

RESOLUTION NO. R-2018- 1835

RESOLUTION APPROVING ZONING APPLICATION ZV/ABN/PDD/CAW-2018-00591
(CONTROL NO. 1988-00135)
an Official Zoning Map Amendment
APPLICATION OF AHC of West Palm Beach, LLC
BY WGINC, AGENT
(Haverhill 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 (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 ZV/ABN/PDD/CAW-2018-00591 was presented to the Board of County Commissioners at a public hearing conducted on November 26, 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 ZV/ABN/PDD/CAW-2018-00591, the Application of AHC of West Palm Beach, LLC, by WGINC, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Multifamily Residential (RM) and the Multifamily Residential High Density (RH) Zoning Districts 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 November 26, 2018, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Valeche moved for the approval of the Resolution.

The motion was seconded by Commissioner Weinroth and, upon being put to a vote, the vote was as follows:

Commissioner Mack Bernard, Mayor	-	Aye
Commissioner Dave Kerner, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Robert S. Weinroth	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Melissa McKinlay	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on November 26, 2018.

Filed with the Clerk of the Board of County Commissioners on December 4th, 2018

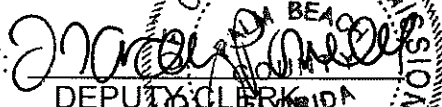
This resolution shall not become effective unless and until the effective date of Small Scale Future Land Use Atlas Amendment No. SCA 2018-019.

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

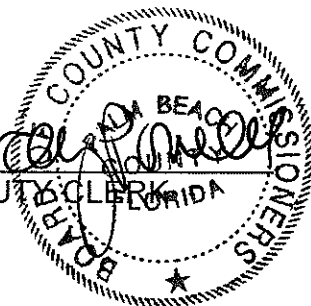


EXHIBIT A

LEGAL DESCRIPTION

ALL OF THE GABLES OF WEST PALM BEACH, AS RECORDED IN PLAT BOOK 71, PAGES 63 AND 64 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF MARGUERITA DRIVE, AS RECORDED IN OFFICIAL RECORD BOOK 13832, PAGE 1363 OF SAID PUBLIC RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID GABLES OF WEST PALM BEACH; THENCE N.1°30'47"E. ALONG THE WEST LINE THEREOF, AND THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 6485, PAGE 1694 OF SAID PUBLIC RECORDS, A DISTANCE OF 431.37 FEET TO THE NORTHWEST CORNER OF SAID GABLES OF WEST PALM BEACH; THENCE S.88°54'59"E. ALONG THE NORTH LINE OF SAID GABLES OF WEST PALM BEACH, A DISTANCE OF 483.46 FEET; THENCE N.01°29'21"E. ALONG THE WEST LINE OF THE EAST ONE-FIFTH (1/5) OF THE SOUTH HALF (1/2) OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF SAID SECTION 24, A DISTANCE OF 332.85 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF ROSELAND PARK HAMPTON ADDITION, AS RECORDED IN PLAT BOOK 12. PAGE 26 OF SAID PUBLIC RECORDS; THENCE S.88°52'24"E. ALONG SAID SOUTH LINE, A DISTANCE OF 269.16 FEET; THENCE S.01°28'36"W. EAST LINE OF THE WEST ONE-FIFTH (1/5) OF THE SOUTH HALF (1/2) OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF SAID SECTION 24, A DISTANCE OF 166.33 FEET; THENCE S.88°53'42"E. ALONG THE NORTH LINE OF THE SOUTH ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF SAID SECTION 24, A DISTANCE OF 153.88 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 18618, PAGE 865 OF SAID PUBLIC RECORDS; THENCE S.01°27'06"W. ALONG THE WEST LINE AND SOUTHERLY PROLONGATION OF SAID PARCEL, A DISTANCE OF 176.27 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE PUBLIC RIGHT-OF-WAY FOR MARGUERITA DRIVE, AS RECORDED IN OFFICIAL RECORD BOOK 13832, PAGE 1363 OF SAID PUBLIC RECORDS; THENCE S.88°54'59"E. ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID MARGUERITA DRIVE, A DISTANCE OF 369.51 FEET TO A POINT OF INTERSECTION WITH WEST RIGHT-OF-WAY LINE OF THE PUBLIC RIGHT-OF-WAY FOR CECELIA STREET, AS RECORDED IN OFFICIAL RECORD BOOK 12484, PAGE 1266 OF SAID PUBLIC RECORDS; THENCE S.01°27'06"W. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 414.93 FEET; THENCE N.89°12'20"W., A DISTANCE OF 435.03 FEET; THENCE S.01°27'06"W., A DISTANCE OF 100.01 FEET; THENCE N.89°12'20"W., A DISTANCE OF 100.01 FEET; THENCE N.01°27'06"E., A DISTANCE OF 100.01 FEET; THENCE N.89°12'20"W. ALONG THE EASTERLY EXTENSION AND SOUTH LINE OF SAID GABLES OF WEST PALM BEACH, A DISTANCE OF 741.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 667,946 SQUARE FEET/15.3339 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

