

RESOLUTION NO. R-2015- 0831

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD-2014-01885
(CONTROL NO. 2014-00169)

an Official Zoning Map Amendment to a Planned Development District
APPLICATION OF Cove Club Inv Ltd
BY Land Design South, Inc., AGENT
(Boca Dunes PUD)

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 ZV/PDD-2014-01885 was presented to the Board of County Commissioners at a public hearing conducted on June 25, 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.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 ZV/PDD-2014-01885, the application of Cove Club Inv Ltd, by Land Design South, Inc., Agent, for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Agriculture Residential (AR) Zoning District to 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 indicated on a vicinity sketch in EXHIBIT B, attached hereto and made a part hereof, was approved on June 25, 2015 subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Mayor	-	Absent
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 June 25, 2015.

Filed with the Clerk of the Board of County Commissioners on June 29th, 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
FLORIDA



EXHIBIT A

LEGAL DESCRIPTION

PUD LEGAL DESCRIPTION

A PORTION OF TRACTS 90 THROUGH 92, AND 101 THROUGH 103, BLOCK 81, AND TRACTS 6 THROUGH 10, 13 THROUGH 16, 29, 30 AND 32, BLOCK 82, "PALM BEACH FARMS CO. PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH PORTIONS OF RIGHTS-OF-WAY ADJACENT TO SAID TRACTS AND ABANDONED PER OFFICIAL RECORDS BOOK 2013 AT PAGE 1451 OF SAID PUBLIC RECORDS, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1 BLOCK 6, "SANDALFOOT COVE, SECTION ONE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, AT PAGES 225 AND 226 OF SAID PUBLIC RECORDS; THENCE SOUTH 56°28'35" EAST, ALONG THE NORTH LINE OF S.W. 18TH STREET, AS SHOWN ON "PLAT I OF BARWOOD", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, AT PAGES 24 AND 25 OF SAID PUBLIC RECORDS, A DISTANCE OF 67.47 FEET TO THE POINT OF BEGINNING; THENCE NORTH 29°28'24" EAST, A DISTANCE OF 442.05 FEET; THENCE NORTH 22°32'02" EAST, A DISTANCE OF 261.74 FEET; THENCE NORTH 51°34'40" EAST, A DISTANCE OF 289.75 FEET; THENCE NORTH 23°59'38" EAST, A DISTANCE OF 327.70 FEET; THENCE NORTH 29°51'16" EAST, A DISTANCE OF 384.04 FEET; THENCE NORTH 28°48'39" EAST, A DISTANCE OF 9.82 FEET; THENCE NORTH 36°47'54" EAST, A DISTANCE OF 229.11 FEET; THENCE SOUTH 51°22'27" EAST, A DISTANCE OF 115.66 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT, AT WHICH THE RADIUS POINT BEARS SOUTH 45°29'57" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1045.00 FEET AND A CENTRAL ANGLE OF 09°04'30", A DISTANCE OF 165.52 FEET TO THE POINT OF TANGENCY; THENCE NORTH 53°34'33" EAST, A DISTANCE OF 63.22 FEET; THENCE NORTH 35°31'46" WEST, A DISTANCE OF 94.93 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS NORTH 56°59'08" WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, ALSO BEING THE NORTHEASTERLY LINE OF PARCEL B, "SANDALFOOT COVE, SECTION TWO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 29 AT PAGES 15 AND 16 OF SAID PUBLIC RECORDS, HAVING A RADIUS OF 250.00 FEET AND A CENTRAL ANGLE OF 70°38'14", A DISTANCE OF 308.21 FEET; THENCE NORTH 64°10'54" EAST, ALONG A NON-RADIAL LINE, A DISTANCE OF 134.09 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS NORTH 88°42'39" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 108.63 FEET AND A CENTRAL ANGLE OF 75°36'43", A DISTANCE OF 143.36 FEET TO THE POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 160.00 FEET AND A CENTRAL ANGLE OF 45°25'13", A DISTANCE OF 126.84 FEET TO THE POINT OF TANGENCY; THENCE NORTH 57°40'43" EAST, A DISTANCE OF 41.40 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 190.00 FEET AND A CENTRAL ANGLE OF 66°37'09", A DISTANCE OF 220.92 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 55°42'08" EAST, A DISTANCE OF 43.83 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 170.00 FEET AND A CENTRAL ANGLE OF 26°42'23", A DISTANCE OF 79.24 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 82°24'31" EAST, A DISTANCE OF 203.02 FEET; THENCE SOUTH 13°30'49" EAST, A DISTANCE OF 133.16 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 110.00 FEET AND A

