

RESOLUTION NO. ZR-2020-033

RESOLUTION APPROVING ZONING APPLICATION SV-2020-00796  
CONTROL NO. 2018-00034  
SUBDIVISION VARIANCE (*STAND ALONE*)  
APPLICATION OF STONEWOOD JUPITER, LLC, D.R. HORTON, INC.  
BY **WGINC**, AGENT  
(RESERVE AT JUPITER )

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067, Supplement 26, as amended (ULDC), is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application SV-2020-00796 was presented to the Zoning Commission at a public hearing conducted on September 3, 2020;

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Subdivision Variance;

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 action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application SV-2020-00796, the application of Stonewood Jupiter, LLC, D.R. Horton, Inc., by WGINC, Agent, for a Subdivision Variance to allow an increase in daily trips over the 1,500 average daily trip threshold for a local residential street, on a parcel of land generally described as shown in 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 3, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof, and variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Kanel moved for the approval of the Resolution.

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

Sheri Scarborough, Chair	-	Yes
Sam Caliendo, Vice Chair	-	Absent
Amir Kanel	-	Yes
John Kern	-	Absent
Philip L. Barlage	-	Yes
Marcelle Griffith Burke	-	Yes
Alex Brumfield III	-	Yes
Mark Beatty	-	Yes
Jess Sowards	-	Yes

The Chair thereupon declared the resolution was duly passed and adopted on September 3, 2020.

This resolution is effective when filed with the Palm Beach County Zoning Division on September 23, 2020.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:   
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

BY:   
CHAIR

## EXHIBIT A

### LEGAL DESCRIPTION

COMMENCE at the East quarter corner (E 1/4) of Section 33; Thence North 89°56'37" West along the North line of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of said Section 33, for 416.40 feet to the POINT OF BEGINNING; Thence South 00°01'05" West along the West line and the Southerly extension thereof of the lands recorded in Official Records Book 3356, at Page 522, of the Public Records of Palm Beach County, Florida, for 160.00 feet; Thence South 89°56'37" East along the South line of 184th Place North recorded in Official Records Book 27225, at Page 1741, of the Public Records of Palm Beach County, Florida, for 383.40 feet to the West right-of-way line for Limestone Creek Road as shown on Palm Beach County Maintenance Map-Specific Purpose Survey, Project No. 2002055-Drawing No. S-3-08-2822; Thence South 00°01'05" West along said West right-of-way line, for 233.84 feet; The following three (3) courses being along the North, West and South lines of the lands recorded in Official Records Book 2749, at Page 1797, of the Public Records of Palm Beach County, Florida; Thence North 89°56'37" West, for 383.40 feet; Thence South 00°01'05" West, for 65.00 feet; Thence South 89°56'37" East, for 335.00 feet; Thence South 00°01'05" West along the West line of the lands recorded in Official Records Book 7607, at Page 1070, of the Public Records of Palm Beach County, Florida, for 65.00 feet; The following three (3) courses being along the North, West and South lines of the lands recorded in Official Records Book 2745, at Page 1954, of the Public Records of Palm Beach County, Florida; Thence North 89°56'37" West, for 335.00 feet; Thence South 00°01'05" West, for 65.00 feet; Thence South 89°56'37" East, for 130.00 feet; Thence South 00°01'05" West along the Northerly extension of the West line of the lands recorded in Official Records Book 30724, at Page 40, of the Public Records of Palm Beach County, Florida, for 314.00 feet; Thence North 89°56'37" West along the North line of the lands recorded in Official Records Book 8569, at Page 1469, of the Public Records of Palm Beach County, Florida, for 130.00 feet; Thence North 00°01'05" East along the common East line for the lands recorded in Official Records Book 2639, at Page 1669, Official Records Book 15559, at Page 1218 and Official Records Book 30075, at Page 1519, all being of the Public Records of Palm Beach County, Florida, for 214.00 feet; Thence North 89°56'37" West along the North line of the lands recorded in Official Records Book 30075, at Page 1519, of the Public Records of Palm Beach County Florida, for 436.20 feet; Thence South 00°04'30" West along the common West line of the lands recorded in Official Records Book 30075, at Page 1519, Official Records Book 30075, at Page 1524, Official Records Book 29909, at Page 1517 and Official Records Book 2639, at Page 1669, all being of the Public Records of Palm Beach County, Florida, for 299.50 feet; Thence North 89°56'37" West along the common North line of the lands recorded in Official Records Book 3617, at Page 434, Official Records Book 27110, at Page 1115 and Official Records Book 26210, at Page 1929, all being of the Public Records, of Palm Beach County, Florida, for 472.59 feet to the East line of the lands recorded in Official Records Book 6389, at Page 1572, of the Public Records, of Palm Beach County, Florida, said East line also being the West line of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of said Section 33; Thence North 00°04'30" East along said line, for 988.34 feet to the North line of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of said Section 33; Thence South 89°56'37" East along said North line, for 908.11 feet to the POINT OF BEGINNING.

