

RESOLUTION NO. R-2019 -0903

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/CAW-2018-02152
(CONTROL NO. 2017-00194)
TRANSFER OF DEVELOPMENT RIGHTS (TDR)
APPLICATION OF Lake Worth Road Villas, LLC
BY Insite Studio, AGENT
(Lake Worth Royale)

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, Supplement 24, as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/DOA/CAW-2018-02152 was presented to the Board of County Commissioners at a public hearing conducted on June 27, 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 ZV/DOA/CAW-2018-02152, the Application of Lake Worth Road Villas, LLC, by Insite Studio, Agent, for a Class A Conditional Use to allow Transfer of Developments Rights (TDRs) within a Planned Unit Development (PUD), 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 June 27, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kerner moved for the approval of the Resolution.

The motion was seconded by Commissioner Berger 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 | - | Aye |

The Mayor thereupon declared that the resolution was duly passed and adopted on June 27, 2019.

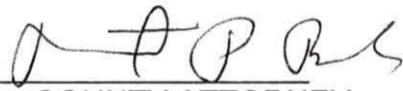
Filed with the Clerk of the Board of County Commissioners on July 5th, 2019.

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

BY:


COUNTY ATTORNEY

BY:

SHARON R. BOCK,
CLERK & COMPTROLLER


DEPUTY CLERK

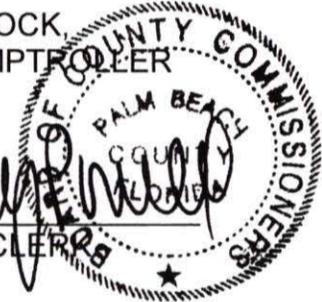


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION (LAKE WORTH ROYALE - RESIDENTIAL PUD)

A PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING A PORTION TRACTS 2, 15, 17, 18, 31 AND 32 TOGETHER WITH THAT PORTION OF THE 30 FOOT WIDE RIGHT-OF-WAY LYING BETWEEN SAID TRACTS 15 AND 18, ALL IN BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF FIELDS AT GULFSTREAM POLO - PLAT ONE, AS RECORDED IN PLAT BOOK 123, PAGES 80 THROUGH 95, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°56'30" WEST ALONG THE WEST LINE OF SAID TRACT 2, BLOCK 28, BEING THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID FIELDS AT GULFSTREAM POLO - PLAT ONE, A DISTANCE OF 575.07 FEET TO A POINT ON THE SOUTH LINE OF LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 24358, PAGE 1059 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 85°23'17" EAST ALONG SAID SOUTH LINE OF LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY, A DISTANCE OF 80.38 FEET; THENCE SOUTH 00°56'30" EAST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 389.31 FEET; THENCE NORTH 89°03'30" EAST, A DISTANCE OF 333.37 FEET TO A POINT ON THE WESTERLY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY; THENCE SOUTH 01°48'42" WEST, A DISTANCE OF 522.55 FEET; THENCE SOUTH 02°28'02" EAST, A DISTANCE OF 30.90 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 552.19 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 44°22'48", A DISTANCE OF 427.71 FEET TO A POINT OF TANGENCY; THENCE SOUTH 46°50'50" EAST, A DISTANCE OF 146.86 FEET; THENCE SOUTH 44°08'44" EAST, A DISTANCE OF 74.36 FEET (THE PRECEDING FIVE COURSES BEING COINCIDENT WITH SAID WESTERLY LINE OF LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 24358, PAGE 1059 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA); THENCE SOUTH 45°51'16" WEST DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 10.30 FEET TO A NON-TANGENT POINT ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 811.46 FEET AND WHOSE CENTER BEARS SOUTH 45°51'16" WEST, FROM SAID POINT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 43°08'08", A DISTANCE OF 610.91 FEET TO A POINT OF TANGENCY; THENCE SOUTH 01°00'36" EAST, A DISTANCE OF 177.75 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 11628.54 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 0°08'08", A DISTANCE OF 27.52 FEET TO A POINT OF NON-TANGENCY, SAID POINT BEING A POINT ON THE SOUTH LINE OF THE NORTH HALF OF SAID TRACTS 31 AND 32, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, SAID POINT ALSO BEING THE NORTH LINE OF TRACT L-5, AS SHOWN ON SAID FIELDS AT GULFSTREAM POLO - PLAT ONE; THENCE SOUTH 89°03'30" WEST ALONG SAID SOUTH LINE OF THE NORTH HALF OF TRACTS 31 AND 32, BLOCK 28 AND SAID NORTH LINE OF TRACT L-5, A DISTANCE OF 925.96 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 31, BLOCK 28, SAID POINT ALSO BEING A POINT ON THE EAST LINE OF SAID FIELDS AT GULFSTREAM POLO - PLAT ONE; THENCE NORTH 00°56'30" WEST ALONG THE WEST LINE OF SAID TRACTS 15, 18 AND 31, BLOCK 28 AND THE WEST LINE OF SAID 30 FOOT WIDE RIGHT-OF-WAY AND SAID EAST LINE OF FIELDS AT

GULFSTREAM POLO - PLAT ONE, A DISTANCE OF 1680.00 FEET TO THE
AFOREMENTIONED POINT OF BEGINNING.

THE TOTAL LAND AREA = 27.354 ACRES (1,191,554 SQUARE FEET) MORE OR
LESS.

