

## **RESOLUTION NO. 2022-12**

**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE APPLICATION FOR SITE PLAN APPROVAL TO CONSTRUCT 25 SINGLE FAMILY DWELLING UNITS IN A RESIDENTIAL MEDIUM-2 (RM-2) ZONING DISTRICT, LOCATED ON THE WEST SIDE OF CHICKASAW CIRCLE, NORTH OF THE L-11 CANAL AT 6645 CHICKASAW ROAD, AS REQUESTED BY THE PETITIONER, WANTMAN GROUP INC., AGENT FOR THE OWNER, SOUTH COUNTY DEVELOPMENT, LLC; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Wantman Group Inc., hereinafter "Petitioner", as agent for the owner, South County Development LLC, has made an application for a Site Plan approval to be located within a Residential Medium Density-2 (RM-2) zoning district, located at the on the west side of Chickasaw Circle, north of the L-11 Canal at 6645 Chickasaw 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 Division which, in turn, recommended approval of the Site Plan to allow for 25 Single Family dwelling units with the conditions identified herein; and

**WHEREAS**, the Planning and Zoning Board of Appeals held a public hearing on February 24, 2022, reviewed the Petitioner's request, and made a recommendation on the petition with a vote of 5-0; 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 25 Single Family dwelling units within a Residential Medium Density-2 (RM-2) zoning district, subject to the conditions of approval and staff recommendation at the March 21, 2022 Public Hearing.

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

**SECTION 1.** The Petition, SP-21-01, a Site Plan is hereby APPROVED for 25 Single Family dwelling within a Residential Medium Density-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**

**PCN: 18-42-43-27-05-022-0360**

Tract 36, Block 22, "Palm Beach Farms Company's Plat No. 3" according to the Plat thereof, as recorded in Plat Book 2, Pages 45 through 54, of the Public Records of Palm Beach County, Florida.

Said Lands situate in the City of Greenacres, Palm Beach County Florida and contain 4.993 acres, more or less.

**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 February 17, 2022 and Exhibit "B" Site and Development Plan, stamp-dated October 1, 2021, as hereafter defined shall apply. (Planning)
2. Any unused existing easements and rights-of-way on the subject property shall be abandoned prior to platting. (Engineering)
3. The site plan shall be revised as necessary to reflect all conditions of approval and resubmitted prior to the approval of the plat. (Planning)
4. The project shall be subject to the City's required parks and recreation and governmental services land dedication in accordance with section 26-51 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 25 single-family units x 3 persons per unit = 75 / 1,000 = .075 x (5 + 2) = .525 acres. 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 Sections 12-83 and 12-93 of the City's subdivision regulations. The fee shall be paid prior to approval of the plat. (Engineering)

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. Permits from the Health Department for the water and sewer system must be obtained prior to approval of the plat. (Engineering)
7. The site must be platted prior to the issuance of building permits. (Engineering and Building)
8. 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, and water and sewer construction plans prior to the issuance of building permits. (Engineering and Building)
9. 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)
10. All new utilities shall be provided underground. Appurtenances to these systems which require above-ground installation must be effectively screened from view. (Engineering and Planning)
11. All existing invasive non-native plants shall be removed from the property. It shall be the responsibility of the Homeowners Association to maintain the site free from invasive plants. (Planning and Building)
12. 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)
13. Fences shall not be allowed in any front yards. (Planning)
14. 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, 2024 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)

15. The applicant shall provide the city with color palette options for the development prior to issuance of the first building permit. Diversity in architectural elevations and exterior color schemes shall be achieved by compliance with the following (Planning):
  - a. No identical homes shall be placed next to one another (i.e. same elevation with same exterior color scheme).
  - b. No more than three (3) homes with the same elevation shall be placed next to each other; and,
  - c. No more than three (3) homes with the same exterior color scheme may be placed next to each other.
  - d. A monitoring report with updated information shall be submitted by the developer with each building permit application to ensure compliance with this condition. This obligation shall be included in the Homeowners Association's documentation.
16. The site must be platted prior to the issuance of building permits except for a clearing permit. 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)
17. Certificates of Occupancy shall not be issued until all conditions of approval have been complied with. (Building)
18. The developer shall enter into a Traffic Control Jurisdiction Agreement with City of Greenacres 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 20 Certificates of Occupancy (80% of project total). (Building and PBSO)
19. 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)
20. The Homeowners Association documents shall clearly establish the responsibility of the Association to maintain all common areas including drainage and the perimeter landscape easements on the north, south, east and west perimeters of the property. The Association documents shall be approved by the City Attorney prior to approval of the plat. (Engineering and City Attorney)
21. 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)

**SECTION 3.** This resolution shall be effective upon its adoption.

**[The remainder of this page intentionally left blank.]**

RESOLVED AND ADOPTED this 21<sup>st</sup> of day of March 2022.

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**Joel Flores**, Mayor

Attest:

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**Quintella Moorer**, City Clerk

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*Voted:*  
**John Tharp**, Deputy Mayor

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*Voted:*  
**Peter Noble**, Council Member, *District II*

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*Voted:*  
**Judith Dugo**, Council Member, *District III*

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*Voted:*  
**Susy Diaz**, Council Member, *District IV*

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*Voted:*  
**Paula Bousquet**, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

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**Glen J. Torcivia**, City Attorney