

RESOLUTION NO. R-2013- 0207

RESOLUTION APPROVING ZONING APPLICATION ABN/DOA-2011-00632  
(CONTROL NO. 1973-00215)  
a Development Order Amendment  
APPLICATION OF Fairways LLC  
BY Urban Design Kilday Studios, AGENT  
(South Hampton PUD (AKA Century Village))

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 ABN/DOA-2011-00632 was presented to the Board of County Commissioners at a public hearing conducted on February 28, 2013; 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.2.B for a a Development Order Amendment.

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 ABN/DOA-2011-00632, the petition of Fairways LLC, by Urban Design Kilday Studios, agent, for a Development Order Amendment to delete land area and conditions of approval relating to the golf course use in 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 shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on February 28, 2013, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on February 28, 2013.

Filed with the Clerk of the Board of County Commissioners on March 5th, 2013.

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



The seal is circular with the text "PALM BEACH COUNTY COMMISSIONERS" around the perimeter and "PALM BEACH COUNTY FLORIDA" in the center.

EXHIBIT A

LEGAL DESCRIPTION

TRACT 37, "CENTURY VILLAGE PLAT NO. FOURTEEN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, PAGES 156 AND 157, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT PARCEL 119, ACCORDING TO THE FINAL JUDGMENT INCLUDING FEES AND COSTS, AS RECORDED IN OFFICIAL RECORDS BOOK 6956 AT PAGE 685, AND ALSO LESS PARCEL 120, ACCORDING TO THE FINAL JUDGMENT INCLUDING FEES AND COSTS, AS RECORDED IN OFFICIAL RECORDS BOOK 6950 AT PAGE 1635, BOTH OF SAID PUBLIC RECORDS.

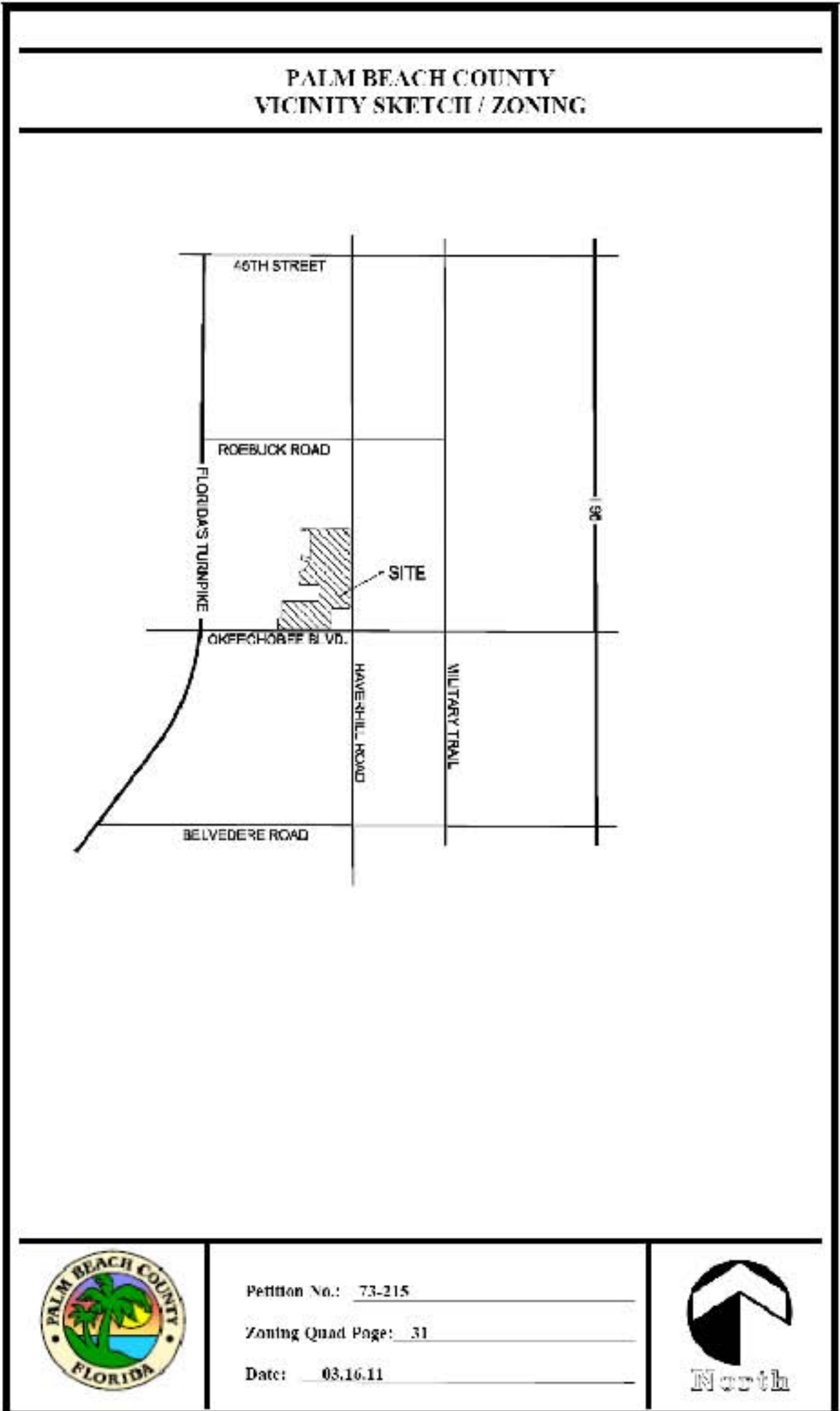
TOGETHER WITH:

