

RESOLUTION NO. R-2014- 1106

RESOLUTION APPROVING ZONING APPLICATION PDD/R/TDR-2013-01847
(CONTROL NO. 1978-00032)

an Official Zoning Map Amendment to a Planned Development District
APPLICATION OF Manetto Hill Realty Venture LLC
BY Urban Design Kilday Studios, AGENT
(Stonybrook on the Lake)

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), have been satisfied;

WHEREAS, Zoning Application PDD/R/TDR-2013-01847 was presented to the Board of County Commissioners at a public hearing conducted on July 24, 2014;

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 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;

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;

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; and,

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 PDD/R/TDR-2013-01847, the application of Manetto Hill Realty Venture LLC, by Urban Design Kilday Studios, agent, for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Agriculture Residential Zoning District (AR) and the Residential Estates Zoning District (RE) to the Residential Planned Unit Development (PUD) 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 July 24, 2014 subject to the Conditions of Approval described in EXHIBIT C, attached hereto

and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on July 24, 2014.

Filed with the Clerk of the Board of County Commissioners on July 29th, 2014.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FOR
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

A PORTION OF LAND LYING IN THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 1A (DELRAY PLANTS INTERNATIONAL):

THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE SOUTH 12.5 FEET THEREOF AS CONVEYED TO PALM BEACH COUNTY FOR THE RIGHT-OF-WAY OF FROST LANE, BY QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 2514, PAGE 691, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 1B (DELRAY PLANTS INTERNATIONAL):

THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE NORTH 55.00 FEET FOR THE LAKE WORTH DRAINAGE DISTRICT CANAL RIGHT-OF-WAY.

PARCEL 2 (EDLIG ENTERPRISES):

THE EAST 264 FEET OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE SOUTH 12.5 FEET THEREOF AS CONVEYED TO PALM BEACH COUNTY FOR THE RIGHT-OF-WAY OF FROST LANE, BY QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 2514, PAGE 685, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3:

THE WEST 132 FEET OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE SOUTH 12.5 FEET THEREOF AS CONVEYED TO PALM BEACH COUNTY FOR THE RIGHT-OF-WAY OF FROST LANE, BY QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 2514, PAGE 685, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4:

THE WEST 264 FEET OF THE EAST 528 FEET OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE SOUTH 12.5 FEET THEREOF AS CONVEYED TO PALM BEACH COUNTY FOR THE RIGHT-OF-WAY OF FROST LANE, BY QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 2514, PAGE 685, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 1,353,378 SQUARE FEET/31.0693 ACRES MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

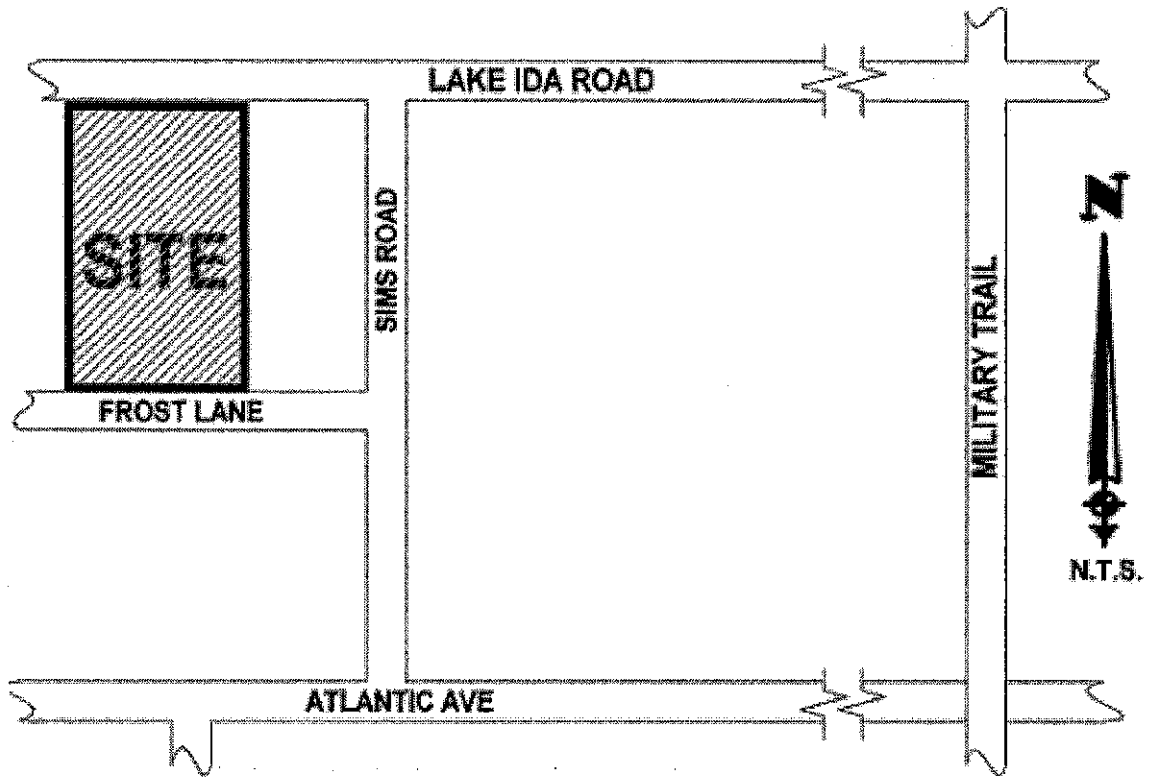


EXHIBIT C

CONDITIONS OF APPROVAL

PDD- Residential Planned Development District

ALL PETITIONS

1. The Preliminary Master and Site Plans are dated July 11, 2014. 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)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Multifamily Buildings shall be submitted for review and 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 July 17, 2013. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning) (DRO: 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, 2017. 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. (BLDGPMT/DATE: MONITORING - Engineering)

