

RESOLUTION NO. R-93- 1544

RESOLUTION APPROVING ZONING PETITION PDD92-26(A)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF CIALONE BROTHERS PARTNERSHIP OF FLORIDA

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 PDD92-26(A) was presented to the Board of County Commissioners at a public hearing conducted on December 6, 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 PDD92-26(A), the petition of CIALONE BROTHERS PARTNERSHIP OF FLORIDA for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the AGRICULTURAL RESIDENTIAL (AR) 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 December 6, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson 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	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Absent
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 6th day of December, 1993.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK

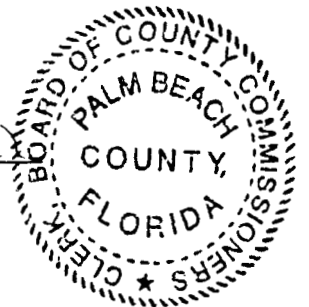


EXHIBIT A
LEGAL DESCRIPTION

PARCEL I:

The N 1/2 of the E 1/2 of the SE 1/4 of the SW 1/4 of the NE 1/4 of Section 11, Township 46 South, Range 42 East, Palm Beach County, Florida.

The S 1/2 of the E 1/2 of the SE 1/4 of the SW 1/4 of the NE 1/4 of Section 11, Township 46 South, Range 42 East.

The South 1/2 of the SW 1/4 of the SW 1/4 of the NE 1/4 of Section 11, Township 46 South, Range 42 East. LESS the West 170 feet of the above described parcel.

Lots 183, 184, 185, 186, 187 and 188, Plat No. 3, DELRAY GARDEN ESTATES, according to the Plat thereof, recorded in Plat Book 23, Page 184 of the Public Records of Palm Beach County, Florida.

The N 1/2 of the SW 1/4 of the SW 1/4 of the NE 1/4 of Section 11, Township 46 South, Range 42 East, Palm Beach County, Florida. LESS the West Forty feet (W 40') thereof.

The W 1/2 of the SE 1/4 of the SW 1/4 of the NE 1/4 of Section 11, Township 46 South, Range 42 East, Palm Beach County, Florida.

Lot 182 of Plat No. 3, DELRAY GARDEN ESTATES, according to the Plat thereof on file in the office of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 23, Page 184.

PARCEL 11:

The W 1/2 of the SW 1/4 of the SE 1/4 of the NE 1/4, LESS the South 13 feet thereof, of Section 11, Township 46 South, Range 42 East, Palm Beach County, Florida.

EXHIBIT A

LEGAL DESCRIPTION

PARCEL III:

Lots 173 A and 173 B, Plat No. 3, DELRAY GARDEN ESTATES, according to the Plat thereof on file in the office of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 23, Page 184.

PARCEL IV:

Lots 176, 177, 178 and 179, Plat No. 3, DELRAY GARDEN ESTATES, according to the Plat thereof on file in the office of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 23, Page 184.

PARCEL V:

Lots 119 and 120, Casa Del Rey (P.U.D.), Plat No. 2, according to the plat thereof recorded in Plat Book 52, Pages NO. 188, 189, and 190 of the Public Records of Palm Beach County, Florida. LESS the East Fifteen Feet (E 15') of said Lot 119 thereof.

And Together With:

That part of Tract E, Casa Del Rey (P.U.D.), Plat No. 2, according to the Plat thereof recorded in Plat Book 52, Pages 188, 189, and 190 of the Public Records of Palm Beach County, Florida, described as follows;

Begin at the northwest corner of Lot 119, Casa Del Rey (P.U.D.) Plat No. 2; thence N. 89 degrees 20' 58" E., along the north line of said Lot 119, 84.09' to the northeast corner of said Lot 119; thence N. 0 degrees 39' 02" W., 25.00 feet to the north line of said Tract E; thence S. 89 degrees 20' 58" W., along said north line, 84.09 feet to the northwest corner of said Tract E; thence S. 0 degrees 39' 02" E., along the west line of said Tract E, 25.00 feet to the said point of beginning. LESS the East Fifteen Feet (E 15') thereof.

