

RESOLUTION NO. R-2015- 0369

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2014-01129
(CONTROL NO. 2005-00347)
a Class A Conditional Use
APPLICATION OF Dale Hedrick, Hedrick 33, LLC - Cathleen T Burk
BY Land Design South, Inc., AGENT
(Hedrick Property)

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 Z/CA-2014-01129 was presented to the Board of County Commissioners at a public hearing conducted on March 26, 2015;

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.2.B for a Class A Conditional Use; 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 Z/CA-2014-01129, the petition of Dale Hedrick, Hedrick 33, LLC - Cathleen T Burk, by Land Design South, Inc., agent, for a Class A Conditional Use to allow Zero Lot Line (ZLL) homes, 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 March 26, 2015, subject to the Conditions of Approval described in EXHIBIT C-2, attached hereto and made a part hereof.

Commissioner Taylor moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on March 26, 2015.

Filed with the Clerk of the Board of County Commissioners on March 30th, 2015

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

00-42-43-27-05-005-0370

Tract 37, Block 5 of THE PALM BEACH FARMS CO. PLAT NO. 3, according to the Plat thereof, as recorded in Plat Book 2, Pages 45 to 54, inclusive, of the Public Records of Palm Beach County, Florida.

Less that portion deeded to Palm Beach County in that certain Right of Way Warranty Deed, recorded in Official Records Book 7053, Page 1594, of the Public Records of Palm Beach County, Florida.

Also, less a parcel of land lying within a portion of Tract 37, Block 5, THE PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Pages 45, Public Records of Palm Beach County, Florida, being more particularly described as follows:

BEGIN at the intersection of the North line of said Tract 37 with the East right of way line of Jog Road, as described in O. R. Book 7053, Page 1594, Public Records of Palm Beach County, Florida; thence North $89^{\circ}03'55''$ East, along the North line of said Tract 37 (the North line of said Tract 37 is assumed to bear North $89^{\circ}03'55''$ East and all other bearings are relative thereto) a distance of 45.23 feet to a point; thence South $42^{\circ}54'04''$ West a distance of 50.49 feet to a point on a curve concave to the West having a radius of 33,283.74 feet, a central angle of $0^{\circ}27'14''$ and a radial bearing at this point of South $86^{\circ}46'52''$ West; thence Southerly, along the arc of said curve, a distance of 263.73 feet to a point; thence South $11^{\circ}24'40''$ West a distance of 36.01 feet to a point on said East right of way line, said point lying on a curve concave to the West having a radius of 33,274.59 feet, a central angle of $0^{\circ}31'32''$ and a radial bearing at this point of South $87^{\circ}17'43''$ West; thence Northerly, along said right of way line, along the arc of said curve, a distance of 305.24 feet to the point of tangency; thence North $3^{\circ}13'49''$ West a distance of 30.13 feet to the POINT OF BEGINNING.

Said lands situate in the County of Palm Beach, Florida and contain 9.240 acres, more or less.

