

RESOLUTION NO. R-2011- 1850

RESOLUTION APPROVING ZONING APPLICATION PDD-2011-01175
(CONTROL NO. 2011-00244)
an Official Zoning Map Amendment to a Planned Development District (PDD)
APPLICATION OF Minto Communities, LLC
BY Land Design South, Inc., AGENT
(Boca Reserve PUD)

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; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application PDD-2011-01175 was presented to the Board of County Commissioners at a public hearing conducted on December 1, 2011; and

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; and

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.1.B.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code 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-2011-01175, the application of Minto Communities, LLC, by Land Design South, Inc., agent, for an Official Zoning Map Amendment to a Planned Development District (PDD) to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch in EXHIBIT B, attached hereto and made a part hereof, was approved on December 1, 2011 subject to the Conditions described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

| | | |
|--|---|--------|
| Commissioner Shelley Vana, Chair | - | Aye |
| Commissioner Steven L. Abrams, Vice Chairman | - | Aye |
| Commissioner Karen T. Marcus, | - | Aye |
| Commissioner Paulette Burdick | - | Aye |
| Commissioner Burt Aaronson | - | Aye |
| Commissioner Jess R. Santamaria | - | Absent |
| Commissioner Priscilla A. Taylor | - | Aye |

The Chairperson thereupon declared that the resolution was duly passed and adopted on December 1, 2011.

Filed with the Clerk of the Board of County Commissioners on December 14th, 2011

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

LEGAL DESCRIPTION

THE EAST HALF OF TRACT 3 OF SECTION 27, TOWNSHIP 47 SOUTH, RANGE 41 EAST, OF FLORIDA FRUITLANDS COMPANY'S SUBDIVISION NO. 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. (LESS THE EAST 45' THEREOF PER O.R.B. 4281, PG. 717.)

TOGETHER WITH:

THE WEST HALF OF TRACT 3 OF SECTION 27, TOWNSHIP 47 SOUTH, RANGE 41 EAST, OF FLORIDA FRUITLANDS COMPANY'S SUBDIVISION NO. 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINS 9.80 ACRES, MORE OR LESS.

TOGETHER WITH AN EASEMENT DESCRIBED AS FOLLOWS:

A PERPETUAL EASEMENT 60 FEET IN WIDTH ALONG, ACROSS, UNDER AND THROUGH THE SOUTHERN BOUNDARY OF THE EAST HALF OF TRACT 3 OF SECTION 27, TOWNSHIP 47 SOUTH, RANGE 41 EAST, OF FLORIDA FRUITLANDS COMPANY'S SUBDIVISION NO. 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; WHICH EASEMENT SHALL PERMIT VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS, PAVED STREETS, INSTALLATION OF SIDEWALKS AND CURBS, THE INSTALLATION AND MAINTENANCE OF UTILITY SERVICES INCLUDING, WITHOUT LIMITATION, SEWER, WATER, GAS, ELECTRICAL AND TELEPHONE SERVICES, AND THE INSTALLATION OF ANY FACILITIES OR EQUIPMENT REASONABLY NECESSARY FOR SAID PURPOSES. SAID EASEMENT SHALL BENEFIT AND BE APPURTENANT TO THE ABOVE DESCRIBED TRACT HEREIN CONVEYED.

TOTAL ACREAGE = 18.92 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

N.T.S.

