

RESOLUTION NO. R-2016- 0131

RESOLUTION APPROVING ZONING APPLICATION PDD/R-2015-00545  
(CONTROL NO. 1985-00155)  
an Official Zoning Map Amendment to a Planned Development District  
APPLICATION OF Falls Country Club Inc.  
BY Cotleur & Hearing, Inc., AGENT  
(The Falls Commerical 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, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended, (ULDC), have been satisfied;

WHEREAS, Zoning Application PDD/R-2015-00545 was presented to the Board of County Commissioners at a public hearing conducted on January 7, 2016;

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 (Development Review Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

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 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 of the ULDC; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 PDD/R-2015-00545, the application of Falls Country Club Inc., by Cotleur & Hearing, Inc., Agent, for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Commercial Recreation (CRE) Zoning District to the Multiple Use Planned Development (MUPD) 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 January 7, 2016 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 McKinlay and, upon being put to a vote, the vote was as follows:

Commissioner Mary Lou Berger, Mayor	- Aye
Commissioner Hal R. Valeche, Vice Mayor	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 7, 2016.

Filed with the Clerk of the Board of County Commissioners on February 8th, 2016.

This resolution shall not become effective unless or until the effective date of Comprehensive Plan Amendment No. SCA-2015-00007.

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



The seal is circular with a double-line border. The outer ring contains the text 'PALM BEACH COUNTY COMMISSIONERS' at the top and 'FLORIDA' at the bottom, separated by a star on the left. The inner ring contains the text 'BOARD OF COUNTY COMMISSIONERS'.

EXHIBIT A  
LEGAL DESCRIPTION

A parcel of land lying within the plat of the **FALLS COUNTRY CLUB**, as recorded in Plat Book 61, Page 177, Palm Beach County Florida, being more particularly described as follows:

**COMMENCE** at the Southeast corner of said plat, said corner indicated as the **POINT OF BEGINNING** of the platted boundary;

thence South 89°07'17" West, along the South line of said plat (the South line of said plat is assumed to bear South 89°07'17" West and all other bearings are relative thereto), a distance of 11.92 feet to the **POINT OF BEGINNING** of the hereinafter described parcel;

thence continue South 89°07'17" West, along said South line, a distance of 577.21 feet to a point;

thence North 44°42'32" East, departing said South line, a distance of 310.82 feet to a point;

thence North 55°04'03" East a distance of 239.49 feet to a point;

thence North 44°57'37" East a distance 236.28 feet to a point on the East line of said plat;

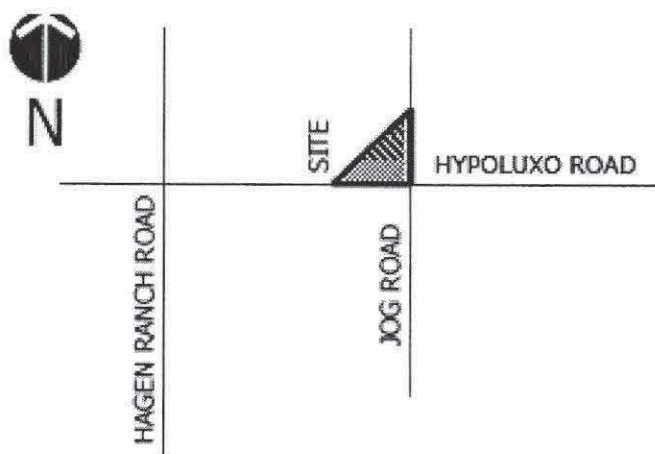
thence South 00°47'15" East, along said East line, a distance of 347.78 feet to a point;

thence South 03°15'34" West, along the West line of "Additional Thoroughfare Right-of-Way", a distance of 168.90 feet to the **POINT OF BEGINNING**.

Containing in all 3.511 acres, more or less.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **PDD- Residential Planned Development District**

MUPD – Multiple Use Planned Development

#### **ALL PETITIONS**

1. The approved Preliminary Site, Regulating, and Master Sign Plans are dated October 15, 2015; the Preliminary Architectural Elevations are dated May 22, 2015; and the Preliminary Landscape Plan is dated December 7, 2015. 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, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### **ARCHITECTURAL REVIEW**

1. At time of submittal for Final Approval by the DRO, the Architectural Elevations for Buildings #1 and #2 shall be submitted for final approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated May 22, 2015. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO/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, 2019. 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 combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

3. The Property Owner shall construct a right turn lane, east approach at the Project's east access point on Hypoluxo Road, and a driveway connection to serve as additional project access that aligns with the Charleston Square commercial driveway on Hypoluxo Road approximately 850 feet west of Jog Road.