CENTRAL ANGLE OF 39°15'07", A DISTANCE OF 75.36 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE EASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 95.00 FEET AND A CENTRAL ANGLE OF 100°32'56", A DISTANCE OF 166.72 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 47°47'00" WEST, A DISTANCE OF 113.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 290.00 FEET AND A CENTRAL ANGLE OF 40°29'03", A DISTANCE OF 204.91 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 07°17'57" WEST, A DISTANCE OF 154.47 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 130.00 FEET AND A CENTRAL ANGLE OF 64°08'12", A DISTANCE OF 145.52 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 71°26'09" WEST, A DISTANCE OF 47.70 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 110.00 FEET AND A CENTRAL ANGLE OF 66°26'17", A DISTANCE OF 127.55 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 130.00 FEET AND A CENTRAL ANGLE OF 39°09'58", A DISTANCE OF 88.87 FEET TO THE POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 310.00 FEET AND A CENTRAL ANGLE OF 20°27'09", A DISTANCE OF 110.66 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 70.00 FEET AND A CENTRAL ANGLE OF 18°11'06", A DISTANCE OF 22.22 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 46°25'54" WEST, A DISTANCE OF 101.71 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 220.00 FEET AND A CENTRAL ANGLE OF 49°56'19", A DISTANCE OF 191.75 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 03°30'25" EAST, A DISTANCE OF 150.79 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 110.00 FEET AND A CENTRAL ANGLE OF 50°06'49", A DISTANCE OF 96.21 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 46°36'23" WEST, A DISTANCE OF 65.94 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 70.00 FEET AND A CENTRAL ANGLE OF 20°52'18", A DISTANCE OF 25.50 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 60.00 FEET AND A CENTRAL ANGLE OF 68°49'24", A DISTANCE OF 72.07 FEET TO THE POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 210.00 FEET AND A CENTRAL ANGLE OF 25°31'57", A DISTANCE OF 93.58 FEET TO THE POINT OF TANGENCY; THENCE NORTH 59°54'34" WEST, A DISTANCE OF 85.72 FEET; THENCE NORTH 30°05'26" EAST, A DISTANCE OF 10.00 FEET; THENCE NORTH 59°54'34" WEST, A DISTANCE OF 579.17 FEET; THENCE SOUTH 60°57'37" WEST, A DISTANCE OF 155.48 FEET; THENCE SOUTH 39°54'10" WEST, A DISTANCE OF 162.69 FEET; THENCE SOUTH 18°03'22" WEST, A DISTANCE OF 414.58 FEET; THENCE SOUTH 33°31'25" WEST, A DISTANCE OF 222.52 FEET; THENCE NORTH 56°28'35" WEST, ALONG THE NORTH LINE OF S.W. 18TH STREET, AS SHOWN ON SAID "PLAT I OF BARWOOD", A DISTANCE OF 219.47 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 41.479 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

