

## RESOLUTION NO. 2025-11

**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE APPLICATION FOR SITE AND DEVELOPMENT PLANS TO CONSTRUCT FORTY-FOUR (44) TWO-STORY TOWNHOUSES WITHIN A RESIDENTIAL HIGH DENSITY ZONING DISTRICT, LOCATED APPROXIMATELY 1,384 FEET WEST OF JOG ROAD ON THE NORTH SIDE OF CHICKASAW ROAD AT 6645 CHICKASAW ROAD, AS REQUESTED BY THE APPLICANT, JEANNE DUCHARME OF COTLEUR & HEARING, AGENT FOR THE OWNERS, MF ASSOCIATES GREENACRES, LLC; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Applicant, Jeanne Ducharme of Cotleur & Hearing, as agent for the property owners, MF Associates Greenacres, LLC, has made an application for Site & Development Plans approval for the construction of forty-four (44) two-story townhouses within a Residential High Density zoning district, located approximately 1,384 feet west of Jog Road on the north side of Chickasaw Road at 6645 Chickasaw Road; and

**WHEREAS**, the applicant presented this matter to the Development Review Committee of the City of Greenacres which provided comments to the Planning, Engineering, and GIS Division which, in turn, recommended approval of the Site Plan to allow for construction of a forty-four (44) two-story townhouses located 1,384 feet west of Jog Road on the north side of Chickasaw Road at 6645 Road, with the conditions identified herein; and

**WHEREAS**, the Planning and Zoning Board of Appeals held a public hearing March 13, 2025, reviewed the applicant's request, and made a recommendation on the application with a vote of 4 to 0; and

**WHEREAS**, this matter has been presented to the City Council for final approval, and the Council has voted to approve the Site & Development Plan for the construction of forty-four (44) two-story townhouses within a Residential High Density zoning district, located approximately 1,384 feet west of Jog Road on the north side of Chickasaw Road at 6645

Chickasaw Road, subject to the conditions of approval and staff recommendation at the April 07, 2025 Public Hearing.

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

**SECTION 1.** The Application, SP-23-03, a Site & Development Plan is hereby APPROVED for construction of forty-four (44) two-story townhouses within a Residential High Density zoning district, located approximately 1,384 feet west of Jog Road on the north side of Chickasaw Road at 6645 Chickasaw Road, 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**

TRACT 36 BLOCK 22, "PALM BEACH FARMS COMPANYS PLAT NO. 3 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK : 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.



**Subject site is outlined in red**

**SECTION 2.** All resolutions in conflict herewith are hereby repealed.

**SECTION 3.** This resolution shall be effective upon its adoption subject to the following conditions, which shall be responsibility of and binding upon the Applicant, its successors, or assigns:

1. The most stringent requirements of this DNS Staff Report and Recommendation dated March 10, 2025, and strict compliance with the Site and Development Plan exhibits stamped approved by the City of Greenacres and listed below, which are attached hereto and made part hereof as Exhibit "A"
  - A. SP-23-03 Garden Square Townhouse Development **Final Site Plan**, Sheets FSP-1 through FSP-3, received by DNS on March 07, 2025, and prepared by RO/JS/DEH Donaldson Coutleur & Hearing
  - B. SP-23-03 Garden Square Townhouse Development **Landscape Plans**, Sheets LP-1 of 9 through LP-2 of 9 (total 9 sheets misnumbered), received by DNS on March 10, 2025, and prepared by HK/DEH Donaldson Hearing of Cotleur & Hearing

- C. SP-23-06 SP-23-03 Garden Square Townhouse Development **Photometric Plan**, Sheet PH-1, received by DNS on February 03, 2025, and prepared by Bradley Lane Brown, P.E. of KAMM Consulting
  - D. SP-23-03 Garden Square Townhouse Development **Architectural Plans** and Elevations, Sheets CS, A1.0 through A.2.0 for 5-unit plans and 4-units plans (18 sheets total), received by DNS on March 07, 2025, and prepared by Casey Najjar, P.E. of CDN Engineering, Inc.
  - E. SP-23-03 Garden Square Townhouse Development **Civil/Engineering Plans**, Sheets C0.0 through C9.1, received by DNS on March 7, 2025, and prepared by Gabriel D. Burden of Civil Design, Inc
2. 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 44 townhouse units x 2.2 persons per unit = 96.8 /1,000 = .097 x (5 + 2) – the 10% credit to the parks and recreation dedication for the private recreation = a total land dedication of 0.63 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 the issuance of Building Permits. (Engineering)
3. The project shall be required to pay the City's Arts in Public Places (AIPP) public art fee if the total construction costs are two hundred fifty thousand dollars (\$250,000) or greater, in accordance with Section 16-661. The public art fee is calculated at one (1) percent of the total construction costs of the project. The contribution shall be placed in the city's public art fee fund and the contributor shall have no input in the use of such funds. The contribution shall be divided into two (2) payments as follows:
- A. Prior to Building Permit Issuance: The developer shall submit to the building division/finance department a preliminary certification of the total construction costs. This preliminary certification shall be used to calculate the developer's initial payment of thirty (30) percent of the contribution. The developer shall make this initial payment to the building division/finance department prior to the issuance of the building permit.
  - B. Prior to Issuance of the Final Certificate of Occupancy: The developer shall submit to the building division/finance department a final certification of the total construction costs. This final certification shall be used to calculate the outstanding portion of the contribution. The developer shall pay the outstanding portion of the contribution prior to the issuance of the final certificate of occupancy for the project. (Building and Planning)

