

RESOLUTION NO. R-2003-1286

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 1993-039A.3  
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-97-2073  
WHICH APPROVED THE DEVELOPMENT ORDER AMENDMENT OF  
SECURITY CAPITAL ATLANTIC, INC.  
PETITION NO. 1993-039(A)

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report SR 1993-039A.3 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on August 28, 2003; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1993-039A.3 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. Preliminary investigation by the Florida Department of Environmental Protection has determined that some remediation or clean up of this site will be required prior to new land development activity taking place.
2. Right-of-way required for the construction of Sims Road is also contained within this site.
3. The new condition of approval will require this property owner to be responsible for all clean up and remediation required within the property to be dedication for Sims Road right of way.
4. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code.

WHEREAS, Section 5.3 of the Palm Beach County 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 the recommendation of Status Report No. SR 1993-039A.3, to amend Conditions of Approval of Resolution No. R-97-2073, the

Development Order Amendment of Security Capital Atlantic, Inc., Petition No. 1993-039(A), which added land area (+13.78 acres) and added units (+112 MFR), property being legally described as a portion of the Southeast one-quarter (SE 1/4) of the Southwest one-quarter (SW 1/4) of Section 14, Township 46 South, Range 42 East, Palm Beach County, Florida and being more particularly described as follows:

COMMENCE at the Southwest corner of said Section 14; THENCE North 89° 12' 59" East, along the South line of said Section 14, a distance of 1339.04 feet to the Southwest corner of said Southeast one-quarter (SE 1/4) of the Southwest one-quarter (SW 1/4) of said Section 14; THENCE North 00° 41' 05" West, along the West line of said Southeast one-quarter (SE 1/4) of the Southwest one-quarter (SW 1/4) of Section 14, a distance of 20.00 feet to the POINT OF BEGINNING; THENCE continue North 00° 41' 05" West, along said West line of the Southeast one-quarter (SE 1/4) of the Southwest one-quarter (SW 1/4) of Section 14, a distance of 1163.83 feet to the intersection with the Southerly right-of-way line of Atlantic Avenue (State Road 806) as shown on Florida Department of Transportation Right-of-Way Map for Section 93550-2601 as recorded in Road Plat Book 3, Pages 24-30, Palm Beach County Records, said point being located on the arc of a non-tangent curve concave to the Southeast (said point bears North 26° 34' 46" West from the radius point of the next described curve); THENCE Northeasterly, along said Southerly right-of-way line along the arc of said curve having a radius of 1751.73 feet, a central angle of 25° 30' 14", and an arc distance of 779.75 feet to a Point of Tangency; THENCE North 88° 55' 28" East, continuing on said Southerly right-of-way line, 465.72 feet; THENCE on said Southerly right-of-way line of Atlantic Avenue (State Road 806) the following two (3) courses and distances; (1) South 01° 04' 32" East, 2.75 feet; (2) North 88° 55' 28" East, 59.60 feet to the intersection with a line 70.00 feet West of and parallel with said East line of the Southwest one-quarter (SW 1/4) of Section 14; (3) North 00° 17' 25" West, on said parallel line, 8.78 feet to the intersection with the Southerly right-of-way line of Atlantic Avenue (State Road 806) as shown in said Road Plat Book 3, Pages 24-30 of the Public Records of Palm Beach County; THENCE North 88° 07' 52" East on said Southerly right-of-way line of Atlantic Avenue (State Road 806) as shown on said Road Plat Book 3, Pages 24-30, a distance of 7.31 feet to the intersection with a line 62.70 feet west of and parallel with said East line of the Southwest one-quarter (SW 1/4) of Section 14; THENCE South 00° 17' 25" East, on said parallel line, a distance of 1367.25 feet; Thence South 89° 12' 59" West on the South line of said Southwest one-quarter (SW 1/4) of Section 14, a distance of 439.44 feet to the Southwest corner of the East three-quarters (E 3/4) of the East one-half (E 1/2) of the Southeast one-quarter (SE 1/4) of the Southwest one-quarter (SW 1/4) of Section 14; THENCE North 00° 26' 14" West, on the West line of said East three-quarters (E 3/4) of the East one-half (E 1/2) of the Southeast one-quarter (SE 1/4) of the Southwest one-quarter (SW 1/4) of Section 14, a distance of 20.00 feet; THENCE South 89° 12' 59" West, on a line 20.00 feet North of and parallel with said South line of the Southwest one-quarter (SW 1/4) of Section 14, a distance of 836.99 feet to the POINT OF BEGINNING., being located on the south side of Atlantic Avenue, approximately 0.54 mile west of Military Trail in the PUD-Planned Unit Development Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. Condition number E.9. of Resolution No. R-97-2073 which currently states:

On or before **August 1, 1998**, or the issuance of the first Certificate of Occupancy for Phase 2, whichever shall first occur, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Simms Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point

of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING - Eng)

Is hereby amended to state:

On or before August 1, 2004, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Simms Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. If Palm Beach County excavates within the limits of this easement then the Grantor shall warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation

by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE:MONITORING-Eng)

Commissioner Masilotti moved for approval of the Resolution.

