

RESOLUTION NO. R-2024- 0860

RESOLUTION APPROVING ZONING APPLICATION ABN/PDD/CA-2023-00832  
(CONTROL NO. 1973-00033)  
an Official Zoning Map Amendment  
APPLICATION OF West Palm Beach Lodge # 1352  
BY Schmidt Nichols, AGENT  
(Spring Haven MUPD)

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 ABN/PDD/CA-2023-00832, the Application of West Palm Beach Lodge # 1352 by Schmidt Nichols, Agent, for a Development Order Abandonment to abandon a Special Exception for a Fraternal Organization approved by Resolution R-73-401; an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District; and a Class A Conditional Use to allow a combined density increase through the Workforce Housing Program (WHP) (+71) and Transfer of Development Rights (TDR) (+34) in excess of 2 units per acre (a combined total increase of 105 WHP and TDR units) on 11.22 acres was presented to the Board of County Commissioners at a public hearing conducted on July 17, 2024;

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,

1. The foregoing recitals are true and correct and are incorporated herein
2. that Zoning Application ABN/PDD/CA-2023-00832, the Application of West Palm Beach Lodge # 1352, by Schmidt Nichols, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 11.22 acres, 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 July 17, 2024, 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 Woodward and, upon being put to a vote, the vote was as follows:

Commissioner Maria Sachs, Mayor	- Aye
Commissioner Maria G. Marino, Vice Mayor	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Michael A. Barnett	- Absent
Commissioner Marci Woodward	- Aye
Commissioner Sara Baxter	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 17, 2024.

Filed with the Clerk of the Board of County Commissioners on July 24, 2024.

This resolution shall not become effective unless or until the effective date of the Large Scale Land Use Amendment No. LGA-2024-005.

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

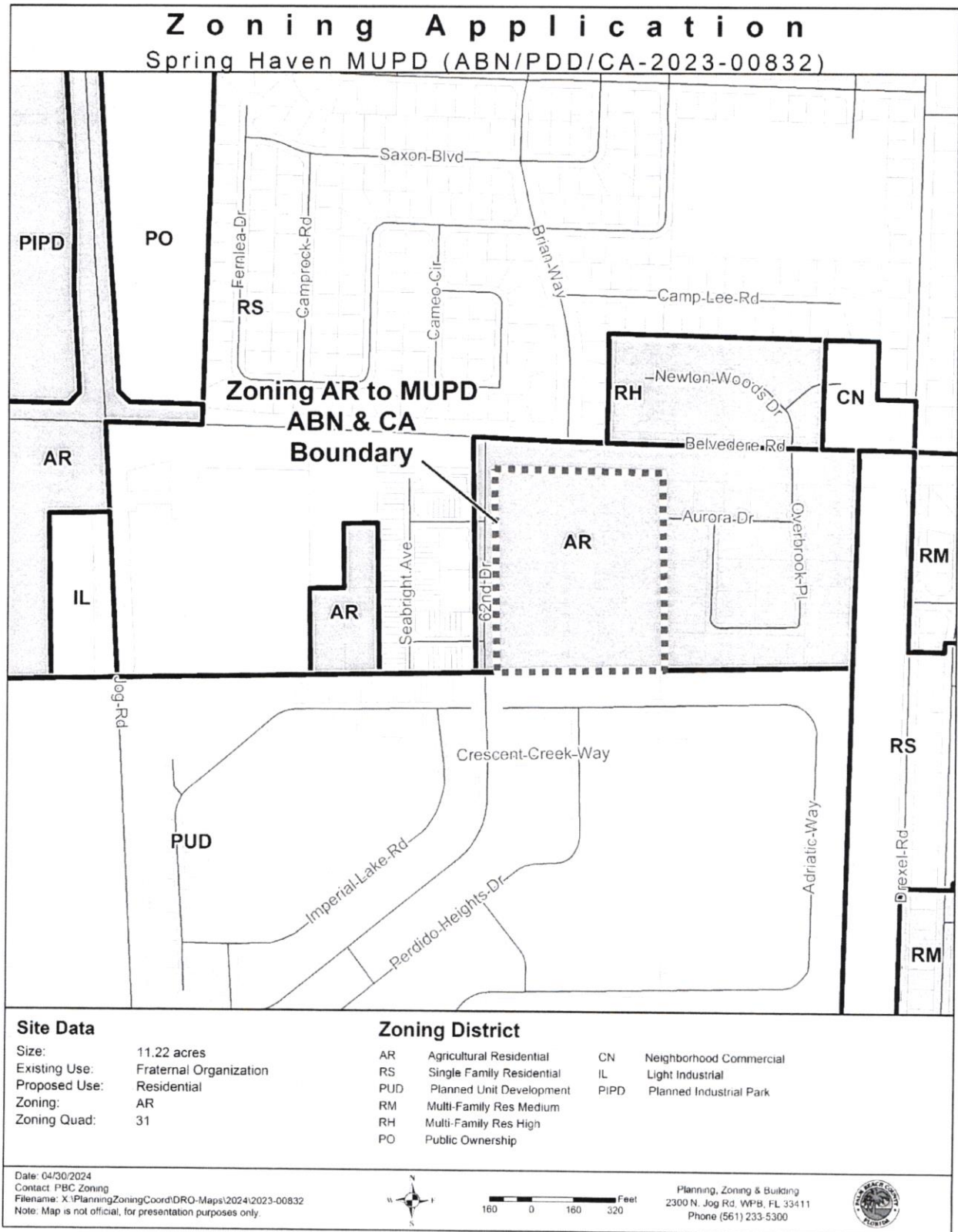
TRACT 2, BLOCK 5, OF THE PALM BEACH FARMS COMPANY'S PLAT NO.3. A SUBDIVISION IN PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT BOOK 2, PAGES 45 TO 54 INCLUSIVE.

