

RESOLUTION NO. R-93- 402

RESOLUTION APPROVING ZONING PETITION PDD92-56
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF KENCO COMMUNITIES AT LAKES OF BOCA INC.

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD92-56 was presented to the Board of County Commissioners at a public hearing conducted on March 25, 1993; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 Zoning Petition PDD92-56, the petition of KENCO COMMUNITIES AT LAKES OF BOCA INC., BY: KIERAN J. KILDAY, AGENT for a OFFICIAL ZONING MAP AMENDMENT (REZONING) from the RESIDENTIAL TRANSITIONAL SUBURBAN (RTS) ZONING DISTRICT to the RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on March 25, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Aye
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 25th day of March, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

William Allen
COUNTY ATTORNEY

BY:

Jana M. Blair
DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

A parcel of land lying in a portion of Section 2, Township 47 South, Range 41 East, Palm Beach County, Florida and said land being more particularly described as follows:

All of the Southeast Quarter of aforesaid Section 2, LESS the East 170.00 feet thereof.

Containing 149.185 Ac., more or less, and subject to easements and rights-of-way of record.

EXHIBIT B
VICINITY SKETCH

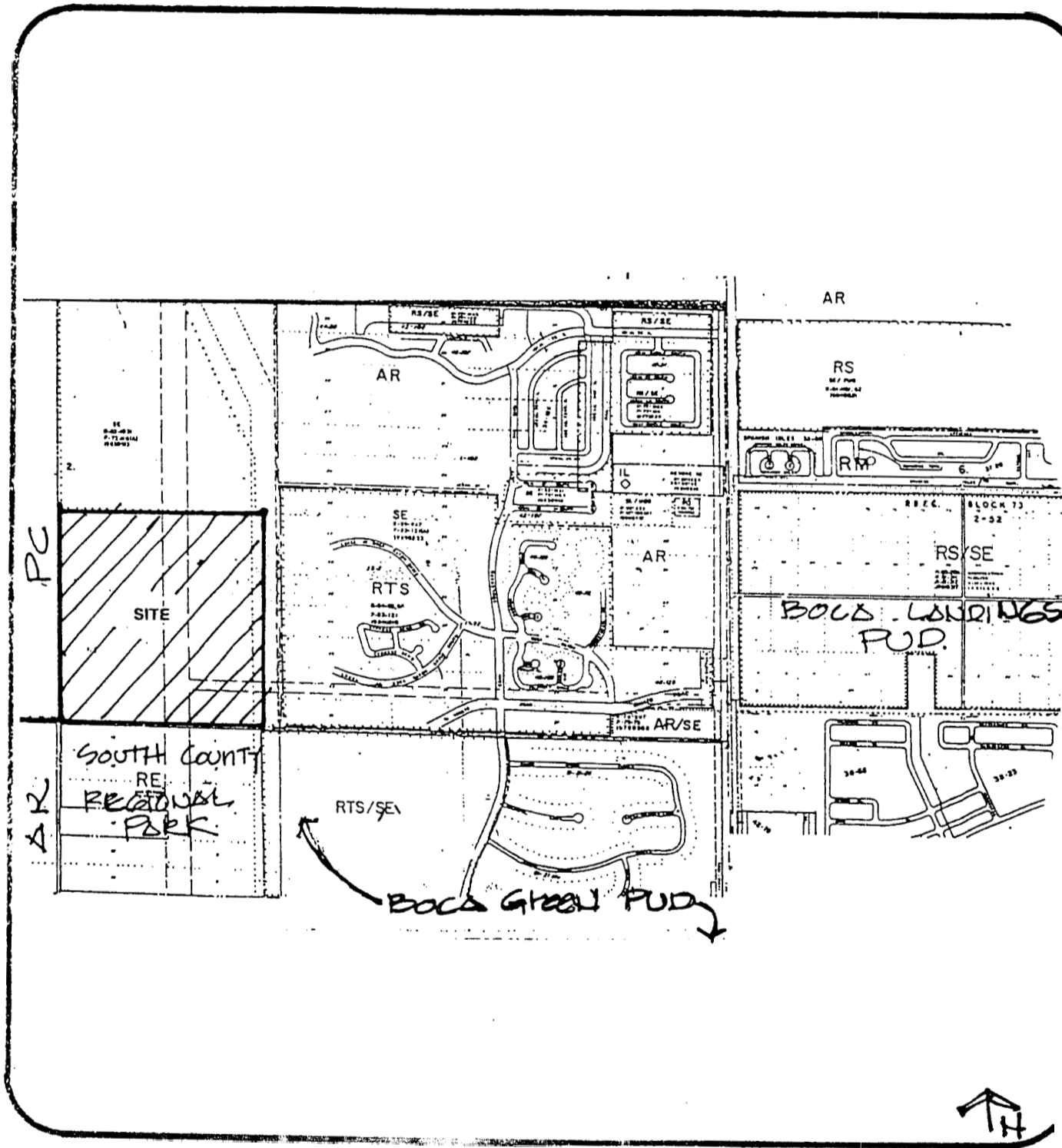


EXHIBIT C

CONDITIONS OF APPROVAL

A. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. All existing on-site sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC and Palm Beach County ECR-I.
2. Water service **is** available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing on-site potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II.

B. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES)

C. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval. (ZONING)
2. **All** required native canopy trees in landscape buffer strips shall meet the following minimum standards:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (ZONING)

D. LANDSCAPING ALONG **THE** EAST BOUNDARY LINE

1. Landscaping along the east boundary shall be located along the west edge **of** the existing powerline easement and shall provide **for a** minimum **of** seven (7) landscape areas, a minimum of eighty (80) feet in length and ten (10) feet in width perpendicular to and centered on utility pole structures. Each landscape area shall consist of a cluster **of** a minimum **of** four (4) native canopy trees and three (3) flowering trees. (ZONING)

2. Prior to preliminary development plan certification by the Development Review Committee (DRC), the developer shall submit and receive approval of a landscape plan that is satisfactory to the zoning division for the required landscaping. (ZONING)

E. ENGINEERING