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

KAREN T. MARCUS, CHAIR	—	Aye
TONY MASILOTTI, VICE CHAIRMAN	—	Aye
JEFF KOONS	—	Aye
WARREN H. NEWELL	—	Absent
MARY MCCARTY	—	Aye
BURT AARONSON	—	Aye
ADDIE L. GREENE	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 28 day of August, 2003.

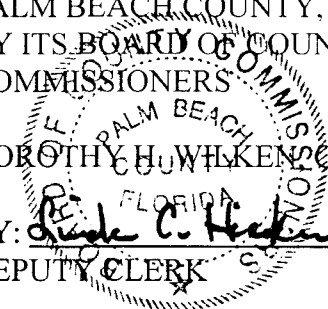
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY:   
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKENS CLERK

BY:   
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 6 day of October, 2003.

## PALM BEACH COUNTY

STATUS REPORT SR 1993-039A.3

(For Zoning Petition 1993-039(A))

Staff Recommendation

Staff recommends 1) approval of a two-year time extension, from June 10, 2003, to June 10, 2005, to record a plat; 2) approval of a one-year time extension, from August 1, 2003, to August 1, 2004, to comply with condition number 2 of Resolution No. R-2002-1650; and the amendment of conditions of approval as follows:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition number E.9. of Resolution No. R-97-2073 which currently states:

On or before **August 1, 1998**, or the issuance of the first Certificate of Occupancy for Phase 2, whichever shall first occur, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Simms Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING - Eng)

Is hereby amended to state:

On or before August 1, 2004, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Simms Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. If Palm Beach County excavates within the limits of this easement then the Grantor shall warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the

Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE:MONITORING-Eng)

This recommendation is based on the following:

1. The approval is consistent with the land use designation of the Palm Beach County Comprehensive Plan and the Unified Land Development Code.
2. Preliminary investigation by the Florida Department of Environmental Protection has determined that some remediation or clean up of this site will be required prior to new land development activity taking place.
3. Right-of-way required for the construction of Sims Road is also contained within this site.
4. The new condition of approval will require this property owner to be responsible for all clean up and remediation required within the property to be dedication for Sims Road right of way.
5. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code.
6. The project meets the Countywide Traffic Performance Standards.
7. The property owner has complied with all time certain conditions of approval.

Development Approval Being Reviewed: Zoning Petition 1993-039(A) was approved by the adoption of Resolutions R-97-2072 and R-97-2073 on December 4, 1997. The resolutions rezoned property to the PUD-Planned Unit Development zoning district (Cameron Park PUD) with a Development Order Amendment to add land area (+13.78 acres) and add units (+112 MFR). The zoning action is now being reviewed pursuant to Section 5.8 of the Palm Beach County Unified Land Development Code, "Compliance with Time Limitations," for failure to record a plat.

Property Description: The property is approximately 38.58 acres and is on the south side of Atlantic Avenue, approximately 0.54 mile west of Military Trail.

Property Owners: P. A., Jr. and E. D. Peterson and Security Capital Atlantic, Inc.

Required Action: Section 5.8 of the Unified Land Development Code requires that the Board of County Commissioners take one or more of the following actions: 1) grant a time extension of up to two years; 2) rezone the property and/or revoke the special exception/conditional use; 3) impose entitlement density/intensity; 4) add or modify conditions of approval, 5) permit the property owner to file a petition to add or modify conditions of approval; 6) direct staff to cite the property owner for Code violation; and/or 7) deny or revoke a building permit, issue a stop work order, revoke any concurrency, deny a Certificate of Occupancy, deny or revoke any permit or approval.

## REVIEW FACTORS

### Consistency with Land Use Plan and Unified Land Development Code

The land use category for the property is High Residential 8. The PUD has been approved for 308 dwelling units at a density of 7.9 units per acre. The development order is consistent with the land use designation of the Palm Beach County Comprehensive Plan and with the Unified Land Development Code as to density and zoning. Phase 2 is the only unplatted portion of this PUD and consists of 112 units.

### Performance Standards

A recent amendment to the Countywide Traffic Performance Standards (TPS) affects reviews required by Section 5.8 of the Unified Land Development Code. Property owners must now submit a new traffic study for staff to be able to determine if a previously approved project meets TPS. The required study was submitted and found to meet TPS.

### Supplemental Information

On July 24, 2003, the Board of County Commissioners postponed this status report until August 28, 2003, at the request of the property owner. Deadlines for the following conditions were about to expire, and the owner wanted these conditions to be considered in this status report.