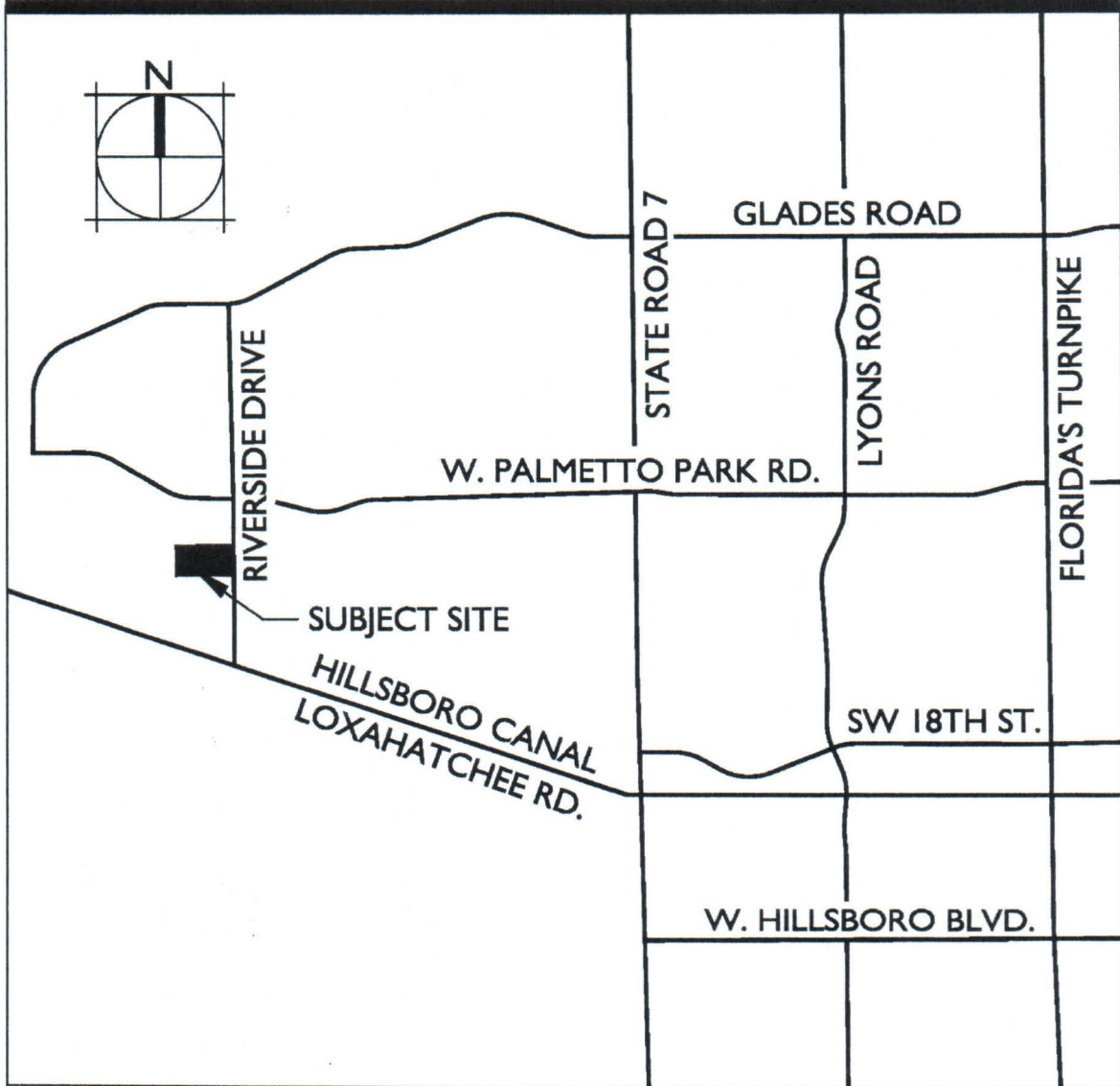


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.The approved Preliminary Master Plan is dated September 19, 2011. 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 (DRO) as established in the Unified Land Development Code (ULDC), 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, 2015. 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-Eng)

2.The Property Owner shall:

- i. Extend the existing u-turn lane on the east approach on Palmetto Park Road at Riverside Drive and restripe as a left turn lane. The turn lane shall be a minimum of 280 feet in storage length, a minimum of 12 feet in width and have a taper length of 50 feet, or as approved by the County Engineer.
- ii. Construct Riverside Drive from Palmetto Park Road to the project entrance, as required by the County Engineer.
- iii. Restripe the north approach of Riverside Drive at Palmetto Park Road to accommodate a southbound through movement.