1. Prior to **December 15, 1994** or prior to the recordation of the first plat, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for:
 - a) Yamato Road, 120 feet in width plus sufficient right-of-way to provide for the road relocation through the FPL easement along the project's east right-of-way (a maximum of 15 feet in width plus a taper length of 600 feet).
 - b) Sufficient property for University Parkway to provide for a 240 foot right-of-way along an alignment approved by the County Engineer, in accordance with Alternative A.

Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer (MONITORING/BUILDING - Engineering).

2. Prior to **January 15, 1995** or prior to the recordation of the first plat whichever shall first occur, the Property owner shall convey to Palm Beach County adequate road drainage easement through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of University Parkway and Yamato Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along University Parkway and Yamato Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District 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 easement: a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevation and location of all construction 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 (MONITORING - Engineering).
3. The Developer shall install signalization if warranted as determined by the County Engineer at Yamato Road and the project's entrance road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition (ENGINEERING - Building).

4. Petitioner shall include in homeowners documents as well as all written sales brochures, sales contracts, Master Plans and related Site Plans, a disclosure statement identifying all planned roadways adjacent or through the petition property which are included in the County's Thoroughfare Plan or Five Year Road Program including the ultimate number **of** lanes **of** the Thoroughfare Plan Roads. Currently this includes Yamato Road and University Parkway along the project's north property line. The Developer/Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section **of** Planning, Building and Zoning beginning January 1, 1994 and shall continue on an **annual** basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. The subject property shall be appropriately signed. Sign locations shall be shown **on** all approved master plans and site plans. (MONITORING - Engineer-County Attorney)
5. Align property's entrance road with the Palm Beach County Park entrance on the south side **of** Yamato or as approved by the County Engineer.

F. SCHOOL BOARD

1. Prior to site plan certification, the petitioner **shall** demonstrate that they have met with the School Board staff and discussed the potential **of** entering into an agreement to help achieve racial balance and allow the children who reside within the development to attend the nearest available school. (SCHOOL BOARD)