

RESOLUTION NO. R-2019- 1823

RESOLUTION APPROVING ZONING APPLICATION SV/DOA-2018-02134
(CONTROL NO. 1980-00028)
a Development Order Amendment
APPLICATION OF Eastpointe Country Club, Inc.,
Eastpointe Hmowners. Assn Inc.,
Northern Palm Beach County Improvement District
BY Urban Design Kilday Studios, AGENT
(Eastpointe Country Club)

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, Supplement 24, have been satisfied;

WHEREAS, Zoning Application SV/DOA-2018-02134 was presented to the Board of County Commissioners at a public hearing conducted on November 25, 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 Development Order 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 SV/DOA-2018-02134, the Application of Eastpointe Country Club, Inc., Eastpointe Hmowners. Assn. Inc., Northern Palm Beach County Improvement District by Urban Design Kilday Studios, Agent, for a Development Order Amendment to reconfigure the Master Plan to re-designate Golf Course to Residential; add units; modify Pods; delete land area; and, to modify Conditions of Approval 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 November 25, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

The motion was seconded by Commissioner Weiss 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 Hal R. Valeche - Aye
- Commissioner Gregg K. Weiss - Aye
- Commissioner Mary Lou Berger - Aye
- Commissioner Melissa McKinlay - Aye
- Commissioner Mack Bernard - Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on November 25, 2019.

Filed with the Clerk of the Board of County Commissioners on December 11th, 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

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY



BY: 
DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION OF EASTPOINTE SUBDIVISION P.U.D.

THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 AND LESS THE RIGHT-OF-WAY FOR HOOD ROAD; AND, ALL THAT PART OF SECTION 27, TOWNSHIP 41 SOUTH, RANGE 42 EAST, LYING EAST OF THE EASTERLY RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE, LESS THE NORTH 75 FEET THEREOF; AND, THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 41 SOUTH, RANGE 42 EAST, LESS THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 AND LESS THE RIGHT-OF-WAY OF HOOD ROAD; ALL THAT PART OF SECTION 27, TOWNSHIP 41 SOUTH, RANGE 42 EAST LYING WESTERLY OF FLORIDA'S TURNPIKE LESS THE NORTH 75 FEET THEREOF FOR RIGHT-OF-WAY OF DONALD ROSS ROAD AND LESS THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4. SAID PROPERTY LOCATED ON THE EAST AND WEST SIDES OF FLORIDA'S TURNPIKE BEING BOUNDED ON THE NORTH BY DONALD ROSS ROAD AND ON THE SOUTH BY HOOD ROAD.

CONTAINING: 664.63 ACRES, MORE OR LESS

EXHIBIT B
VICINITY SKETCH

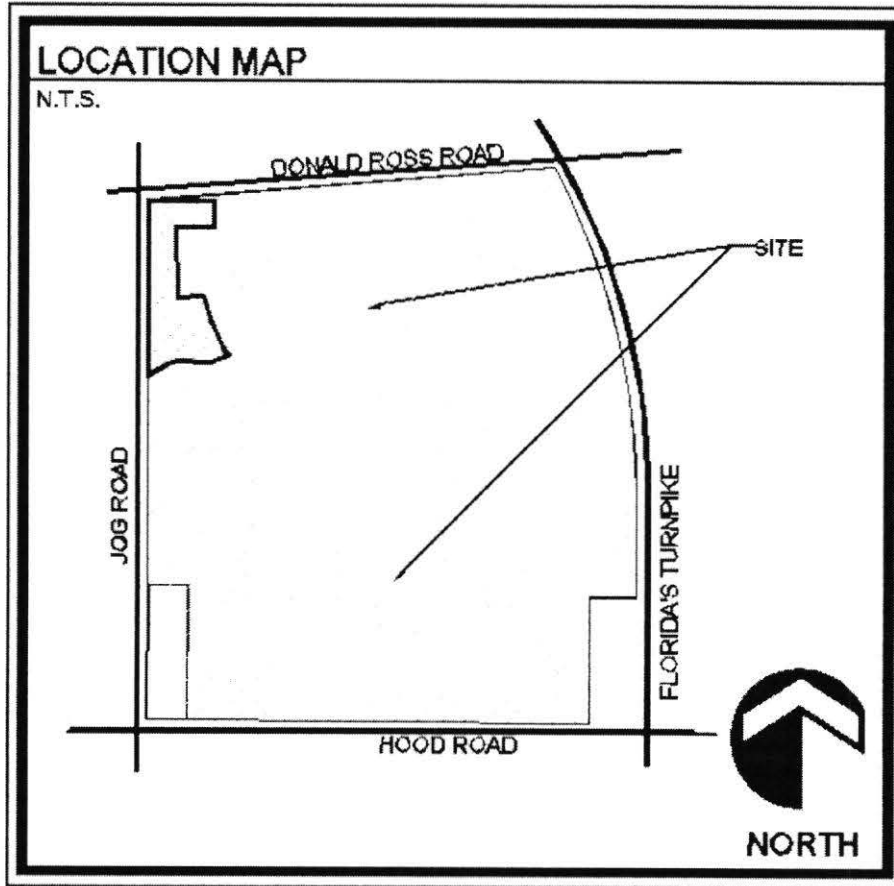


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. The approved Preliminary Master Plan is dated September 23, 2019. 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)