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. (BLDG PERMIT: MONITORING-Eng)

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

3.Acceptable surety for the design, any right of way acquisition and the construction engineering and inspection costs as well as the construction for the offsite road improvements as outlined in Condition No. 2.ii, shall be posted with the Land Development Division prior to issuance of the first building permit. Surety in the amount of 110% shall be based upon an acceptable Certified Cost Estimate provided by the Developer's Engineer and may be posted in conjunction with the Land Development Permit. At any time during the duration of the surety the County Engineer shall have the authority to determine that sufficient progress has not been made for any and all required work. In the event such a determination is made, Palm Beach County shall have the right to request funds be drawn for the surety (surety drawn) and Palm Beach County may then complete all required work. The County Engineer shall also have the authority to require that the surety amount be updated to reflect current anticipated costs at any time during the duration of the surety. (BLDG PERMIT: MONITORING-Eng)

4.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 Riverside Drive from the southern terminus of the existing right-of-way to Palmetto Park Road; and a maximum of an additional 800 feet of Palmetto Park Road. 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 section of the included segment. Specifically, one 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. (BLDG PERMIT: MONITORING-Eng)

5.The property owner, successors and assigns and the subsequent homeowner's association, shall be responsible for maintenance of Riverside Drive to provide access to the subdivision from Palmetto Park Road to the southern terminus of right of way. Any and all costs of maintenance, repair, construction, etc. shall be the sole responsibility of the maintenance entity and Palm Beach County shall have the right but not the obligation to maintain any portion of this road. Prior to recordation of the first plat, the property owner shall include in the homeowner's documents, subject to County Attorney approval, that the homeowner association will have the sole responsibility to maintain this portion of Riverside Drive. (PLAT: ENGINEERING - Eng/Co Atty)

6.The property owner shall record an ingress/egress easement, subject to County Engineer approval, in the public records to allow for a turnaround to be on private property at the project entrance rather than providing the turnaround within public right of way. The property owner shall obtain approval for this easement and have it recorded prior to issuance of the first building permit. (BLDG PERMIT: MONITORING - Eng)

7.Prior to Final Subdivision Plan approval by the DRO, the property owner shall:

a.Submit recorded easements providing for construction and maintenance of legal positive outfall from the project site to the point of legal positive outfall. The easements are subject to approval by the County Engineer and County Attorney. (DRO: ENGINEERING - Eng/Co Atty)

b.Abandon, and relocate if necessary, the existing 60 foot ingress/egress along the south side of the project. (DRO: ENGINEERING - Eng)

8.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-Eng)

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. (PLAT/BLDG PERMIT: MONITORING-Eng)

9. Prior to installation of any development signs or other private facilities within Riverside Drive right of way, the property owner shall enter into a Removal Agreement with Palm Beach County's Right of Way Acquisition Section. (ONGOING: ENGINEERING - Eng)

LANDSCAPE - GENERAL

1. At time of submittal for final approval by the Development Review Officer (DRO), the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (DRO: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER

2. The five (5) foot compatibility buffer required for the west property line and the north and south property lines adjacent to the 4.41-acre lake may be eliminated subject to a Type II Variance approval. (DRO: LANDSCAPE - Zoning)

PLANNING

1. Prior to the release of the first residential Building Permit, the applicant shall submit payment to Housing and Community Development (HCD) and a copy of a receipt for that payment to the Planning Division in the amount of 407,500 dollars (\$81,500 per WHP unit). (BLDG PERMIT: MONITORING/HDC-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' x 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(s) shall be the responsibility of the residential property owner. (CO: MONITORING - SCHOOL BOARD - School Board)

SIGNS

1. Ground Mounted Freestanding Entrance sign fronting on the subject property adjacent to Riverside Drive shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - Eight (8) feet;
- b. maximum sign face area per side - Sixty (60) square feet;
- c. maximum number of signs - one (1); and
- d. style - monument style only. (BLDG PERMIT: BLDG - Zoning)

2. One (1) Off-site Directional sign may be permitted subject to a Type II Zoning Variance approval. (DRO: ZONING - BLDG)

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 (CO); 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; 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 (ULDC) 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; 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)