

RESOLUTION APPROVING ZONING APPLICATION ABN/Z/CA-2018-01726
(CONTROL NO. 1986-00140)
a Class A Conditional Use
APPLICATION OF Fraternal Order of Police, Meritage Homes of Florida
BY WGINC, AGENT
(Catalina Townhomes)

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 2003-06, Supplement 24, have been satisfied;

WHEREAS, Zoning Application ABN/Z/CA-2018-01726 was presented to the Board of County Commissioners at a public hearing conducted on April 25, 2019;

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 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.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 ABN/Z/CA-2018-01726, the Application of Fraternal Order of Police, Meritage Homes of Florida, by WGINC, Agent, for a Class A Conditional Use to allow Townhouse 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 25, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

The motion was seconded by Commissioner Kerner 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	-	Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on April 25, 2019.

Filed with the Clerk of the Board of County Commissioners on May 1, 2019.

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

PARCEL 1

A PORTION OF TRACT 3 IN BLOCK 5, ACCORDING TO THE MAP OF PALM BEACH FARMS COMPANY PLAT NO. 3, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, INCLUSIVE, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE WEST 262.33 FEET OF THE EAST 397.67 FEET OF THE NORTH 326.84 OF TRACT 3, (LESS THE EAST 132.3 FEET), BLOCK 5. AND

PARCEL 2

FOR A BEGINNING POINT, START AT THE SOUTHEAST CORNER OF TRACT 3, BLOCK 5, ACCORDING TO THE MAP OF PALM BEACH FARMS COMPANY PLAT NO. 3, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, INCLUSIVE, PALM BEACH COUNTY, FLORIDA, AND RUN NORTH ALONG THE EAST BOUNDARY OF SAID TRACT 3, A DISTANCE OF 484.68 FEET; THENCE WEST 135.2 FEET TO A POINT OF BEGINNING; THENCE RUN WEST 132.2 FEET TO A STAKE; THENCE 352.54 FEET NORTH TO APPROXIMATELY THE CENTER LINE OF A CANAL; THENCE ALONG SAID CENTER LINE SOUTH 80° EAST, A DISTANCE OF 132.4 FEET; THENCE SOUTH 326.94 FEET TO POINT OF BEGINNING.

AND

PARCEL 3

A PARCEL OF LAND IN TRACT 3, BLOCK 5, ACCORDING TO THE MAP OF PALM BEACH FARMS COMPANY PLAT NO. 3, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, INCLUSIVE, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE SOUTHWEST CORNER OF SAID TRACT 3, THENCE EAST ALONG THE SOUTH LINE OF SAID TRACT A DISTANCE OF 262.00 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF THE WEST 5 ACRES OF SAID TRACT 3, SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE NORTH PARALLEL TO THE WEST LINE OF SAID TRACT 3, ALONG THE EAST LINE OF THE WEST 5 ACRES OF SAID TRACT 3, A DISTANCE OF 484.68 FEET; THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID TRACT 3, A DISTANCE OF 262.33 FEET TO A POINT 135.2 FEET WEST OF THE EAST LINE OF TRACT 3; THENCE NORTH PARALLEL TO THE WEST LINE OF SAID TRACT, A DISTANCE OF 326.45 FEET TO THE NORTH LINE OF SAID TRACT 3, THENCE EAST ALONG THE NORTH LINE OF SAID TRACT 3, A DISTANCE OF 135.34 FEET, TO THE NORTHEAST CORNER OF SAID TRACT; THENCE SOUTH ALONG THE EAST LINE OF SAID TRACT 3, A DISTANCE OF 805.00 FEET, TO THE SOUTHEAST CORNER OF SAID TRACT 3; THENCE WEST ALONG THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 397.53 FEET, TO THE POINT OF BEGINNING, LESS AND EXCEPT ROAD RIGHT OF WAY RECORDED MAY 17, 1990 IN OFFICIAL RECORD BOOK 6456, PAGE 197; RECORDED OCTOBER 20, 1992 IN OFFICIAL RECORD BOOK 7441, PAGE 123 AND RECORDED OCTOBER 20, 1992 IN OFFICIAL RECORD 7441, PAGE 205.

CONTAINING: 286020.214 SQUARE FEET OR 6.566 ACRES

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

N.T.S.

