

RESOLUTION NO. R-2023- 0415

RESOLUTION APPROVING ZONING APPLICATION DOA-2023-00658
(CONTROL NO. 2005-00370)
Development Order Amendment
APPLICATION OF HRC Investment Group LLC
BY WGINC, AGENT
(BrandX Pointe)

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 DOA-2023-00658 the Application of HRC Investment Group LLC, by WGINC, Agent, Development Order Amendment to delete the Conditions of Approval for a Conditional Overlay Zone (COZ) on 4.08 acres and to release a Restrictive Covenant restricting income on one unit on 4.08 acres was presented to the Board of County Commissioners at a public hearing conducted on September 28, 2023;

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 DOA-2023-00658, the Application of HRC Investment Group LLC, by WGINC, Agent, a Development Order Amendment to delete the Conditions of Approval for a Conditional Overlay Zone (COZ) on 4.08 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 September 28, 2023, subject to the Conditions of

Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Sachs moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Mayor	-	Aye
Commissioner Maria Sachs, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Michael A. Barnett	-	Aye
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 September 28, 2023.

Filed with the Clerk of the Board of County Commissioners on October 17th, 2023.

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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

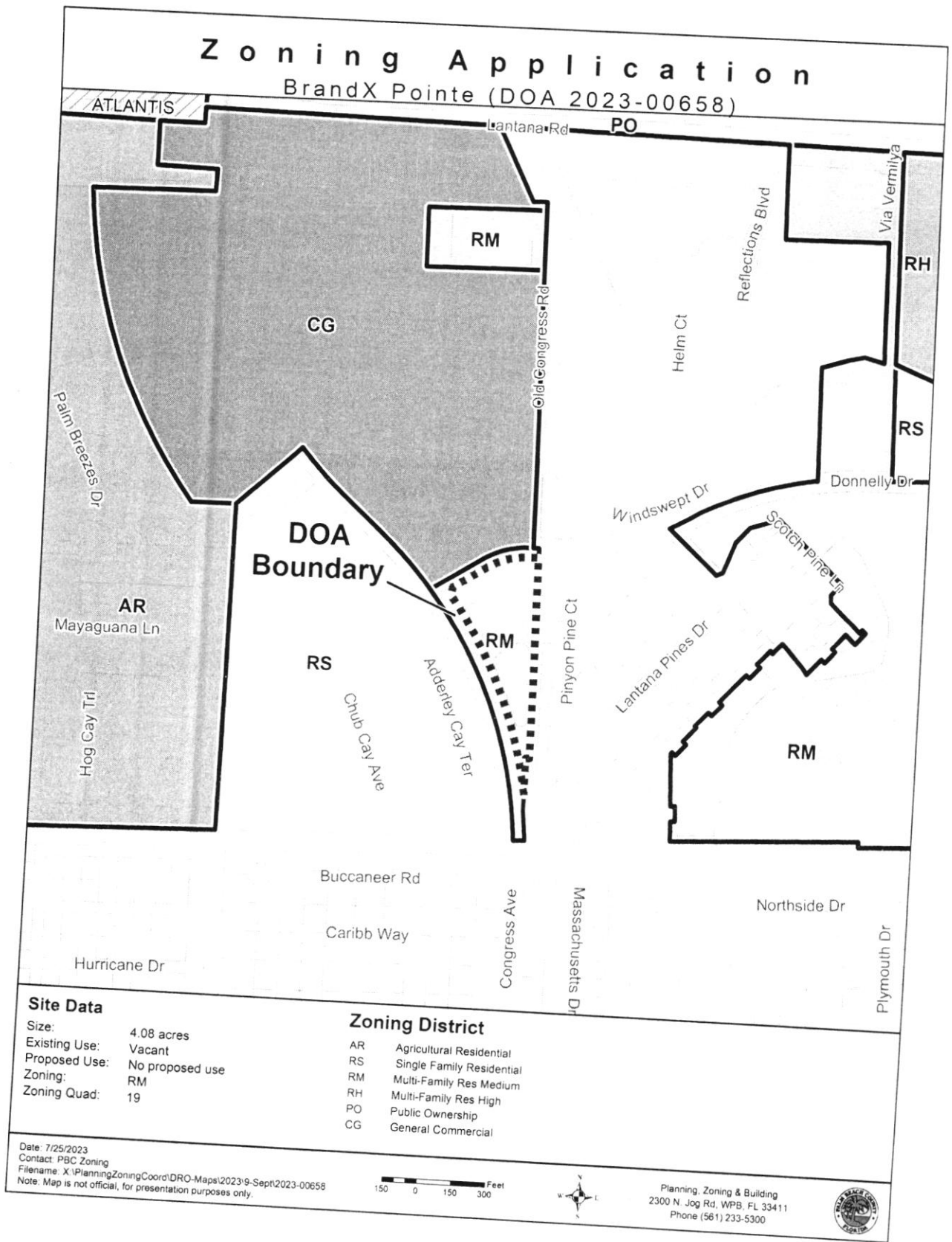
LEGAL DESCRIPTION

LEGAL DESCRIPTION

PARCEL A AND TRACT B, ATRIA LANTANA, ACCORDING TO THE PLAT THEREOF
AS RECORDED IN PLAT BOOK 85, PAGE 134, OF THE PUBLIC RECORDS OF
PALM BEACH COUNTY, FLORIDA.

CONTAINING 4.08 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH



Site Data

Size: 4.08 acres
 Existing Use: Vacant
 Proposed Use: No proposed use
 Zoning: RM
 Zoning Quad: 19

Zoning District

- AR Agricultural Residential
- RS Single Family Residential
- RM Multi-Family Res Medium
- RH Multi-Family Res High
- PO Public Ownership
- CG General Commercial

Date: 7/25/2023
 Contact: PBC Zoning
 Filename: X:\Planning\Zoning\Coord\DOA-Maps\2023\9-Sept\2023-00658
 Note: Map is not official, for presentation purposes only.