A PORTION OF TRACT 36 "CENTURY VILLAGE PLAT NO. FOURTEEN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, PAGES 156 AND 157, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 43 SOUTH, RANGE 42 EAST; THENCE NORTH 00°00'00" EAST, ALONG THE EAST LINE OF SAID SECTION 23, A DISTANCE OF 656.00 FEET; THENCE NORTH 89°57'11" WEST, AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 23, A DISTANCE OF 650.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 150.00 FEET; THENCE NORTH 89°57'11" WEST, A DISTANCE OF 213.00 FEET; THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 125.00 FEET; THENCE NORTH 89°57'11" WEST, A DISTANCE OF 1080.00 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 487.41 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 1022.00 FEET (THE LAST SIX DESCRIBED COURSES BEING COINCIDENT WITH THE BOUNDARY OF SAID TRACT NO. 36); THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 213.25 FEET; THENCE SOUTH 89°57'11" EAST, A DISTANCE OF 271.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS ALL SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 23.662 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-1973-815 (Control 1973-215), 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 (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. The approved Preliminary Master, Site, and Regulating plans are dated October 12, 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 as established in the ULDC, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

3. Prior to final approval by the Development Review Officer, the Property Owner/applicant shall execute a Unity of Control binding the owner of Tract 36 and the adjacent Traditional Neighborhood Development (Control 2011-245) to maintain the property as open space or a golf course in compliance with all applicable maintenance requirements of the Palm Beach County Unified Land Development Code. (DRO: ZONING-COUNTY ATTY)

4. The PZB Executive Director may initiate a Monitoring Status Report to the Board of County Commissioners for non-compliance with maintenance of Tract 36. (ONGOING: MONITORING - Zoning).

5. Previous Condition 1 of Letter dated May 15, 1973, of Resolution R-1973-815, Control No. 1973-215) which currently states:

The RH high density request is probably better than the existing CG General Commercial District along this section of Okeechobee Road.

Is hereby deleted. [Reason: property was rezoned to RH with a Special Exception for a PUD in 1973]

6. Previous Condition 2 of Letter dated May 15, 1973, of Resolution R-1973-815, Control No. 1973-215) which currently states:

The Century Corner Shopping Center adequately serve the area for commercial needs and the removal of the additional strip commercial west of Haverhill road will be better land use for the area.

Is hereby deleted. [Reason: Additional Commercial developments have been established since this time]

7. Correction of the Legal Description- In rezoning the previously omitted 4.6 acre hiatus there was a seventy (70) foot discrepancy in the legal description and this has been corrected by the project's surveyor. (Previous Condition 8 of Letter dated October 9, 1973 of Resolution R-1973-815 Control No 1975-215) (ONGOING-ZONING-Monitoring)

8. The 12.55 acres of Tract 36 within the South Hampton PUD shall be prohibited from filing an application with the County to allow for development of the site, unless it is in compliance with All Petitions Conditions 9. (ONGOING-ZONING-Monitoring)

9. The Property Owner of the Traditional Neighborhood Development (TND), Application 2011-01203, shall submit a golf course plan to the United Civic Organization (UCO) and the Delegates Assembly of Century Village by August 28, 2013. UCO and the

Delegates Assembly of Century Village shall have sixty (60) days to approve this Plan. Otherwise, Tract 36 shall be maintained as open space to be maintained by the Property Owner of the TND. (DATE: MONITORING – Zoning)

10. At time of final approval by the Development Review Officer (DRO), the Property Owner shall submit a Security Plan to the Zoning Division. The Plan shall be reviewed and approved by the Palm Beach County Sheriff's Office prior to final approval by the DRO. (DRO: SHERIFF – Zoning)

#### ERM

1. Prior to the final approval by the Development Review Officer, the Property Owner of the Traditional Neighborhood District shall conduct contamination testing on Tract 36, the amount of test sites shall be twice the amount required under the Best Management Practices for contamination testing. (DRO: ERM- ERM)

#### ENGINEERING

1. Previous Condition from Item 1 of Resolution R1973-815, Control No. 1973-215, which currently states:

No access should be allowed to Okeechobee Boulevard which is already experiencing tremendous traffic accidents and slow movement of vehicular transportation.