SCALE: N.T.S.

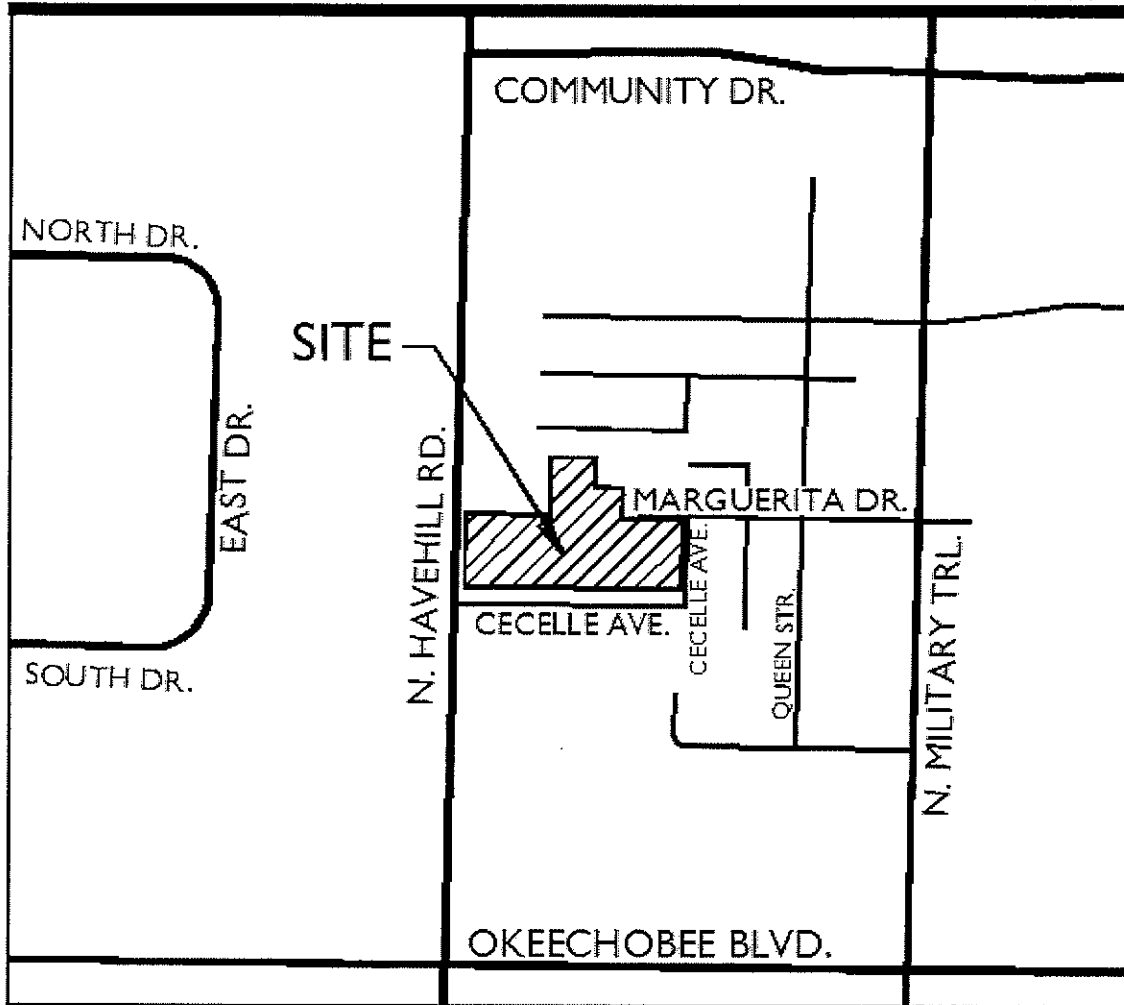


EXHIBIT C

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 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, 2022. 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 a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