Condition number 2 of Resolution No. R-2002-1650 required the conveyance of right-of-way for Sims Road. It was originally due by August 1, 1998. The Engineering Department recommends approval of a time extension until August 1, 2004.

Condition number E.9. of Resolution No. R-97-2073 required the conveyance of right-of-way for road drainage. It was originally due August 1, 1998. The Engineering Department recommends the amendment of this condition to use current standard language for this type of condition. This will include a new deadline of August 1, 2004. The Land Development Division provided the following justification for the amendment:

1. Preliminary investigation by the Florida Department of Environmental Protection has determined that some remediation or clean up of this site will be required prior to new land development activity taking place.
2. Right-of-way required for the construction of Sims Road is also contained within this site.
3. The new condition of approval will require this property owner to be responsible for all clean up and remediation required within the property to be dedication for Sims Road right of way

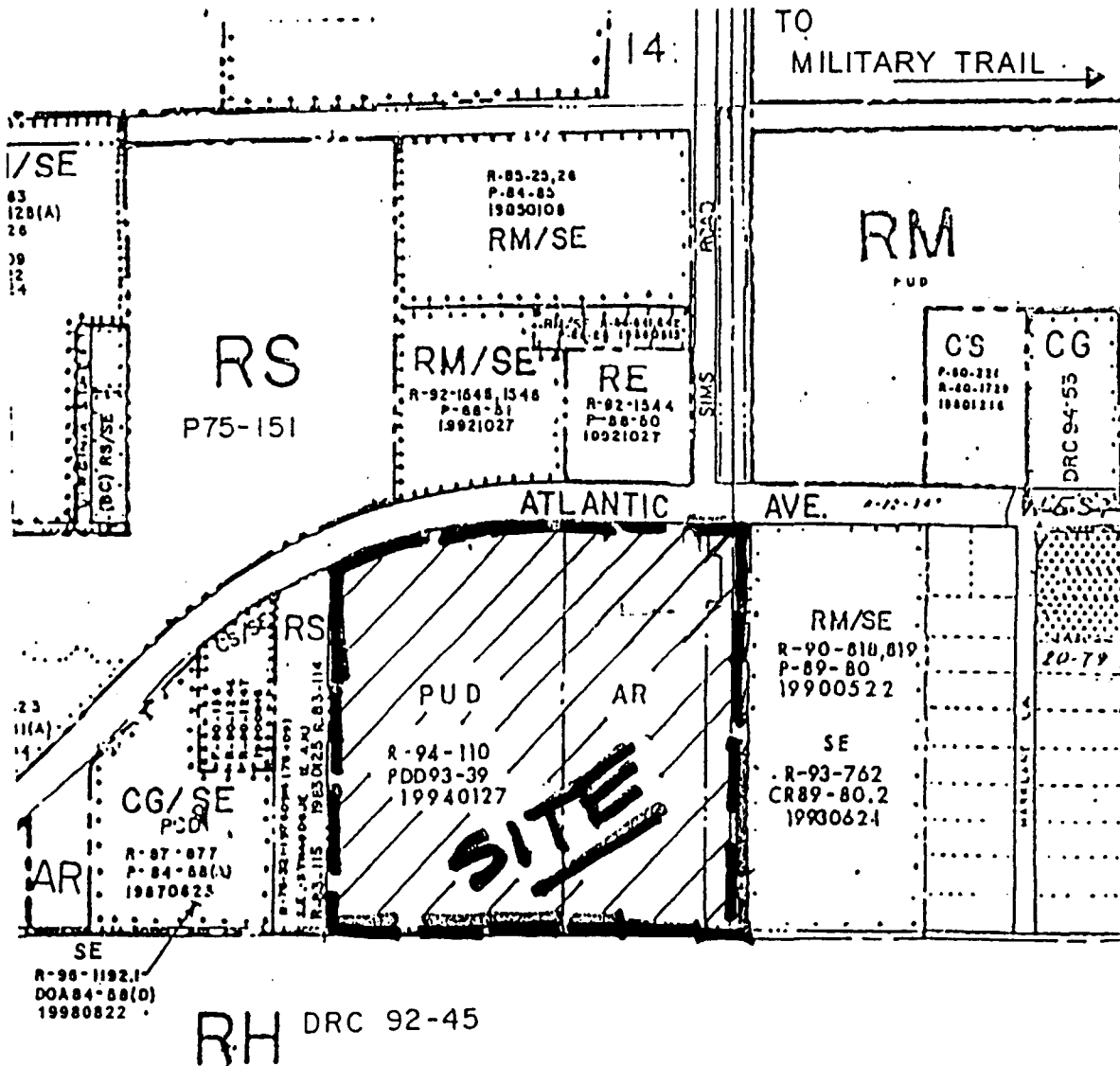
The property owner has complied with the following time certain conditions with earlier due dates:

- B.1. Cash out for Phase 1 civic site.
- F.2. Install median landscaping.