Planning, Zoning & Building
 2300 N. Jog Rd, WPB, FL 33411
 Phone (561) 233-5300



EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2006-1197, Control No.2005-00370, which currently states:

Development of the site is limited to the site design approved by the Board of County Commissioners. The approved site plan is dated March 28, 2006. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: No longer applicable]

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2006-1197, Control No.2005-00370, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:
No Building Permits for the site may be issued after January 1, 2009. 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 Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer applicable]

2. Previous ENGINEERING Condition 2 of Resolution R-2006-1197, Control No.2005-00370, which currently states:

Landscape Within the Median of Congress Avenue

a. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Congress Avenue. This landscaping and irrigation shall strictly conform to the specifications and standards for the County=s Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.

b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng) (Previous ENGINEERING Condition 2 of Resolution R-2006-1197, Control No.2005-00370)

c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng) (Previous ENGINEERING Condition 2 of Resolution R-2006-1197, Control No.2005-00370)

d. At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall

assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. (ONGOING: ENGINEERING-Eng) (Previous ENGINEERING Condition 2 of Resolution R-2006-1197, Control No.2005-00370)

e. Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Congress Avenue. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPM: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer applicable]

3. Previous ENGINEERING Condition 4 of Resolution R-2006-1197, Control No.2005-00370, which currently states:

On or before June 1, 2007 the property owner shall convey to Palm Beach County sufficient 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 the east 60 feet of the right of way of Congress Avenue along the property frontage; and a maximum 800 feet of these adjacent roadway(s). 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 retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. 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. (DATE: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer applicable]

HEALTH

1. Previous HEALTH Condition 1 of Resolution R-2006-1197, Control No.2005-00370, which currently states:

The project shall be served by sanitary sewer and a community water system. Neither onsite sewage treatment and disposal system (OSTDS) nor potable water wells shall be approved for use on the property. All existing OSTDS must be abandoned in accordance with Chapter 64E-6, FAC and Palm Beach County ECR-I. All existing onsite potable water supply systems shall be abandoned in accordance with Chapter 64E-8, FAC, and Palm Beach County ECR-II. (ONGOING: HEALTH DEPARTMENT - Health Department)

Is hereby deleted. [REASON: Code Requirement]

ZONING - LANDSCAPING-STANDARD

1. Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2006-1197, Control

No.2005-00370, which currently states:

Prior to the issuance of a building permit (or specify an alternative), 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. (BLDGPMPT: ZONING - Zoning)

Is hereby deleted. [REASON: No longer applicable]

2. Previous ZONING - LANDSCAPING Condition 4 of Resolution R-2006-1197, Control No.2005-00370, which currently states:

A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDGPMPT: ZONING - Zoning)

Is hereby deleted. [REASON: No longer applicable]

3. Previous ZONING - LANDSCAPING Condition 5 of Resolution R-2006-1197, Control No.2005-00370, which currently states:

Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation.

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

5. Previous ZONING - LANDSCAPING Condition 6 of Resolution R-2006-1197, Control No.2005-00370, which currently states:

Provide a landscape focal point at the dead end between units 23 and 22. Prior to final approval by the Development Review Officer (DRO) the Landscape focal points shall be subject to review and approval by the Landscape Section. (DRO: ZONING - Architectural Review)

Is hereby deleted. [REASON: No longer applicable]

PLANNING

1. Previous PLANNING Condition 1 of Resolution R-2006-1197, Control No.2005-00370, which currently states:

Prior to final approval by the Development Review Officer (DRO), if additional units are requested through the County's TDR Program, the property owner shall record in the public records of Palm Beach County a restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which includes the following:

- a. Guarantees the attainability of 30% of the requested TDR units (the number of units calculated shall be rounded up to the nearest dwelling unit) for a period of ten years (ownership) twenty years (rental), to moderate income (>80% - 120% median income) households, with the unit sales prices determined by Palm Beach County's Housing and Community Development Department; and
- b. Guarantees that these units shall not be further restricted beyond the requirement that the occupants qualify for the income limits. (DRO: COUNTY ATTORNEY - Planning)

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

2. Previous PLANNING Condition 2 of Resolution R-2006-1197, Control No.2005-00370, which currently states:

The property owner shall include in sales documents as well as written brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying future residents of this development, that the project has a minimum of 30% of the

requested TDR units earmarked as attainable housing units and any residents wishing to reside in a unit that has been earmarked as an attainable housing unit shall qualify for eligibility. Every deed of sale for each of the attainable units shall contain a restriction guaranteeing the property is sold and occupied by a qualified income household only, for a period of ten years (ownership) twenty years (rental). The property owner is responsible for disclosure of the location of these attainable units prior to the sale of any units. On an annual basis, beginning July 1, 2007, the property owner/homeowner association shall submit an annual report to the Planning Division documenting compliance with the Attainable Housing declaration of restrictive covenants, the sales document disclosure, and the deed of sale restriction. (DATE: MONITORING - Planning)

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

SIGNS

1. Previous SIGNS Condition 1 of Resolution R-2006-1197, Control No.2005-00370, which currently states:

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)

Is hereby deleted. [REASON: No longer applicable]

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)

Is hereby deleted. [REASON: No longer applicable]

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
- 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
 - The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - 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
 - Referral to Code Enforcement; and/or
 - 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)

Is hereby deleted. [REASON: No longer applicable]

DISCLOSURE

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