

RESOLUTION NO. 2021-07

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE APPLICATION FOR A SITE PLAN APPROVAL TO CONSTRUCT 74 TOWNHOUSE UNITS IN A RESIDENTIAL MEDIUM-2 ZONING DISTRICT, LOCATED ON THE WEST SIDE OF RANCHETTE ROAD AT 1281, 1283 AND 1351 RANCHETTE ROAD, AS REQUESTED BY THE PETITIONER, URBAN DESIGN KILDAY STUDIOS, AGENT FOR THE OWNERS, JAMES H. HENRY AND ELONA I. HENRY REVOCABLE TRUST/HENRY HOLDINGS, INC., AND JOSEPH AND VICKI BYRNE; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Urban Design Kilday Studios, agent for the owners, James H. Henry and Elona I. Henry Revocable Trust/Henry Holdings, Inc. and Joseph and Vicky Byrne, has made an application for a Site Plan Approval for 74 townhouse units to be located within a Residential Medium-2 (RM-2) zoning district, located at 1281, 1283 and 1351 Ranchette Road; and

WHEREAS, the petitioner presented this matter to the Land Development Staff of the City of Greenacres which provided comments to the Planning and Engineering Department which, in turn, recommended approval of the Site Plan to allow for 74 townhome units within a Residential Medium-2 (RM-2) zoning district, with the conditions identified herein; and

WHEREAS, the Planning Commission held a public hearing on February 17, 2021, reviewed the Petitioner's request, and made a recommendation on the petition with a vote of 7-0; and

WHEREAS, this matter has been presented to the City Council for final approval, and the Council has voted to approve the Site Plan for 74 townhome units within a Residential Medium-2 (RM-2) zoning district, subject to the conditions of approval and staff recommendation at the May 17, 2021 Public Hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

Section 1. The Petition, SP-20-02, a Site Plan is hereby APPROVED for a 74-unit townhome development within a Residential Medium-2 (RM-2) zoning district subject to the conditions of approval contained herein, which are in addition to the general requirements otherwise provided by resolution for real property as follows:

LEGAL DESCRIPTION:

THE SOUTH ONE HALF OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 30 FEET THEREOF.

TOGETHER WITH:

THE NORTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PLAM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 30 FEET THEREOF.

LESS AND EXCEPT THE FOLLOWING:

THE WEST TWO FEET SIX INCHES OF THE NORTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAINES 10.581 ACRES, MORE OR LESS.

ALSO DESCRIBED AS FOLLOWS:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, AND ESCRIBED AS FOLLOWS:

PARCEL 1:

THE NORTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 30 FEET THEREOF HERETOFORE CONVEYED TO THE COUNTY OF PALM BEACH, IN THE STATE OF FLORIDA, FOR RIGHT-OF-WAY. LESS AND EXCEPT THE FOLLOWING:

THE WEST TWO FEET SIX INCHES OF THE NORTH HALF (N ½) OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 42 EAST, LYING AND

SITUATE IN PALM BEACH COUNTY, FLORIDA LESS AND EXCEPT THE NORTH 14 FEET SIX INCHES THEREOF.

PARCEL 2:

THE NORTH 125.90 FEET OF THE SOUTH $\frac{1}{2}$ OF THE NW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, SECTION 10, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 30 FEET THEREOF.

TOGETHER WITH:

THE LAND REFERRED TO HEREIN BELOW IS SUTIATED IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

THE SOUTH $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 30 FEET THEREOF AND LESS THE NORTH 125.90 FEET THEREOF.

Section 2. This approval is subject to the following conditions, which shall be the responsibility of and binding upon the Applicant, its successors, or assigns:

1. The most stringent requirements of Exhibit "A" Land Development Staff Report and Recommendation dated January 28, 2021 and strict compliance with the Exhibits listed below, which are attached hereto and made part hereof as Exhibit "B"
 - a) Site Plan, Sheets SP-1 & SP-2, prepared by Urban Design Kilday Studios, dated February 3, 2021
 - b) Photometric Plan, Sheet PH-1 to PH-14, prepared by MainStreet Engineering, dated July 14, 2020
 - c) Landscape Plan, Sheets LP-C, LP 1-5, prepared by Urban Design Kilday Studios, dated December 14, 2020
 - d) Paving and Drainage Plans, Sheets 1-3, prepared by Schnars Engineering Corporation., dated December 9, 2020
 - e) Floor Plans, Sheets A1.11, A1.12R, A1.12, A1.11R, B4.1, B4.2, prepared by Florida Zone, dated February 16, 2018
 - f) Elevation plans, Sheets B4.3, B4.4, D1, prepared by Florida Zone, dated February 16, 2018
2. Any unused existing easements and rights-of-way on the subject property shall be abandoned prior to platting. (Engineering)
3. The project shall be subject to the City's required parks and recreation and governmental services land dedication in accordance with Article IV of the Subdivision Regulations. The requirements are 2 acres per 1,000 population for governmental services and 5 acres per