2. Previous Condition 3 of Resolution R-1980-389, Control No.1980-00028, which currently states:

Petitioner shall complete all conditions not completed to date, as previously imposed according to Petition No. 75-137, Resolution No R-75-776.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-80-389 and Resolution R-75-776 (Control No. 1980-00028), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. Petitioner shall convey to Palm Beach County sixty (60) feet from centerline for the ultimate right-of-way for Hood Road. (Previous Condition 1 of Resolution R-1980-389, Control No.1980-00028)

2. Petitioner shall construct:

- a. Donald Ross Road from the existing limits west to the project's westernmost access drive to a two-lane section.
- b. Left turn lane, east approach, on Donald Ross Road at the project's east access drive.
- c. Right turn lane, east approach, on Hood Road at the project's east access drive.
- d. Left turn lane, east approach, on Donald Ross Road at the project's westernmost access drive, when warranted by the County Engineer.
- e. Right turn lane, east approach, on Hood Road at the project's westernmost access drive, when warranted by the County Engineer. (Previous Condition 2 of Resolution R-1980-389, Control No.1980-00028)

3. Petitioner shall contribute One Hundred Eighty-five Thousand Nine Hundred Seventy-five Dollars (\$185,975.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s). This 'Fair Share Traffic Impact contribution has been determined in accordance with the provisions of Ordinance 79-7 as follows:

Single Family \$255.02/d.u.

Multifamily 170.01/d.u.

Clubhouses 2,500.00/clubhouse

However, regardless of the present or future status of this Ordinance, this development shall be required to provide the above One Hundred Eighty-five Thousand Nine Hundred Seventy-five Dollars toward alleviating some of its direct and identifiable traffic impact. (Previous Condition 4 of Resolution R-1980-389, Control No.1980-00028)

4. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

- b. No Building Permits for the site may be issued after December 31, 2022, 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)

5. 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. (BLDGPM: MONITORING - Engineering)

6. 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 any required plat or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: MONITORING - Engineering)

7. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all drainage easements shown in conflict with the existing or proposed structures. (BLDGPM: MONITORING - Engineering)

ENVIRONMENTAL

1. Prior to the approval of the Final Site Plan by the Development Review Officer (DRO), a Phase II Environmental Audit, focusing on the area of the residential development, shall be submitted to the Department of Environmental Resources Management. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - PERIMETER-LANDSCAPE BUFFER ALONG THE WEST PROPERTY LINE (FRONTAGE OF NORTH JOG ROAD)

1. Prior to final DRO, the applicant shall revise the Master Plan to show a 20 ft. ROW buffer along the west property line within the Affected Area of the new Residential Pod. (DRO/ONGOING: ZONING - Zoning)

PARKING

1. All recreational uses within the 3.41 acre Recreation Pod, including use of any parking or recreational amenities within Pod 14, shall be discontinued prior to issuance of the first Building Permit for a residential unit within Residential Pod 14, until such time as the Recreation Pod has been redeveloped. (BLDG PRMT: BUILDING – Zoning)

PLANNING

1. Previous Condition 5 of Resolution R-1980-389, Control No.1980-00028, which currently states:

No future addition to the Eastpointe Planned Unit Development shall be sought, except for the parcel (12 acres) at the northwest corner of Florida's Turnpike and Hood Road.

Is hereby deleted. [REASON: No longer applicable.]

2. Previous Condition 6 of Resolution R-1980-389, Control No.1980-00028, which currently states:

In the event the petitioner acquires property adjacent to the Eastpointe Planned Unit Development, said property shall not be developed for other than single family, detached dwellings.

Is hereby deleted. [REASON: No longer applicable.]

3. Prior to the issuance of the first residential Building Permit, the applicant shall submit payment to Department of Housing and Economic Sustainability (DHES) and a copy of a receipt for that payment to the Planning Division in the amount of \$163,000 (2 units at \$81,500 per WHP unit). (BLDGPMT: MONITORING - 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)

SITE DESIGN - PERIMETER ALONG THE EAST BOUNDARY OF POD 14 ABUTTING OPEN SPACE/RESIDENTIAL

1. The rear setbacks for the eastern lots adjacent to Pod 14A shall provide for a minimum 20 ft. setback to any portion of the structure two (2) stories or greater in height, and a minimum 15 ft. setback to any portion of the structure one (1) story in height. (BLDGPMT/ONGOING: ZONING - Building Division)

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.