Time extensions totaling two-years and six months have previously been approved to record the next plat.

July 2003

Revised August 2003



NORTH

SCALE 1" = 600'

93-39 A

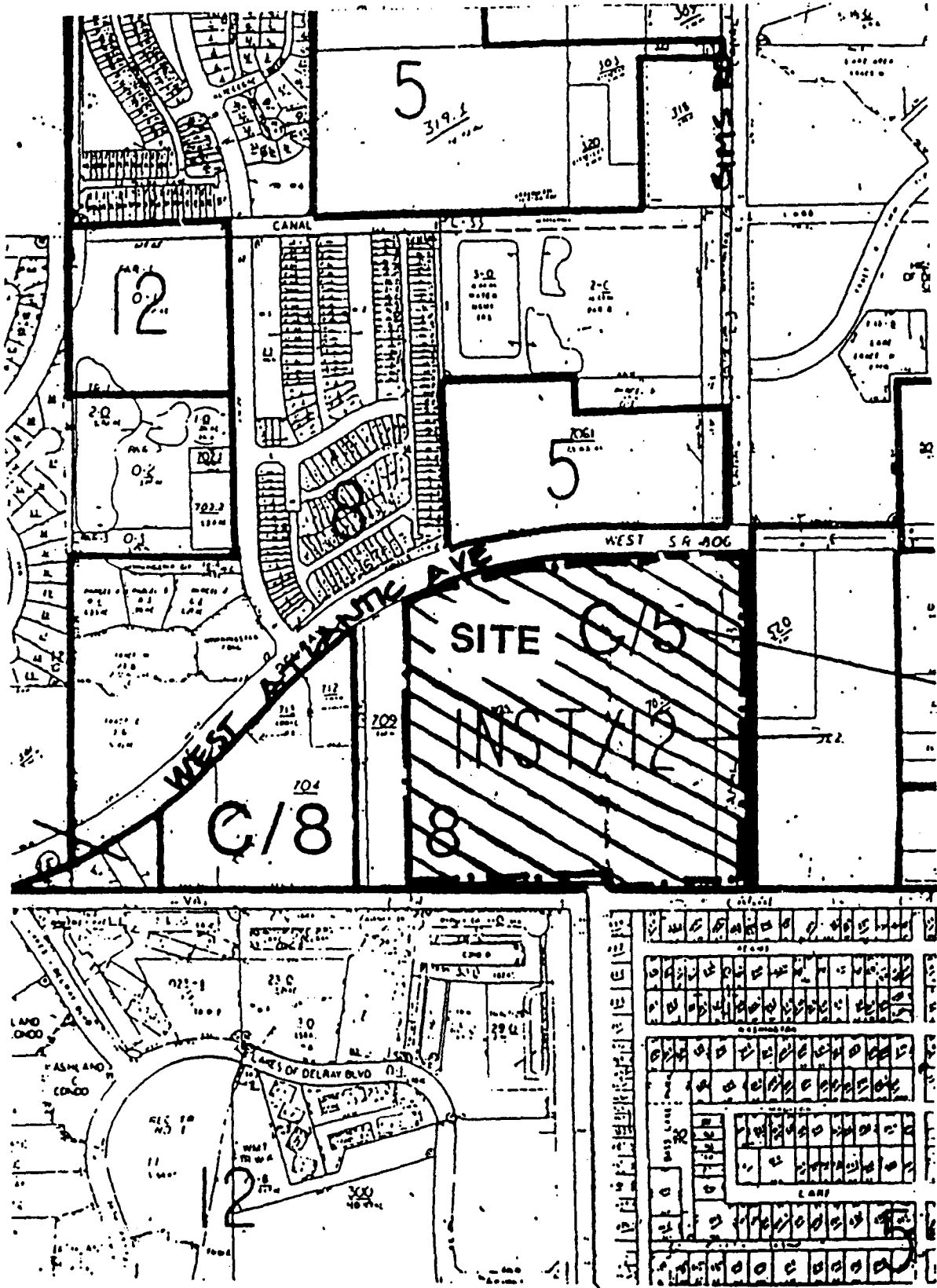
SITE VICINITY SKETCH

CAMERON PARK PDD 93-39  
(f.k.a. ATLANTIC PARTNERSHIP P.U.D.)

MAP SOURCE: PALM BEACH COUNTY OFFICIAL ZONING DISTRICT MAP - SHEET 36



PALM BEACH COUNTY PLANNING DIVISION  
 SITE LOCATION AND LAND USE



Petition Number: 93-39 (A)

Land Use Atlas: 99, 103

Date: 7/3/97