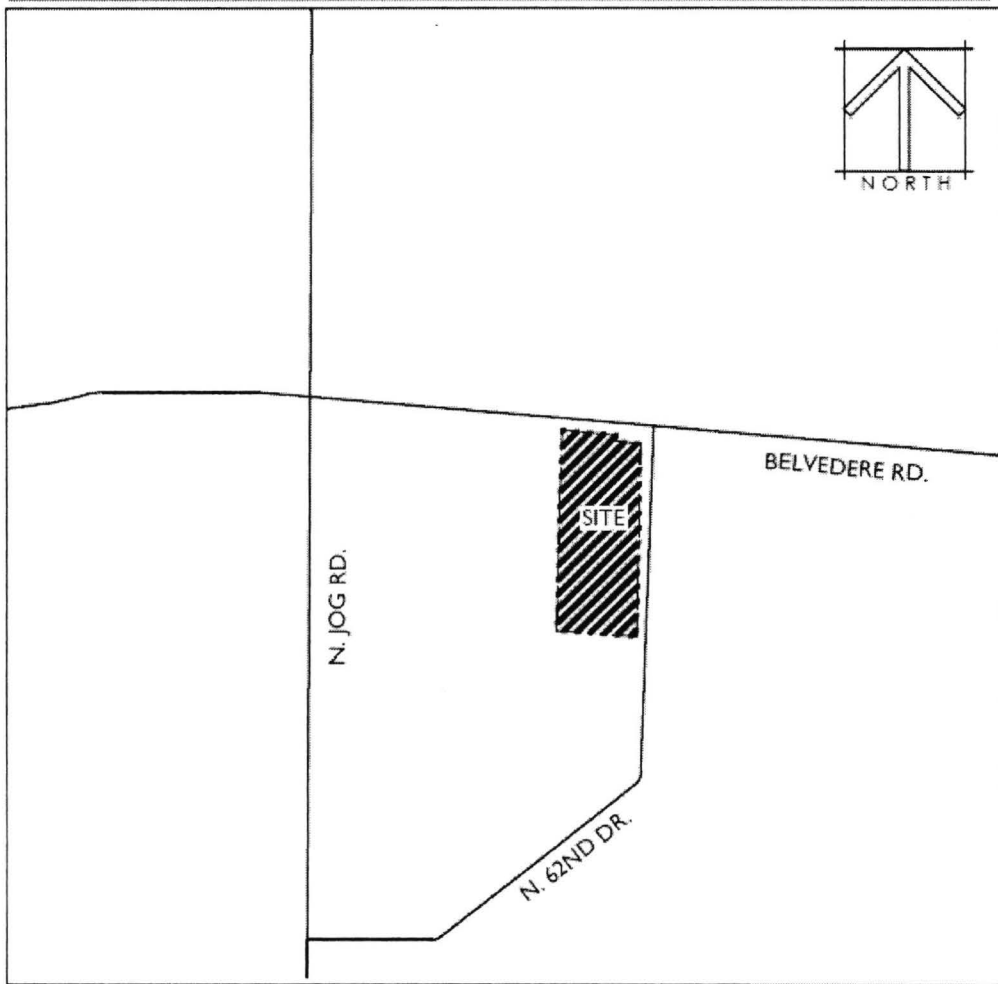


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use

ALL PETITIONS

1. The approved Preliminary Subdivision Plan is dated December 20, 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, 2023. 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 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 Site Plan by the DRO. (DRO: MONITORING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required plat or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/PLAT: MONITORING - Engineering)

4. Prior to Final Approval by the Development Review Officer, the Property Owner shall amend the subdivision plan to relocate the school bus shelter outside of the water management tract. (DRO: ENGINEERING - Engineering)

5. The Property Owner shall design, install, and perpetually maintain median landscape within the median of all abutting right of way of Belvedere Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by the Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering)

c. At Property Owner's option, when and if the County is ready to install OTIS on the

surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: MONITORING - Engineering)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, (OTIS) program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Belvedere Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING: MONITORING - Engineering)

6. Prior to Final Approval by the Development Review Officer, the Property Owner shall amend the subdivision to show a permanent turnaround adjacent to Building 3. (DRO: ENGINEERING - Engineering)

7. The Property Owner shall:

- i. Close the median cut on Belvedere Road for the two stage left out fronting the project.
- ii. Extend the west approach left turn lane on Belvedere Road at Brian Way, based on the County minimum requirements or as approved by the County Engineer.
- iii. Modify the intersection of Belvedere Rd and Brian Way to safely allow eastbound to westbound U-turn movements, as approved by the County Engineer.

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

HEALTH

1. Prior to the issuance of the First Building Permit, the property owner shall provide a water service line stub-out, at the west property line to assist with future expansion. (BLDGPMT: MONITORING-Health)

LANDSCAPE - PERIMETER

1. PERIMETER LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL) In addition to Code requirements, landscaping along the west property line shall be upgraded to include a six-foot high opaque fence. (BLDGPMT/DRO: ZONING - Zoning)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting LWDD will require an exclusive easement for 25.33 feet giving LWDD a total of 55 feet of required right-of-way. (PLAT: ENGINEERING - Lake Worth Drainage District)

PLANNING

1. 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)

2. On an annual basis, beginning February 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 necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and, by direction of the Superintendent, public school attendance zones are subject to change. 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)

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.