ALSO DESCRIBED AS:

BEGINNING AT THE NORTHWEST CORNER OF THE PLAT OF WATERWAYS TAHERI PUD REVISED AS RECORDED IN PLAT BOOK 105, PAGE 62 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA; THENCE ALONG THE NORTHERLY LINE OF SAID PLAT N89°03'02"E A DISTANCE OF 639.85 FEET TO THE SOUTH WEST CORNER OF LOT 12 OF THE UNRECORDED PLAT OF OVERBROOK; THENCE ALONG THE WESTERLY LINE OF SAID UNRECORDED PLAT N00°56'49"W A DISTANCE OF 750.97 FEET; THENCE LEAVING SAID WESTERLY LINE AND ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-3 CANAL AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE N88°37'30"W A DISTANCE OF 640.34 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE EASTERLY RIGHT-OF-WAY LINE OF 62<sup>ND</sup> DRIVE AS RECORDED IN OFFICIAL RECORD BOOK 15203, PAGE 62 OF SAID PUBLIC RECORDS; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE S00°56'39"E A DISTANCE OF 776.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.22 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Official Zoning Map Amendment to a Planned Development District on 11.22 acres

##### ALL PETITIONS

1. The approved Preliminary Site Plan is dated May 9, 2024. 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)

##### ARCHITECTURAL REVIEW

1. The approved Preliminary Architectural Elevations for Building A are dated April 22, 2024. Modifications to the elevations shall only be allowed consistent with the Preliminary elevations and the allowances for administrative modifications indicated in Article 2.C. of the Unified Land Development Code and be submitted for review and approval by the Zoning Division. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (BLDGPMT/DRO: ZONING - Zoning)

2. The approved Preliminary Architectural Elevations for the Buildings B, C, and Parking Garage are dated April 22, 2024. Modifications to the elevations shall only be allowed consistent with the Preliminary elevations and the allowances for administrative modifications indicated in Article 2.C. of the Unified Land Development Code and be submitted for review and approval by the Zoning Division. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (BLDGPMT/DRO: ZONING - Zoning)

3. Prior to final approval by the Development Review Officer, the approved Preliminary Architectural Elevations for Buildings A, B, C, and the Parking Garage dated April 22, 2024 must be signed and seal by a Registered Florida Architect. (DRO: ZONING - Zoning)

##### ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2028, 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. 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: MONITORING - Engineering)

##### ENVIRONMENTAL

1. Prior to the final approval by the Development Review Officer, a Phase II Environmental Site Assessment shall be submitted to the Department of Environmental Resources Management (ERM). If the results of the Phase II Environmental Site Assessment indicate areas of on-site contamination, the project shall be referred to the Florida Department of Environmental Protection (FDEP) for the development of a mitigation plan and to oversee the remediation on the site. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Prior to final approval by the Development Review Officer, a Tree Preservation Area Management Plan shall be provided to ERM for review and approval (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. The developer shall incorporate into the design appropriate protective measure to protect the Wellfield Protections Zone.

