

RESOLUTION NO. R-2021-1174

RESOLUTION APPROVING ZONING APPLICATION ABN/PDD-2020-01894
(CONTROL NO. 2011-00245)
an Official Zoning Map Amendment
APPLICATION OF Fairways, LLC, DR Horton, Inc.
BY WGINC, AGENT
(Reflection Bay)

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 (ULDC), Ordinance 2003-067 as amended, have been satisfied;

WHEREAS, Zoning Application ABN/PDD-2020-01894 was presented to the Board of County Commissioners at a public hearing conducted on August 26, 2021;

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 ABN/PDD-2020-01894, the Application of Fairways, LLC, DR Horton, Inc., by WGINC, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Traditional Neighborhood Development (TND) 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 August 26, 2021, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss 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 Dave Kerner, Mayor	- Aye
Commissioner Robert S. Weinroth, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 26, 2021.

Filed with the Clerk of the Board of County Commissioners on September 8th, 2021

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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

ALL OF PARCEL 1, AS SHOWN ON THE PLAT OF "REFLECTION BAY, PARCEL 1 A T.N.D., AND PARCEL 2 A P.U.D.", AS RECORDED IN PLAT BOOK 124 AT PAGES 1 THROUGH 3 IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 57.319 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

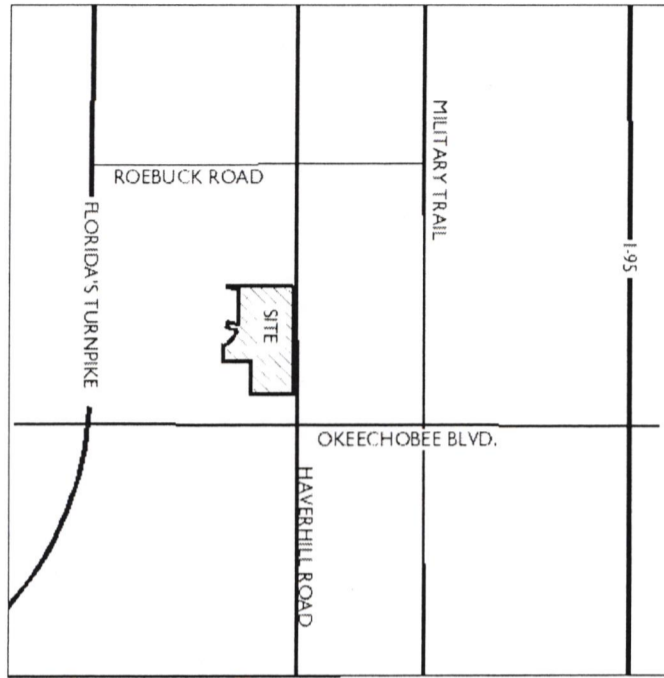


EXHIBIT C

CONDITIONS OF APPROVAL

Official Zoning Map Amendment - PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Master Plan is dated May 10, 2021. 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, 2025, or as amended. 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. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer at Project Entrance on Haverhill Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. No Building Permits shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPM: MONITORING - Engineering)

b. Upon issuance of 50% of the Certificate of Occupancy (CO) for the project, a signal warrant study will be conducted by the County within 90 days. If the warrant study shows traffic from the development meets 65% of the minimum traffic volume signal warrant, then the Property Owner shall be required to build underground components of the traffic signal within 180 days of the request by the County Engineer. The Property Owner shall notify the County Traffic Division as soon as 50% of the COs have been issued. (BLDGPM/CO: MONITORING - Engineering)

c. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to conduct the signal warrant study. If the signal is warranted and the underground components have already been built from the previous condition, then the Property Owner shall be required to complete the construction of the full signal within 180 days (or as approved by the County Engineer) of the request by the County. Upon final inspection and acceptance of the completed signal by the County, the surety amount shall be returned to the Property Owner. If the signal is not warranted, then the County shall return the balance of the surety after using portion of it to remove the underground components of the signal, if it had already been installed from the previous condition. If the signal is not warranted and the underground components of the signal have not been built from the previous condition, then the surety shall be returned to the Property Owner. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering)

3. The Property Owner shall fund the construction plans and the construction to create an exclusive left turn lane south approach on Haverhill Road at the Project entrance road. This turn lane shall be a minimum 250 feet in length plus 50 foot paved taper or 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 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 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. (BLDGPMT: ENGINEERING - Monitoring)

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. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

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

6. The Property Owner shall construct a right turn lane north approach on Haverhill Road at the project entrance.

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. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the entire condition shall be considered satisfied. (BLDGPMT: MONITORING - Engineering)

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

7. Prior to the issuance of the first building permit 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 south of the existing right turn lane right-of-way dedication and include the curb ramp on the south side of the entrance road, 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 attorney's 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)

8. Prior to final approval of the Site Plan by the DRO, the Property Owner shall obtain and record proper drainage easements to allow for drainage from the project site to connect to the point of legal positive outfall. (DRO: ENGINEERING - Engineering)

9. 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 Haverhill Road along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. 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 Thoroughfare Plan 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. (BLDGPM/ONGOING: MONITORING - Engineering)

ENVIRONMENTAL

1. The specimen-sized Live Oak and Strangler Fig (i.e., Tree #1331 and Tree #1569, respectively) shall be preserved in place and remain in perpetuity. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Prior to the approval of the Final Master Plan by the DRO, the site configuration must be designed in a manner to maximize tree preservation and incorporate the native specimen-sized trees. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. Prior to the approval of the Final Master Plan by the DRO, ERM shall review and approve the vegetation disposition chart to ensure maximum preservation efforts and that the site design incorporates native vegetation. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