4. Any site permits required and/or obtained shall be maintained in an active status with the respective permitting agency until all the work covered by the permit is satisfactorily completed, any applicable inspections passed and officially closed out with the City. (Building, Planning, Engineering and Public Works)
5. Permits from the South Florida Water Management District (SFWMD), Lake Worth Drainage District (LWDD), and Palm Beach County Land Development, as required, for the stormwater management system, must be obtained prior to the issuance of an Engineering Permit. (Engineering)
6. Permits from the Health Department for modifications to the water and sewer system must be obtained prior to the issuance of an Engineering Permit. (Engineering)
7. An Engineering Permit, issued by the City of Greenacres, is required prior to any sitework or construction activities outside of the proposed structures and work related to subdivision and/or development improvements taking place. The Engineering Permit must be closed out prior to the Certificate of Occupancy (CO) for the 39<sup>th</sup> townhouse dwelling unit being issued. No Engineering Permit shall be issued for construction or work until an approved cost estimate and a bond for all sitework has been posted. (Engineering)
8. Complete drainage calculations addressing water quality and quantity in accordance with the requirements of SFWMD and City of Greenacres must be submitted for review along with complete paving and drainage construction plans and subsurface investigation with percolation test. Additionally, documentation detailing the maximum impervious surface allowances for both the overall community and individual lots, as acceptable to the City Engineer, must be provided. All required documents must be submitted with the application for Engineering Permits. (Engineering)
9. 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, 2027**, 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. (Planning and Building)
10. The site must be platted prior to the issuance of Engineering Permits. Any unused existing easements and rights-of-way on the subject property shall be abandoned prior to platting. (Engineering)
11. Driveway connection and/or right-of-way construction permits from Palm Beach County Land Development must be obtained prior to the approval of the Final Plat. Any existing driveway connections on site which will become redundant shall be removed and replaced with curbing, etc. to match adjacent conditions. (Engineering)

12. Documentation establishing a Homeowner's Association governing all exterior elements of the project including but not limited to uniformity of exterior elevations, coordinated roof replacement, access and maintenance to the private road right-of-way and parking, common area maintenance, uniformity in fencing and accessory structures such as screen enclosures, ensuring any fencing including privately owned fences along the property line will not conflict with or impact the development's required landscaping or the ability of the HOA to access and maintain such landscaping, prohibition of habitable space additions, enforcement of parking regulations, prohibitions on the expansion of driveways, and prohibitions on the expansion of impervious surfaces in accordance with Condition #9 shall be provided to the City in a form acceptable to the City Attorney prior to approval of the Final Plat. (Engineering and City Attorney)
13. In accordance with the requirements of the National Pollution Discharge Elimination System (NPDES), best management practices shall be used to control runoff from construction activities. An NPDES Permit shall be provided to the City, prior to any site activity, as part of the Engineering Permit. (Planning, Engineering, Building and Public Works)
14. Utilities shall be provided underground and sufficient in size to properly serve the site. Appurtenances to these systems which require above-ground installation must be effectively screened from view. If it is determined by the City that the screening does not effectively mitigate the impact, additional screening may be required. (Planning, Engineering and Building)
15. All utilities and services to the site shall be provided by entities holding valid franchise agreements with the City. (Engineering and Building)
16. All ground mounted mechanical equipment (air conditioning, backflow preventer, etc.) shall be screened from view. No equipment shall be taller than the proposed screening. (Planning and Building)
17. Landscaping shall be maintained in perpetuity in accordance with the City's Landscaping Regulations and the approved Landscaping Plan, including specifications for plant size, number, location, and type of landscaping material. All plant life shown on an approved landscape plan shall be replaced if it dies, is seriously damaged, or removed. All plant material shall be kept reasonably free of visible signs of pests, infestation, or disease. (Planning)
18. A certified cost estimate by a FL Registered Landscape Architect or Engineer, for the project's landscape materials, installation, irrigation and labor to establish a 1-year maintenance financial guarantee or financial security in a form acceptable to the City Attorney in the amount of 110% of the estimate shall be posted for the project's landscaping, in addition to the other bonds required for site improvements. The owner shall provide this financial guarantee or financial security before the City performs any

landscape inspection or issues a Certificate of Occupancy. If the project's landscaping is not maintained, the City may use the financial guarantee or financial security to maintain or replace dead or unacceptable landscape materials and irrigation components after providing written notice to the property owner. (Planning and Engineering)