EXHIBIT A
LEGAL DESCRIPTION

PARCEL VI:


THAT PART OF TRACT "C" (MAGELLAN WAY WEST), CASA DEL REY PLAT NO. 2, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 52, PAGES 188, 189 AND 190 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 120 OF SAID PLAT OF CASA DEL REY PLAT NO. 2; THENCE N.0°39'02"W., ALONG THE EAST LINE OF SAID LOT 120, 67.07 FEET TO THE SOUTH LINE OF LOT 119; THENCE N.89°20'58"E., ALONG SAID SOUTH LINE, 8.59 FEET; THENCE S.0°39'02"E., 37.51 FEET; THENCE S.46°00'29"E., 41.31 FEET TO THE SOUTH LINE OF SAID TRACT "C" AND TO A POINT ON A CURVE CONCAVE SOUTHERLY WITH A RADIUS OF 3520.68 FEET, A CENTRAL ANGLE OF 0037'06" AND A LINE TO THE RADIUS POINT OF SAID CURVE BEARING S.1°08'10"E.; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE, 37.99 FEET TO THE SAID POINT OF BEGINNING.

PARCEL VII:

THAT PART OF RECREATION AREA TRACT "D" AND TRACT "F", CASA DEL REY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 51, PAGES 198 AND 199 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID TRACT "D"; THENCE N.0°39'02"W., ALONG THE EAST LINE OF SAID TRACT "D" AND TRACT "F", 157.34 FEET TO THE NORTHEAST CORNER OF SAID TRACT "F"; THENCE S.89°20'58"W., ALONG THE NORTH LINE OF SAID TRACT "F", 10.00 FEET; THENCE S.0°39'02"E., 138.38 FEET; THENCE S.43°11'01"W., 27.94 FEET TO THE SOUTH LINE OF SAID TRACT "D" AND TO A POINT ON A CURVE CONCAVE SOUTHERLY WITH A RADIUS OF 3520.68 FEET, A CENTRAL ANGLE OF 0°28'41" AND A LINE TO THE RADIUS POINT OF SAID CURVE BEARING S.3°13'03"E.; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE, 29.37 FEET TO THE SAID POINT OF BEGINNING.