- 1,000 population for parks and recreation. Based upon 74 multi-family units x 2.2 persons per unit = 163 / 1,000 = .163 x (5 + 2) = 1.141 acres. Credit for private recreation amenities provided on this site is available through section 26-51. In lieu of land dedication, the developer shall be required to pay a fee equal to the combined value of the required land dedication to be determined in accordance with section 26-51 of the City's subdivision regulations. The fee shall be paid prior to approval of the plat. (Engineering)
4. Documentation establishing a Homeowners Association governing aspects of the project such as uniformity of exterior colors, coordinated roof replacement, access to the private road right-of-way and parking, uniformity in fencing and accessory structures such as screen enclosures, and prohibitions against habitable space additions shall be provided to the City in a form acceptable to the City Attorney prior to approval of the plat. (Engineering and City Attorney)
 5. Permits from the South Florida Water Management District, the Lake Worth Drainage District, Palm Beach County Land Development, and the City of Greenacres, as required, for the storm water management system must be obtained prior to approval of the plat. (Engineering)
 6. Complete drainage calculations addressing water quality and quantity in accord with the requirements of the SFWMD must be submitted for review along with complete paving and drainage, water and sewer construction plans prior to approval of the plat. (Engineering)
 7. Permits from the Health Department for the water and sewer system must be obtained prior to approval of the plat. (Engineering)
 8. The site plan shall be revised as necessary to reflect all conditions of approval and resubmitted prior to the approval of the plat. (Planning)
 9. The site must be platted prior to the issuance of building permits except for a clearing permit. (Engineering and Building)
 10. In accord with the requirements of the National Pollution Discharge Elimination System (NPDES), a Storm Water Pollution Prevention Plan, Owner/Operator Certification, and Notice of Intent shall be submitted and accepted by the City prior to the issuance of building permits. (Building and Public Works)
 11. A site clearing and tree removal permit shall be required prior to any clearing activities on site. This permit shall demonstrate protection of existing trees to remain. Additions to the landscaping plan may be necessary to meet Code requirements if existing material to remain is unsuitable for buffer purposes. (Planning)
 12. All utilities shall be provided underground. (Engineering)

13. All existing invasive non-native plants shall be removed from the property. It shall be the responsibility of the Ranchette Road Townhome Homeowners Association to maintain the site free from invasive plants. (Planning and Building)
14. All existing trees shown to remain on the approved landscape plans shall be maintained in perpetuity. In the event they should die, they shall be replaced with like species of a size and quantity in accord with the tree credits in Table 16-1271 of the City of Greenacres Code. (Planning)
15. All lighting on site shall conform with the City of Greenacres Zoning Code. A site lighting plan with photometric data shall be submitted for permit approval. (Planning and Engineering)
16. In accord with the determination of compliance with the Traffic Performance Standards by Palm Beach County Engineering, no building permits shall be issued after the build-out date of December 31, 2025 unless a revised traffic study with a later build-out date has been approved by the County and a copy of the approval provided to the City of Greenacres. (Building and Planning)
17. Any existing overhead power lines and poles which will be rendered redundant by the development of the site shall be removed prior to issuance of the last Certificate of Occupancy. (Planning and Building)
18. Screen enclosures with screen roofs and open patios may only be located in the rear yard and shall provide a minimum rear setback of 5' and may have a minimum side setback of 0' on the zero lot line(s), and shall not extend beyond the unit side wall on end units. All screen enclosures shall be consistent in color, materials, and style. Hard roof enclosures are not allowed. (Planning)
19. The developer shall enter into a Traffic Control Jurisdiction Agreement with City of Greenacres Public Safety Department to provide for the enforcement of parking and traffic regulations within the development. This agreement must be approved by the City prior to the issuance of more than 60 Certificates of Occupancy (80% of project total). (Building and PBSO)
20. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the "City of Greenacres". (Planning)
21. Certificates of Occupancy shall not be issued until all conditions of approval have been complied with. (Building)

RESOLVED AND ADOPTED this ____ of day of _____, 2021.

Voted

Joel Flores
Mayor

John Tharp
Deputy Mayor

Attest:

Quintella Moorer
City Clerk

Peter Noble
Council Member, District II

Judith Dugo
Council Member, District III

Jonathan G. Pearce
Council Member, District IV

Paula Bousquet
Council Member, District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia
City Attorney