips of 141. (ONGOING: PLANNING - Planning)

2. Per LGA 2018-015, condition 2., The residential development shall include the purchase and construction of fifty-one (51) TDR units. The TDR units shall be purchased prior to issuance of first building permit. (BLDGPM: MONITORING - Planning)

3. Per LGA 2018-015, condition 3, a and b, The residential Zoning development order shall require at least 19% of the total residential density as workforce housing units subject to the following requirements:

a. The property owner shall provide these workforce housing units on site, and between 60- 140% of the Area Median Income ranges for the County, in four ranges (60-80%, >80 - 100%, >100 -120%, and >120 - 140%); and

b. These workforce housing units shall be provided in unit types that have 2 bedrooms or greater. (ONGOING: PLANNING - Planning)

4. Per LGA 2018-015, condition 4, Vehicular and pedestrian connections shall provide cross access to the commercial parcel to the west and a connection to the residential project to the west to provide for connectivity to Polo Road. (ONGOING: PLANNING - Planning)

5. No Building Permits shall be issued, until a Master Plan or Site Plan has been approved by the Board of County Commissioners for the 375 units, including 51 Transfer of Development Rights (TDR s), as represented within the justification for Land Use Amendment LGA 2018-015. (BLDGPM/ONGOING: MONITORING - Planning)

6. Prior to final approval by the Development Review Officer (DRO), all plans and documents shall be updated to include all conditions and attributes as adopted by the Board of County Commissioners (BCC). (DRO: PLANNING - Planning)

7. 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)

8. On an annual basis, beginning November 1, 2021, 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 acceptable to the County, an annual report containing information and documentation to demonstrate continued compliance with the Workforce Housing Program (WHP) and a copy of any monitoring information provided to and received from the appropriate funding agency/source should there be one. (DATE/ONGOING: PLANNING - 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).

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)

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.