EXHIBIT B
VICINITY SKETCH

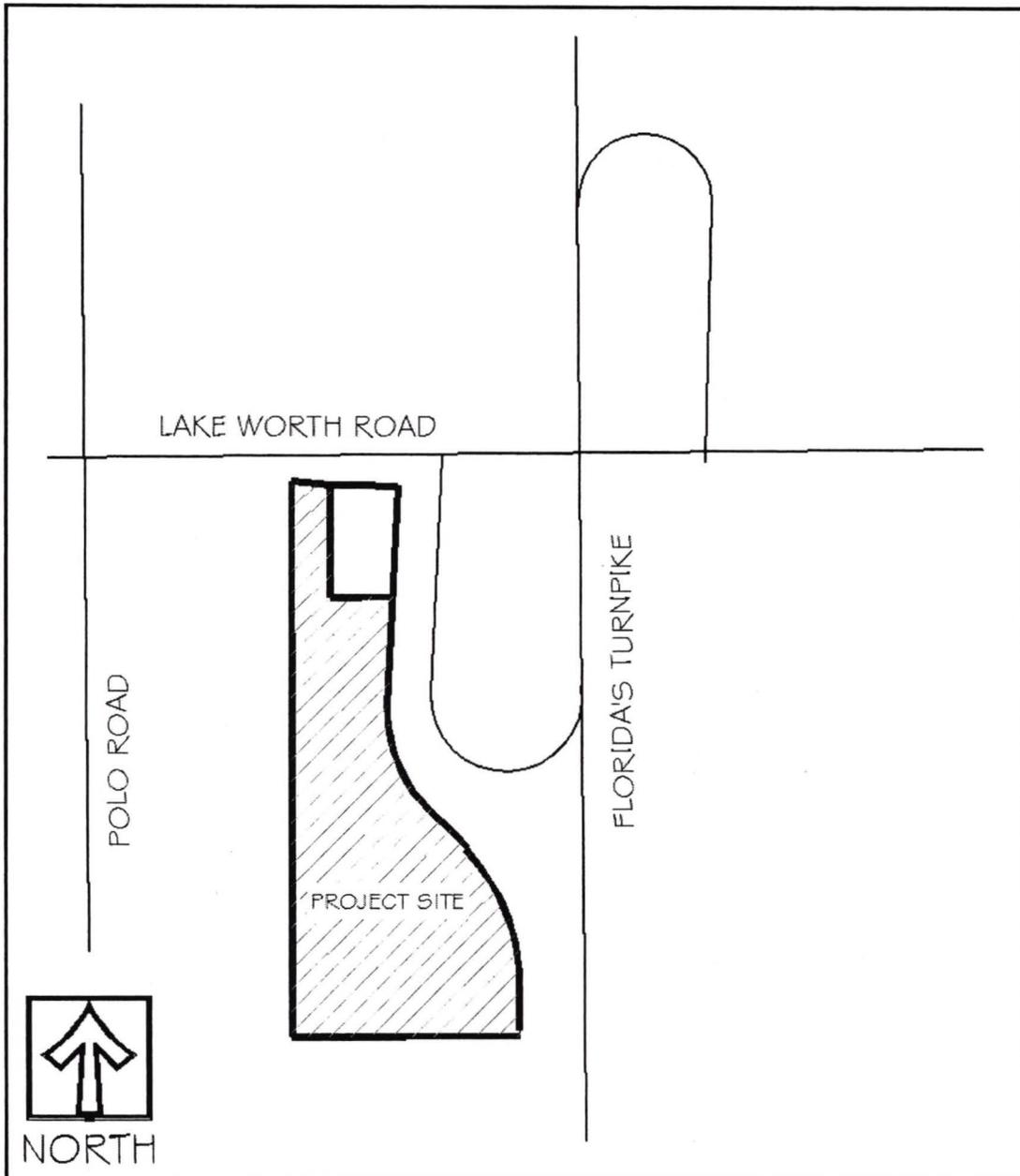


EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A - Transfer of Development Rights

ALL PETITIONS

1. Development of the site is limited to site design approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated May 9, 2019. All modifications to the Development Order must be approved by the Board of County Commissioners or Zoning Commission, unless the proposed changes are required to meet Conditions of Approval. (ONGOING: ZONING - Zoning)

TRANSFER OF DEVELOPMENT RIGHTS

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall execute a Contract for Sale and Purchase of Transfer of Development of Rights (TDRs) in a manner and form approved by the County Attorney, and formally executed by the Executive Director of Planning, Zoning and Building Department. The Contract shall accommodate a maximum of 51 TDR units at a selling price of \$885.00 per unit. (ONGOING: ZONING - County Attorney)

2. Prior to final approval by the Development Review Officer (DRO, two (2) recorded copies of the Contract for Sale and Purchase of Transfer of Development Rights (TDRs) shall be provided to the Palm Beach County Zoning Division (ONGOING: ZONING - Zoning)

3. Prior to final approval by the Development Review Officer (DRO), a deed conveying the applicable Transfer of Development Rights (TDR) units from the County TDR bank to the subject property, shall be executed and recorded in a manner and form approved by the Office of the County Attorney. (ONGOING: ZONING – Zoning)

4. At time of submittal for final approval by the Development Review Officer (DRO), an official Contract for Sale and Purchase of Transfer of Development Rights (TDR) Units and TDR Deed shall be submitted for final review and execution. (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: 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.