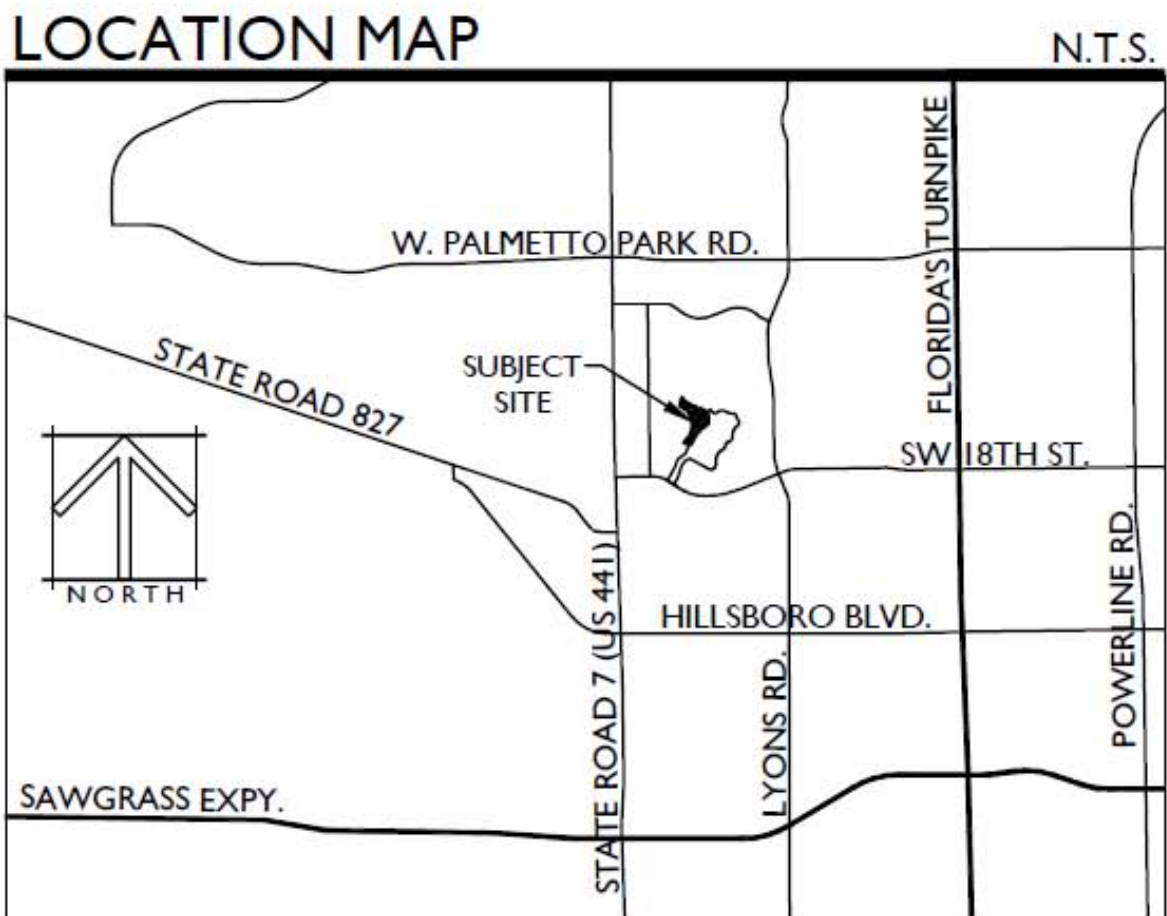


EXHIBIT C

CONDITIONS OF APPROVAL

PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Master Plan is dated March 12, 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)

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, 2019. 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)

2. Prior to issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code, including any residual parcels as required by Code. (BLDGPM: MONITORING - Engineering)

3. Prior to issuance of the first building permit, the Property Owner shall abandon or release, and relocate as necessary, all easements within the limits of the property that are in conflict with proposed improvements, including the 12-foot flowage easement. (BLDGPM: MONITORING - Engineering)

4. The Property Owner shall construct a left turn lane northwest approach on SW 18th Street at the project entrance. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right of way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

ENVIRONMENTAL

1. A Phase II Environmental Audit, of all areas included in the residential development, shall be submitted to ERM for review prior to DRO site plan approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources 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. (DRO: ZONING - 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 \$407,500 (5 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)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10' by 15' 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.

SITE DESIGN

1. Prior to Final Approval by the Development Review Officer (DRO), the plans and related documents shall be revised to be consistent with the approved Boundary Survey dated June 24, 2015. (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: ZONING - Zoning)

DISCLOSURE

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