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. Prior to the issuance of the first building permit, permits required from Palm Beach County for this construction shall be obtained. (BLDGPM: MONITORING - Engineering)

b. Prior to the issuance of the first Certificate of Occupancy, construction shall be completed. (BLDGPM/CO: MONITORING - Engineering)

4. The Property Owner shall reconstruct / extend the northbound and southbound left-turn lanes at the intersection of Hypoluxo Road and Jog Road by reducing the tapers to 50 feet for single left-turn lane and 100 feet for dual left-turn lanes.

a. Prior to the issuance of the first building permit, permits required from Palm Beach County for this construction shall be obtained. (BLDGPM: MONITORING - Engineering)

b. Prior to the issuance of the first Certificate of Occupancy, construction shall be completed. (BLDGPM/CO: MONITORING - Engineering)

5. 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 project site to connect to point of legal positive outfall. (DRO: MONITORING - Engineering)

6. Prior to final approval of the Site Plan by the DRO, the Concurrency Box included in the Site Plan needs to be consistent with the land uses included in the Traffic Study. (DRO: MONITORING - Engineering)

**LANDSCAPE - GENERAL**

1. At time of submittal for Final Approval by the DRO, the Property Owner shall submit a Landscape Plans for final review and approval by the Zoning Division. The Plans shall be in compliance with all landscape related Conditions of Approval as contained herein. (DRO: ZONING - Zoning)

2. All palms or pines required to be planted on the property shall meet the following minimum standards at installation:

- a. palm or pine heights: Fourteen (14) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms or pines provided they meet current Unified Land Development Code requirements.

(BLDGPMT/ONGOING: ZONING - Zoning)

**LANDSCAPE - PERIMETER**

3. LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (FRONTAGE OF JOG ROAD AND HYPOLUXO ROAD) In addition to the Code requirements, landscape buffering along the south and east property lines shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. one (1) palm or pine for each for each thirty (30) linear feet of the property line.
- c. palm or pines heights: fourteen (14) feet clear trunk;
- d. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- e. credit may be given for existing or relocated palms or pines provided they meet current Unified Land Development Code requirements.

(BLDGPMT/ONGOING: ZONING - Zoning)

**LAKE WORTH DRAINAGE DISTRICT**

1. Prior to Final DRO Approval, LWDD will require the Site Plan and the Survey to depict the L-18 Canal Right-of-Way with labeling, tying to an accepted control, either horizontal or plat, and dimension the width of the canal and show the following recording information, including dimensioning said easements/deed: ORB 1585 PG 505; ORB 3289 PG 49; and LWDD quit claimed to PBC per ORB 6698 PG 360. (DRO: ENGINEERING - Lake Worth Drainage District)

**PLANNED DEVELOPMENT**

1. Prior to Final Approval by the Development Review Officer, the Site and Regulating Plans shall be revised to show a minimum of one pedestrian amenity to create a pedestrian friendly atmosphere. Suggested amenities include, but are not limited to:

- a) public art;
- b) clock tower;
- c) water feature/fountain;
- d) outdoor patio, courtyard or plaza; and
- e) tables with umbrellas for open air seating in common areas and not associated with tenant use (i.e. restaurant use) or outdoor furniture.

The amenity and location shall be approved by the DRO.

(DRO/ONGOING: ZONING - Zoning)

**SIGNS**

1. Ground Mounted Freestanding signs fronting on Jog Road shall be limited as follows:

- a) Maximum number: two (2)

- b) Maximum sign location and dimensions:
    - i) Sign A near the northern ingress and egress: twelve (12) feet in height and one-hundred and fifty (150) square feet sign face area;
    - ii) Sign B, within 150 feet of the intersection of Jog and Hypoluxo: six (6) feet in height and sixty (60) square feet sign face area;
  - c) All sign heights shall be measured from finished grade to highest point;
  - d) no additional out-parcel signage shall be permitted; and
  - e) style - monument style only.
- (BLDGPMT/ONGOING: BUILDING DIVISION - Zoning)

2. Ground Mounted Freestanding signs fronting on Hypoluxo Road shall be limited as follows:

- a) Maximum number: two (2)
  - b) Maximum sign locations and dimensions:
    - i) Sign C near the western ingress egress: fifteen (15) feet in height and one-hundred and fifty (150) square feet sign face area;
    - ii) Sign D shall be located within 150 feet of the intersection of Hypoluxo Road and Jog: six (6) feet in height and sixty (60) square feet;
  - c) sign height shall be measured from finished grade to highest point;
  - d) no additional out-parcel signage shall be permitted; and
  - e) style - monument style only.
- (BLDGPMT: 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: 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) (ONGOING: MONITORING - Zoning)

### DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.