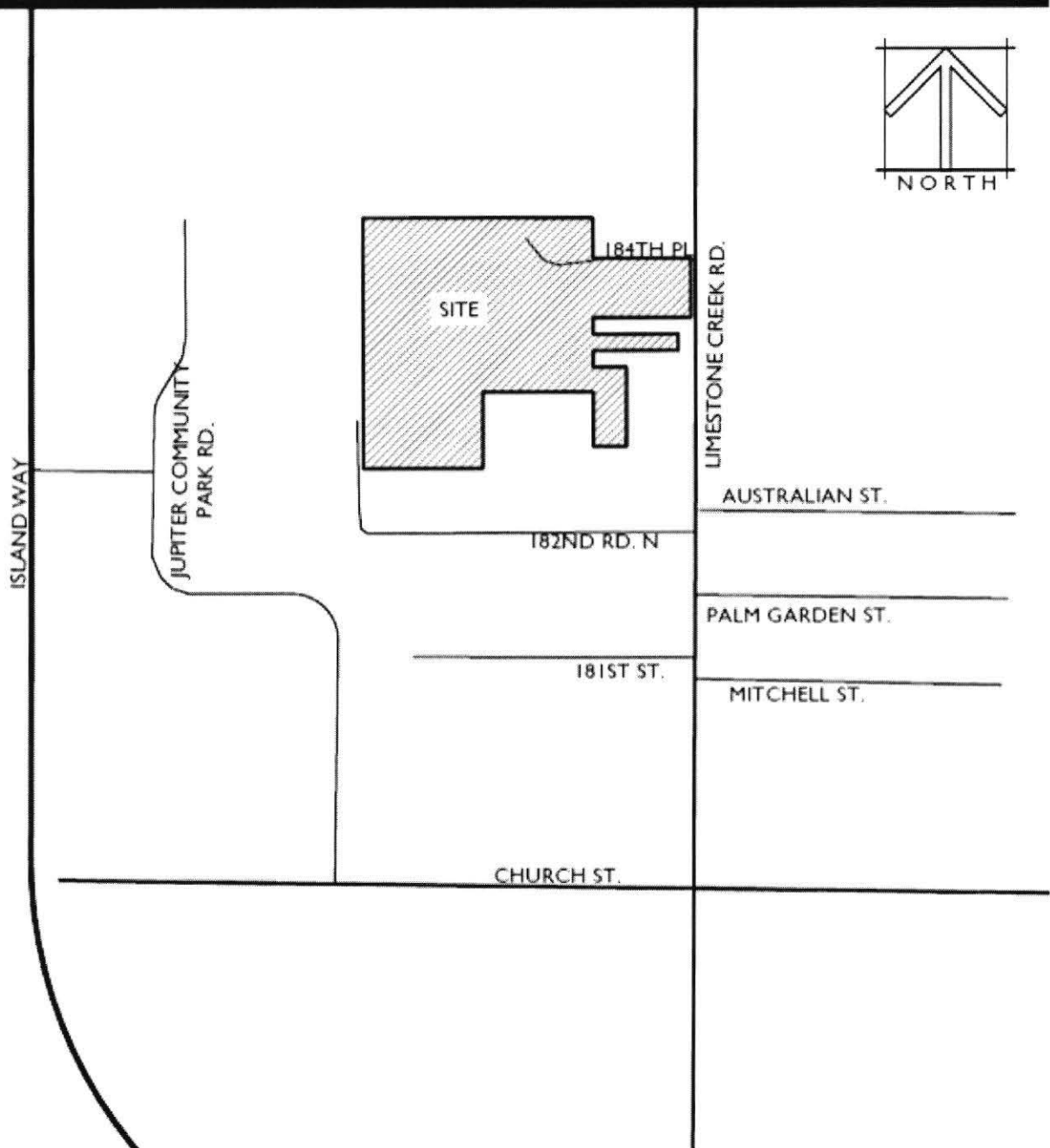
Said lands lying and situate in Palm Beach County, Florida.

Said lands contain 21.110 acres, more or less.

EXHIBIT B  
VICINITY SKETCH

LOCATION MAP

N.T.S.



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ENGINEERING

1. The Property Owner shall be responsible for design, permitting and construction of certain traffic devices such as school zone flashers and electronic speed limit signs, as approved by the County Engineer, along Limestone Creek Rd from Island Way to the project's entrance. If approved, installation shall be completed prior to the 50<sup>th</sup> Certificate of Occupancy. (CO: MONITORING – Eng)
2. The Property Owner shall fund a proportionate cost of signal installation, if warranted, as determined by the County Engineer at Island Way and Limestone Creek 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.
  - a. No Building Permits shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING-Eng).
  - b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING-Eng)
3. Arrival and departure of construction vehicles for this project's onsite work shall be staggered as to not cause traffic delays along Limestone Creek Rd. (ONGOING: CODE ENFORCEMENT – Eng)

#### COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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 an 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; 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 Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any 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)

#### **DISCLOSURE**

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



EXHIBIT D

REQUEST

SUBDIVISION VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
11.E.2.A.2 Chart of Minor Streets	1,500 ADT threshold for a 60' ROW	An increase of 850 projected daily trips	Exceed maximum allowable ADT by 2,254 daily trips