2. The Property Owner shall fund the cost of signal installation at Atlantic Avenue and Sims Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition. No Building Permits for more than 66 apartment units shall be issued until the Property Owner makes a payment to the Traffic Division in an amount as determined by the Director of the Traffic Division. This amount will be impact fee creditable. However, if the signal is warranted at any time after the first building permit is pulled and before the above threshold for building permits is reached, as determined by the County Engineer, a full payment for the signal will be required to be made within 60 days of the request for such payment by the County Engineer. If the signal is not warranted at this location, the amount paid by the Property Owner may be used for any other road improvements as specified in Article 13, Impact Fee, of the ULDC, or as determined by the County Engineer. (BLDGPMT: MONITORING - Engineering)

3. 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. (BLDGPMT: MONITORING - Engineering)

4. The Property Owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for: 30 feet of additional right of way for Lake Ida Road. Said additional right of way shall be adjacent to the south side of the lake Worth Drainage District L-32 Canal and be along the project's entire north property line.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances.

Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering)

5. Prior to site plan approval by the Development Review Officer, the Property Owner shall amend the site plan to include separate left and right turn egress lanes south approach on the driveway connection to Lake Ida Road. (DRO: ENGINEERING - Engineering)

ENVIRONMENTAL

1. Prior to Issuance of the Vegetation Removal Approval by the Department of Environmental Resources Management (ERM) the applicant shall provide the results of a Phase II Environmental Audit to ERM. (BLDGPM/VEGPM: ENVIRONMENTAL RESOURCE MANAGEMENT - Environmental Resource Management)

2. All native trees that are determined by the Department of Environmental Resources Management to be relocatable, shall be relocated on the site pursuant to the requirements of ULDC Article 14.C. (BLDGPM/VEGPM: ENVIRONMENTAL RESOURCE MANAGEMENT - Environmental Resource Management)

LANDSCAPE - GENERAL

1. Prior to Final Plan approval by the Development Review Officer (DRO), the Property Owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plans shall incorporate existing vegetation or replacement in accordance with Article 7.D.2.D Tree Credit and Replacement. The Plans(s) shall be prepared in compliance with the Conditions of Approval as contained herein and all ULDC requirements. (DRO: LANDSCAPE - Zoning)

2. In addition to the ULDC requirements, a minimum of seventy-five (75) percent of all trees to be planted in the perimeter landscape buffers shall meet the following minimum standards at installation:

- a. tree height: fourteen (14) feet; and,
- b. credit may be given for existing or relocated trees provided they meet ULDC requirements. (ONGOING: LANDSCAPE - Zoning)

3. A group of three (3) or more palms may not supersede the requirements for a canopy tree in the perimeter buffers along the south, east and west property lines. (ONGOING: LANDSCAPE - Zoning)

4. Groups of Slash Pine Trees may not be planted as a replacement for canopy trees in the perimeter buffers (ONGOING: LANDSCAPE - Zoning)

5. Field adjustment of the berm locations may be permitted to provide pedestrian sidewalks/bike paths and amenities, and to accommodate traversing utility or drainage easements and existing vegetation. (ONGOING: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-NORTH PROPERTY LINE (LAKE IDA ROAD)

6. In addition to the ULDC requirements, buffering along the north property line shall be upgraded to include:
- a. one (1) canopy tree for each twenty (20) linear feet of property line. (ONGOING: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-SOUTH PROPERTY LINE (FROST LANE)

7. Landscaping and buffering along the south property line, south 164 feet of the east property line and south 490 feet of the west property line shall be upgraded to include:
- a. a minimum width of twenty-five (25) feet;
 - b. a three (3) foot high continuous berm;
 - c. a six (6) foot high vinyl coated chain link fence with a six (6) foot high hedge; or a six (6) foot high opaque PVC fence. Fence to be located on top of the berm; and
 - d. one (1) canopy tree for each twenty (20) feet of the property line;
 - e. one (1) large shrub for each four (4) linear feet of the property line;
 - f. one (1) medium shrub for each four (4) linear feet of the property line; and,
 - g. one (1) small shrub for each two (2) linear feet of the property line.
- (ONGOING: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-EAST PROPERTY LINE- NORTHERN 390 FEET

8. In addition to the ULDC requirements, landscaping along the east property line shall be upgraded to include:
- a. Type I Incompatibility Buffer with a six (6) foot high concrete panel wall along the north 330 feet; and,
 - b. a Compatibility Buffer with a width of fifteen (15) feet along the central 790 feet.
- (ONGOING: LANDSCAPE - Zoning)

LIGHTING

1. A street light shall be located at the entrance of the development. On-site lighting installed within the boundaries of the development shall comply with the requirements of Article 5.E.4.E. Any off-site lighting would be subject to review and approval of the permitting authority. (BLDG/PMT/DRO: ZONING/ENG/LWDD - Zoning)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed the South 29.60 feet of the North 85 feet of a portion of the NW (quarter) of Section 14-46-42 for the L-32 Canal. LWDD will provide and record the conveyance document. PLAT: ENG-LWDD (PLAT: ENGINEERING - Lake Worth Drainage District)

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 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).

2. Prior to the issuance of the first Certificate of Occupancy (CO), the ten feet by fifteen feet school bus shelter shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential property owner. (CO: MONITORING - School Board)

SITE DESIGN

1. Prior to Final Approval by the Development Review Officer (DRO), the property owner shall revise the Master Plan and the Final Site Plan as follows:

- a. The building located at the southwest corner of the subject property, immediate west of the tennis courts, shall be restricted to a 2/3 story configuration. (DRO: 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: MONITORING - Zoning) (ONGOING: ZONING - Zoning)

DISCLOSURE

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