EXHIBIT B

VICINITY SKETCH

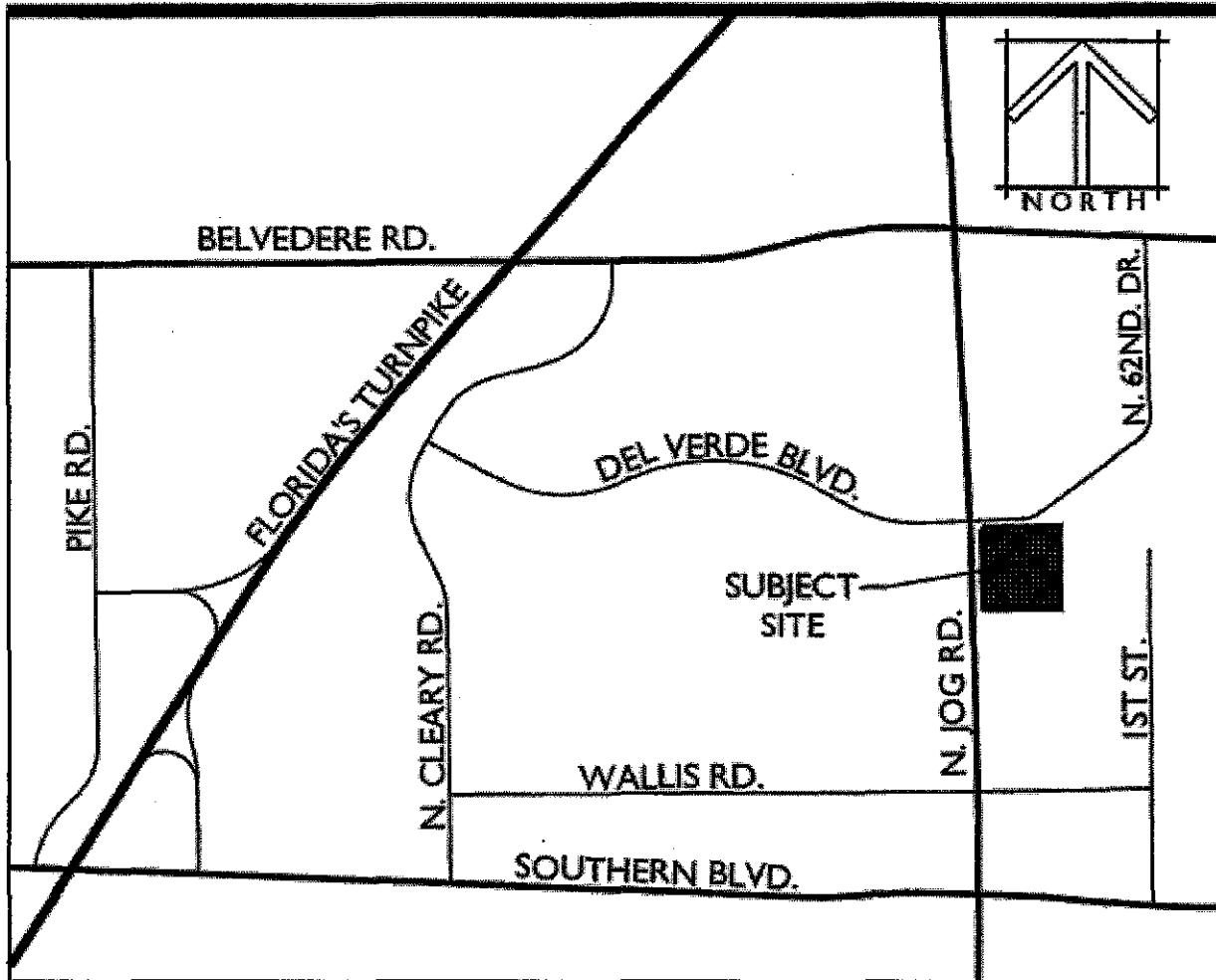


EXHIBIT C-2

CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Subdivision Plan is dated February 13, 2015 and the Preliminary Alternative Landscape Plan is dated March 11, 2015. 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)

LANDSCAPE - GENERAL

1. Prior to Final Approval by the Development Review Officer (DRO):

- a. The Property Owner shall submit an Alternative Landscape Plan (ALP) to the Landscape Section for review and approval to be generally consistent with the ALP submitted on March 11, 2015.
- b. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein and shall account for all preserved and mitigated trees.
- c. The Property Owner shall meet with Landscape Staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO/ONGOING: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER

2. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ADJACENT TO RESIDENTIAL PROPERTIES)

In addition to the Code requirements, landscaping and/or buffer width along the south property line shall be upgraded to include:

- a. a minimum ten (10) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted. (BLDGPM/ONGOING: LANDSCAPE - Zoning)

3. LANDSCAPING ALONG THE EAST PROPERTY LINE (ADJACENT TO RESIDENTIAL PROPERTIES)

In addition to the Code requirements, landscaping and/or buffer width along the east property line shall be upgraded to include:

- a. a minimum twenty five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted. (BLDGPM/ONGOING: LANDSCAPE - Zoning)

4. LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF JOG ROAD)

In addition to the Code requirements, landscaping and/or buffer width along the west property line shall be upgraded to include:

- a. No width reduction or easement encroachment shall be permitted except to the west of Lot 1 as indicated on the Preliminary Subdivision Plan dated February 13, 2015. (BLDGPM/ONGOING: LANDSCAPE - Zoning)

5. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall provide:

- a. mitigated trees at twelve (12) or eighteen (18) feet in height within the eight (8) foot

wide area of the Lake Maintenance Easement; and

b. mitigated trees at twelve (12) or eighteen (18) feet in height within the twelve (12) foot wide slope behind the units adjacent to the Lake. (DRO/ONGOING: LANDSCAPE - Zoning)

6. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Landscape Plan to provide street trees at eighteen (18) foot in height within the eight (8) foot wide grass area along the internal Right of Way. (DRO/ONGOING: LANDSCAPE - Zoning)

7. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall incorporate a minimum of thirty (30) percent of the mitigated trees in the Final Landscape Plan. (DRO/ONGOING: LANDSCAPE - Zoning)

8. All preserved trees (including canopy trees, pines or palms) are required to be protected with tree barriers during all stages of construction. Permanent tree protection devices including, but not limited to: tree wells, retaining walls shall be installed for the preservation of trees. (ONGOING: LANDSCAPE -Zoning)

9. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall identify on the Final Subdivision Plan and the Final Landscape Plan the specific locations of the permanent tree protection devices. Details of the permanent tree protection device shall be shown on the Final Regulating Plan. (DRO: ZONING/LANDSCAPE -Zoning)

PLANNING

1. Prior to the issuance of the first residential Building Permit, the applicant shall submit payment to Department of Economic Sustainability (DES) and a copy of a receipt for that payment to the Planning Division in the amount of \$81,500 (1 units at \$81,500 per WHP unit). (BLDGPM: 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 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)

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.