4. All mitigation plantings shall be planted on-site or as approved by ERM. (CO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - PERIMETER

1. A minimum of seventy five percent of all trees to be planted in the west landscape buffer shall be upgraded to fourteen feet in height at installation. (BLDGPM/ONGOING: ZONING - Zoning)

LIGHTING

1. Prior to final approval by the Development Review Officer, the Applicant shall submit a Regulating Plan for review and approval providing a detail of the decorative lighting to be provided at the development entrance and all streets 50 ft. in width or greater. Lighting shall be directed downward, using lighting intensity that reduces glare on the adjacent residential homes. (BLDGPMT/DRO: ZONING - Zoning)

PLANNING

1. The subject request for 707 units with a 31 unit Workforce Housing Program (WHP) obligation was calculated based on Limited Incentive Development Option with the WHP units to be for-sale and will be provided onsite. No density bonus was utilized. Should any change occur to the calculation, the site shall require resubmittal and recalculation in whatever process it originated. (ONGOING: PLANNING - Planning)

2. Prior to the issuance of the first residential 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. 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. (BLDGPMT: MONITORING - Planning)

3. Prior to the release of the 354th Building Permit (354 units), Fifty percent of WHP units (16) must receive certificates of occupancy. (BLDGPMT: MONITORING - Planning)

4. Prior to the release of the 601st Building Permit (601 units), All WHP units (31) must receive certificates of Occupancy. (BLDGPMT: MONITORING - Planning)

5. Prior to the release of the first building permit, the Developer shall provide documentation demonstrating compliance with the required design standards, such as compatible exteriors and the provision of a dry model. (BLDGPMT: MONITORING - Planning)

6. The developer shall notify Planning and DHES at the commencement of sales. (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 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)

SITE DESIGN

1. Prior to final approval by the Development Review Officer, the Master Plan shall be modified as follows:

- The northern 1,665 feet of the west buffer shall be revised to provide for a 22.5 ft. wide, Type 3 Incompatibility Buffer, excluding the Neighborhood Park (see Site

- Design Condition 4). In addition to the required buffer, an 8 ft. high decorative wall shall be placed within the buffer, a minimum of 15 ft. setback from the west property line.
- The west buffer (adjacent to the 4-story structures located in the south-west corner of the subject site) shall be revised to provide for a 32.5 ft. wide, Type 3 Incompatibility Buffer. In addition to the required buffer, an 8 ft. high decorative wall shall be placed within the buffer, a minimum of 25 ft. setback from the west property line.
 - A maintenance easement 10 ft. wide shall be provided on the west side of the buffer for maintenance purposes for Century Village. No plantings shall be provided within this easement area. (DRO/ONGOING: ZONING - Zoning)
2. Prior to final approval by the Development Review Officer, the applicant shall submit a Street Layout Plan for review and approval. The Plan shall be in accordance with the requirements of the Technical Manual and Art. 3.E.1.C.2.a.5. (DRO: ZONING - Zoning)
3. Prior to final approval by the Development Review Officer, the Applicant shall provide a Regulating Plan identifying two plazas, each being a minimum of 2,500 square feet in area. Each plaza must be a minimum of 50 feet in width. Each plaza shall include a seating area and canopy tree a minimum of 16 ft. in height. An existing canopy tree(s) may be relocated to the plazas to meet the canopy tree requirement. Each plaza must include a shade structure for the seating area. In addition to the required plazas, three additional focal points shall be provided around the development area, consistent with Art. 3.E. (DRO: ZONING - Zoning)
4. Prior to final approval by the Development Review Officer, the Applicant shall modify the Neighborhood Park along the west property line and relabel as Open Space. An 8 ft. Compatibility Buffer shall be placed along the north, south and west property line of this relabelled Open Space area that ties into the 22.5 ft. wide Type 3 Incompatibility Buffer that will be provided along the west property line, exclusive of the Neighborhood Park area. (BLDGPM/ DRO: ZONING - Zoning)
5. The overall residential development shall be required to provide the following:
- A minimum of fifteen percent (15%) of all townhouse lots shall be a minimum of twenty-two (22) feet in width;
 - A maximum of eighty-five percent (85%) of all residential lots shall be eighteen (18) feet in width; and,
 - A minimum of 2 (two) elevation types per townhouse lot size listed in a. and b. shall be provided. (BLDGPM/ DRO: BUILDING DIVISION - Zoning)
6. All crosswalks within the development area shall be a minimum of 4 feet in width and shall be made of decorative pavers or concrete, or similar paving treatment. (BLDGPM/ DRO: ZONING - Zoning)
7. All Townhouses shall be limited to a maximum of 25 feet in height, as defined in Art. 1.C.4.C.1, Building Height. (BLDGPM/ONGOING: BUILDING DIVISION - Zoning)
8. Prior to final approval by the Development Review Officer, a Neighborhood Park shall be provided for on the Final Master Plan within the Reflection Bay development area. The Neighborhood Park shall meet the requirements of Table 3.E.2.D, PUD Property Development Regulations. A Final Regulating Plan shall be provided that identifies the amenities for a Neighborhood Park consistent with Art. 3.E.2.B.2.c, Neighborhood Park. (DRO/ONGOING: 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.