- a. The project Landscape Architect shall conduct a field inspection at substantial completion of the project to verify that the landscape and irrigation installation complies with the approved plans and is healthy and flourishing before the project's 1-year maintenance financial guarantee/security period begins. The project Landscape Architect shall then submit a Certificate of Compliance letter to the City of Greenacres and request a final City inspection of the landscape installation.
  - b. The project Landscape Architect shall conduct an interim field inspection near the 6-month mark of the project's 1-year maintenance period to verify that the landscape and irrigation installation continues to comply with the approved plans and is healthy and flourishing. The project Landscape Architect shall then submit a Certificate of Compliance letter to the City of Greenacres and request an interim City re-inspection of the maintained landscaping at the 6-month mark of the maintenance financial guarantee/security period.
  - c. The project Landscape Architect shall conduct a field inspection near the completion of the project's 1-year maintenance period to verify that the landscape and irrigation installation continues to comply with the approved plans and is healthy and flourishing. The project Landscape Architect shall then submit a Certificate of Compliance letter to the City of Greenacres and request a final City re-inspection of the maintained landscaping 30 days prior to the end of the maintenance financial guarantee/security period.
  - d. Upon passing the final re-inspection, the property owner may request in writing the release and return of any remaining financial guarantee/security. If the location fails the final re-inspection, the financial guarantee/security shall not be released to the property owner. Once the property owner completes the required improvements, the financial guarantee/security shall be released. If these necessary improvements do not occur, the City may use the financial guarantee/security to maintain or replace landscape items as necessary.
19. 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. Landscaping Plan additions may be necessary to meet Code requirements if existing material is unsuitable to remain. (Planning)
20. By the initial landscape inspection, all existing invasive non-native plants shall be removed from the property. It shall be the responsibility of the property owner to maintain the site free from invasive plants in perpetuity. (Planning)

21. Fences shall not be allowed in any front yards. Fences shall be constructed in accordance with the 6ft Privacy PVC fence as detailed on the Detail Plan, Sheet LP-4. Fencing shall not conflict with or impact the development's required landscaping, ensuring that all required landscaping elements, including trees, shrubs, and groundcover, remain intact. Fencing shall not impede the HOA's ability to access and maintain the required landscaping or any easements. (Planning and Building)
22. 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)
23. The developer shall enter into a Traffic Control Jurisdiction Agreement with the 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 any residential Certificates of Occupancy. (Building and Planning)
24. The expansion of driveways beyond the dimensions depicted in the Site and Development Plan is strictly prohibited. (Planning)
25. No more than 11 Certificates of Occupancy (25% of project total) shall be issued prior to the start of construction of the recreation amenities and no more than 22 Certificates of Occupancy (50% of project total) prior to the completion of the recreation amenities. (Planning and Building)
26. 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)
27. Non-compliance with any of the conditions of approval will result in the withholding of the issuance of building permits and a Certificate of Occupancy. (Planning, Engineering, and Building)
28. The Site and Development Plan shall be revised as necessary and as otherwise noted herein to reflect all conditions of approval and re-submitted, prior to the Final Plat. (Planning, Building, Engineering and Public Works)
29. The conditions of approval herein shall apply to the Owner, Applicant, and their successors and assigns. Deviation from any portion of the approved Site and Development Plans, or failure to comply with any requirement, condition or safeguard imposed by the City during the approval procedure shall render the Site and Development Plans approval null, void, and of no further effect upon determination by the City Council. (Planning)

**30. CITY ADVISORY NOTICES:**



- (1) **Development permits and orders.** As provided by subsection 166.033(6), Florida Statutes, issuance of a development permit by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality 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.
- (2) **No Guarantee by City.** It is specifically understood that the City is not guaranteeing the appropriateness, efficiency, quality or legality of the use or development of the Property, including but not limited to, drainage or water/sewer plans, fire safety, or quality of construction, whether or not inspected, approved, or permitted by the City.
- (3) **Indemnification.** The Owner/Developer shall indemnify and hold the City harmless from any and all claims, demands, disputes, costs, expenses, (to include attorney's fees whether or not litigation is necessary and if necessary, both at trial and on appeal), incurred by the City as a result, directly or indirectly, of the use or development of the Property, except those claims or liabilities by or arising from gross negligence or intentional acts of the City, or its employees, contractors or agents.

**RESOLVED AND ADOPTED this 7<sup>th</sup> of day of April, 2025**

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**Chuck Shaw**, Mayor

**Attest:**

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**Quintella Moorer**, City Clerk

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**Judith Dugo**, Deputy Mayor

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**John Tharp**, Council Member *District I*

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

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

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

**Approved as to Form and Legal Sufficiency:**

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**Glen J. Torcivia, City Attorney**