a. Hydraulic fluids for trash compactors, etc shall use non-petroleum based fluid

b. Oil and Grease Separator shall have a secondary containment and barrier, etc. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

4. Dry detention areas shall be planted and maintained with appropriate native vegetation, or as approved by ERM in writing. (BLDGPM/ONGOING/VEGPM: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

#### **LANDSCAPE - PERIMETER**

1. The South and East perimeter landscape buffers shall be upgraded from a Type 1 Incompatibility buffer to a Type 3 Incompatibility buffer. (DRO/BUILDING PERMIT: ZONING – Zoning)

#### **PLANNING**

1. Per LGA-2024-005, Condition 1: Residential dwelling units shall be limited to a maximum of 195 units with no further density increases through density bonus programs. (ONGOING: PLANNING - Planning)

2. Per LGA-2024-005, Condition 2: The zoning development order shall require a minimum of 25% of the total dwelling units to be built as on-site workforce housing units. The workforce housing units are subject to the applicable requirements of the Workforce Housing Program (WHP) in Article 5.G.1 of the ULDC. (ONGOING: PLANNING - Planning)

3. Per LGA-2024-005, Condition 3: A total of 34 Transfer of Development Rights (TDR) units shall be purchased and constructed. A minimum of thirty four percent of the TDR units shall be purchased at the WHP rate and shall apply to the minimum number of workforce housing units required by this ordinance; some or all of the remaining TDRs may be purchased at the WHP rate subject to ULDC requirements, but do not apply toward the 25% minimum number of workforce housing units required by this ordinance. (ONGOING: PLANNING - Planning)

4. Per LGA-2024-005, Condition 4: The Zoning Development order shall include requirements for increased buffers and landscaping along the eastern and southern property lines consisting of a minimum 20 foot wide buffer, a 6 foot high wall, and minimum 14 foot tall trees at time of installation. (ONGOING: PLANNING - Planning)

5. The subject Development Order for the 195 Multifamily units with a 49-unit Workforce Housing Program (WHP) obligation was calculated based on the conditions contained within LGA-2024-005. The WHP units will be for rent and provided onsite. A 79% WHP density bonus, or 71 units, and 34 TDRs are required. Should a reduction in overall units occur, the WHP obligation may be reduced subject to a new analysis, and the timing mechanisms adjusted administratively as needed. (ONGOING: PLANNING - Planning)

6. 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 for the Workforce Housing Program (WHP), in a form acceptable to the Palm Beach County Attorney. (BLDGPM: MONITORING - Planning)

7. Prior to the issuance of the first residential Building Permit, the Property Owner shall provide documentation for the Workforce Housing Program (WHP), such as an affidavit on a form provided by the County, demonstrating compliance with the required design standards including compatible exteriors and the provision of a model. (BLDGPM: MONITORING - Planning)

8. Prior to the issuance of eighty-five percent of the residential Building Permits (2nd BP), all WHP units (49) must receive Certificate of Occupancy (CO). Should both of the Residential Building Permits be issued simultaneously, then the initial Certificates of Occupancy (CO) that are released shall be attributable to the WHP obligation. (BLDGPM: MONITORING - Planning)

9. The Developer shall notify the Planning Division at the commencement of leasing. (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)

### **SIGNS**

1. At time of final approval by the Development Review Officer, the Applicant shall revise the final Master Sign Plan to indicate:

An Entrance Sign fronting on Belvedere Road shall be limited as follows:

- a. maximum sign height – eight (8) feet, measured from finished grade to highest point;
- b. maximum sign face area per side - sixty (60) square feet; and
- c. maximum number of signs - one (1) (DRO: BUILDING DIVISION – Zoning)

2. At time of final approval by the Development Review Officer, the Applicant shall revise the final Master Sign Plan to indicate:

A Ground Mounted Freestanding signs fronting on 62nd Drive North shall be limited as follows:

- a. maximum sign height - six (6) feet, measured from finished grade to highest point;
- b. maximum sign face area per side - sixty (60) square feet;
- c. maximum number of sign - one (1); and,
- d. style - monument style only. (DRO: 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: 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.