Is hereby deleted. [Reason: Access management and TPS are now code requirements]

2. Access to Fairway Street normally requires a fifty (50) foot right-of-way under the new subdivision regulations. The County Engineer's office has agreed to the provision of twenty nine (29) feet of road right-of-way for Fairway Street based upon other engineering alternative solutions which the developer was able to provide. (Previous Condition from Item 6 of Resolution R-1973-815, Control No. 1973-215)

3. Previous Condition from Item 6 of Resolution R-1973-815, Control No. 1973-215, which currently states:

Okeechobee Road setbacks and right-of-way commitment

The right-of way commitment for Okeechobee Boulevard is eighty one (81) feet from centerline; in addition a twenty five (25) foot buffer from the property line is required as well as fifty (50) feet for Fairway Street right-of-way (see County Engineer amendment above), five (5) feet for landscape buffer around external parking lots, and sixty five (65) feet for the parking lot proper (this includes the thirty (30) foot front building setback). The total distance from the center line of Okeechobee Boulevard to the first Century Village building in the Southhampton project must be one hundred forty five (145) feet subject to a twenty one (21) foot reduction for Fairway Street approved by the County Engineer.

Is hereby deleted. [Reason: Condition is replaced with new right of way condition applied to concurrent application.]

#### LANDSCAPE - GENERAL

1. Buffer on West side of the property - fifteen (5) feet of the normal twenty-five (25) foot buffer surrounding the planned unity development (assuming that the twenty five (25) feet of additional buffer is allocated for internal usable open space was waived by the department because the link-up with the existing Fairway Street in Century Village property could not be relocated. (ONGOING-ZONING-Zoning)(Previous Condition 2 of Letter dated October 9, 1973, of Resolution R-1973-815, Control No. 1973-215)

#### SITE DESIGN

1. West building corner side yard setback - The setback from the property line on the west boundary would normally be a twenty-five (25) foot buffer, fifty (50) feet right-of-way for Fairway Street and a thirty (30) foot side corner yard setback for a total of one hundred five (105) feet from the west property line. This setback was amended due to the existing link-up with Fairway Street mentioned above. However all yard setbacks were maintained.

(ONGOING: ZONING - Zoning) (Previous Condition 4 of Letter dated October 9, 1973, of Resolution R-1973-815, Control No. 1973-215)

2. Rear setback line for the west building from the Northwest property corner - this

setback is thirty five (35) feet and Century Village added additional property to the PUD legal description to accommodate this setback. (ONGOING: ZONING - Zoning) (Previous Condition 5 of Letter dated October 9, 1973, of Resolution R-1973-815, Control No. 1973-215)

3. East Boundary setback would include a twenty five (25) foot buffer and a twenty five (25) foot rear setback for a recreational building for a total of fifty (50) feet. In addition, the east building would have to be set back twenty five (25) feet for a buffer and sixty five (65) feet for a parking lot which includes the side corner setback of thirty five (35) feet. Century Village eliminated the laundry and recreational building and met all required setbacks. (ONGOING: ZONING - Zoning) (Previous Condition 6 of Letter dated October 9, 1973, of Resolution R-1973-815, Control No. 1973-215)

4. Parking requirements - The parking stalls shown on the Century Village plan were substandard and were altered to insure the two hundred (200) square feet of parking (10 feet x 20 feet). In addition the parking ratio was re-evaluated and proper parking spaces were shown on the master land use plan. (ONGOING: ZONING - Zoning) (Previous Condition 7 of Letter dated October 9, 1973, of Resolution R-1973-815, Control No. 1973-215)

#### USE LIMITATIONS

1. Previous Condition item 6 of letter dated June 4, 1973, of Resolution R-193-815, Control 1973-215, which currently states:

Concerning the future maintenance of the Century Village Golf course as a recreational open space amenity is still very much a concern of members of the County Commission.

Is hereby deleted: [Reason: Applicant is requesting to delete land area of the former golf course to allow for the rezoning and development of a Traditional Neighborhood Development]

2. Previous Condition 6 of the letter dated May 15, 1973 which reads: "Covenants should be filed with the golf course to guarantee to the Citizens of Century Village that this recreational area will always be maintained as such and will not later become sites for apartment construction."

Is hereby deleted. [Reason: applicant is requesting to delete land area of the former golf course to allow for the rezoning and development of a Traditional Neighborhood Development]

3. Previous Condition 10, part 2 of the letter dated October 9, 1973 which reads: "Secondly, the golf course which was not covenanted to remain as open space will now be guaranteed as a golf course for the entire Century Village community".

Is hereby deleted. [Reason: applicant is requesting to delete land area of the former golf course to allow for the rezoning and development of a Traditional Neighborhood Development]

#### 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)