3. Prior to the issuance of the 160th building permit or within thirty (30) days issuance of Technical Compliance or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Haverhill Road at the project's entrance road. 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 the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way 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 attorneys fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering)

4. The Property Owner shall construct a right turn lane south approach on Haverhill Road at the projects entrance. Any and all costs associated with the construction shall be paid by the Property Owner. These costs 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 issuance of 160 building permits. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to issuance of 233 Certificates of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

5. Prior to the issuance of the first building permit, the Property Owner shall abandon the portion of Marguerita Drive and the right of way easement within the limits of the proposed project. (BLDGPMT: MONITORING - Engineering)

6. Prior to the issuance of the first building permit, the Property Owner shall record a 20 foot access easement over Ceceile Avenue within the limits of the project. (BLDGPMT: MONITORING - Engineering)

7. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The projects 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 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. (BLDGPMT/PLAT: MONITORING - Engineering)

8. Building Permits for no more than 86 multi-family dwelling units shall be issued until the Property Owner makes a CRALLS mitigation payment of \$351,743, or as otherwise approved by the County Engineer. This payment is in addition to Road Impact Fee payment and is not creditable against any other required payments. (BLDGPMT: MONITORING - Engineering)

9. The Property Owner shall provide 68 secured bicycle parking spaces, as part of mitigation for the use of Okeechobee Blvd CRALLS. These bicycle parking spaces shall be provided before issuance of the first Certificate of Occupancy. These spaces should be shown on the final site plan. (BLDGPMT/CO: MONITORING - Engineering)

10. The Property Owner shall:

i. Construct a raised median separator on Haverhill Rd between Century Blvd and Ceceile Ave

ii. Extend the left turn lane, south approach, on Haverhill Rd at Century Blvd, as approved by the County Engineer.

iii. Add required pavement on Haverhill Rd at Century Blvd and Ceceile Ave intersections to allow u-turns at those locations.

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 160th building permit. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of 233 Certificates of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

LANDSCAPE - PERIMETER

1. PERIMETER LANDSCAPING ALONG THE NORTH, SOUTH AND EAST PROPERTY LINE (ABUTTING RESIDENTIAL) In addition to Code requirements, landscaping along the north, south and east property lines shall be upgraded to include a six-foot high opaque fence. (BLDGPMT/DRO: ZONING - Zoning)

LANDSCAPE - PRESERVATION OF VEGETATION

2. Prior to Final Plan approval by the Development Review Officer, the Property Owner shall finalize the Preliminary Vegetation Disposition Chart to ensure all Vegetation that is subject to either preservation; relocation on site; replacement or mitigation shall be clearly identified on the Site Plan. The Chart and what is shown on the Plan shall be consistent. (DRO: ZONING - Zoning)

PALM TRAN-SHELTER

1. Prior to the issuance of the Certificate of Occupancy for the first unit, the Property Owner shall construct a mass transit shelter with appropriate access, lighting, trash receptacle and bicycle storage, and shall be subject to the approval by Palm Tran. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the Owner. (CO: MONITORING - Palm-Tran)

PLANNED DEVELOPMENT

1. Prior to Final Approval by the Development Review Officer, the Site Plan shall be revised to indicate a minimum of one water fountain as a focal feature within the lake tract. The location of the fountain shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning)

PLANNING

1. Per SCA 2018-019 the development of the subject site shall include the purchase and construction of ten (10) Transfer of Development Rights (TDR) units. The TDR units shall be purchased prior to issuance of first building permit. (BLDGPM: MONITORING - Planning)

2. Per SCA 2018-019 the Zoning development order for the subject site shall require at least 25% of the total residential density as workforce housing units subject to the following requirements:

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

(ONGOING: PLANNING - Planning)

3. 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)

4. 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 a copy of the revised site plan shall be provided to Planning. (BLDGPM: MONITORING - Planning)

5. 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 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)

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)

SITE DESIGN

1. At the time of Platting, all easements and tracts proposed to be abandoned be legally abandoned and documentation provided as confirmation. The Property Owner shall amend the Final Master Plan and Final Site Plan indicating the abandonment by removing the easements so that they are consistent with the Plat. (PLAT: ZONING - Zoning)

2. Prior to Final Approval by the Development Review Officer, the Site Plan shall be revised to reconfigure any vehicular parking area which adversely impacts the pedestrian circulation system. (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.