JOHN N. SUTTER
LAND SURVEYOR No. 1314

ORDER NO.
85-106

EXHIBIT B

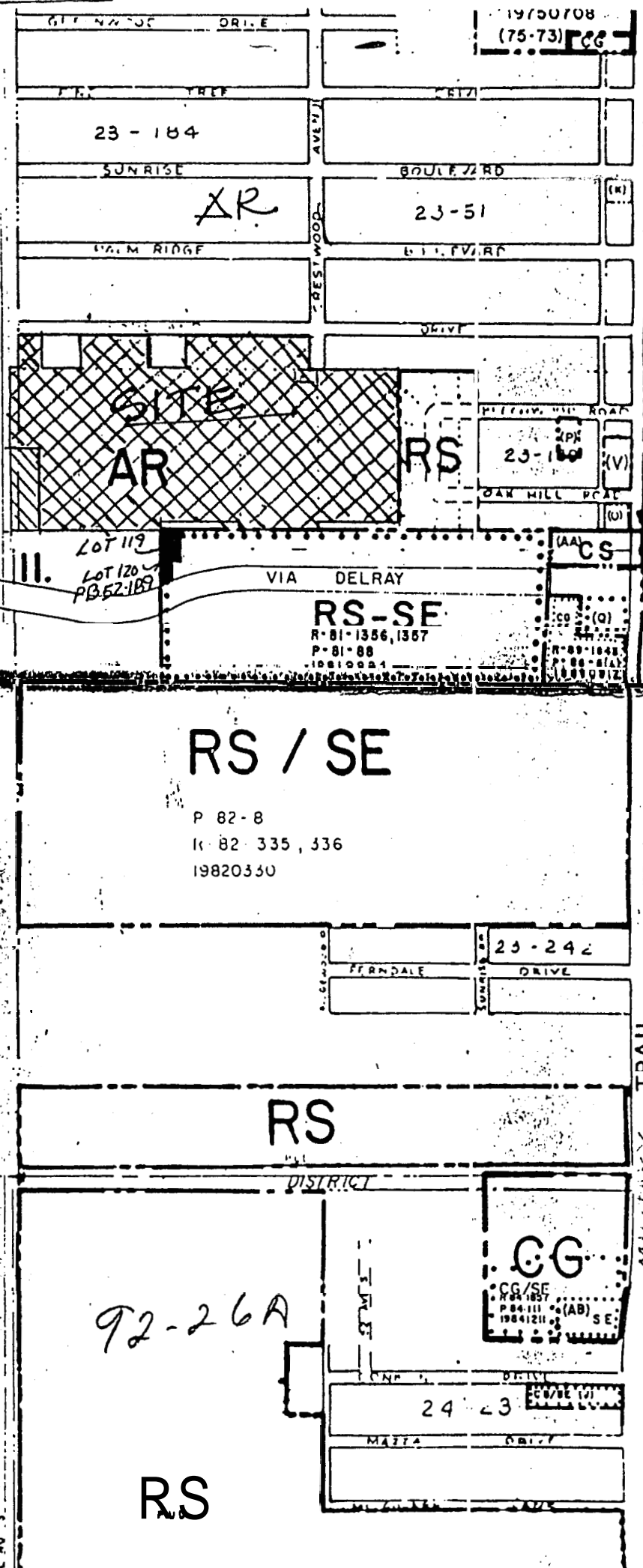
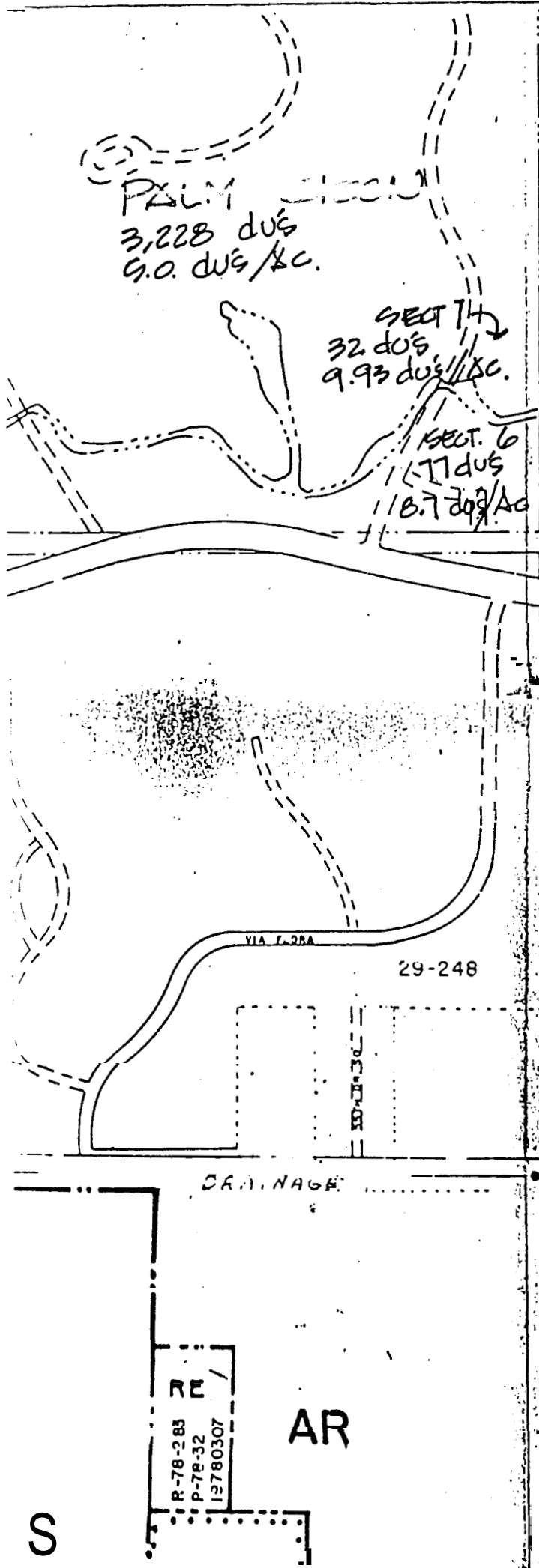


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. To insure compliance with the requirements of the ULDC and all conditions of approval, prior to certification by the DWC, the petitioner shall amend the Preliminary Development Plan to indicate the location of the required civic site pursuant to Section 6.8 of the ULDC. (ZONING)

B. SITE DESIGN

1. Street lights a maximum of twenty (20) feet in height, measured from finish grade, shall be installed, maintained and operated by the property owner along all platted access tracts, easements or road ways. (ZONING/ENGINEERING)
2. Median landscaping, subject to permitting by the County Engineer, shall be provided within all applicable right-of-way pursuant to Section 6.8.23.d of the ULDC. Median landscaping shall, at a minimum, include:
 - a. One (1) native tree for every thirty feet (30) of median;
 - b. One (1) shrub for every one hundred fifty (150) square feet or one groundcover for every seventy five (75) square feet of median area;
 - c. Lawn area planted by sod; and
 - d. Detail median landscaping plans shall be submitted, installed and maintained pursuant to the standards set forth in Article 6.8.23.d(2) (a) of the Palm Beach County Unified Land Development Code. (ZONING/ENGINEERING)
3. Street trees shall be planted no more than fifty (50) feet on center along both sides of all streets within all platted rights-of-way or access tracts that are interior to the PUD subject to approval by the County Engineer. All required landscaping shall be installed prior to release of the performance bond or issuance of a certificate of completion, whichever occurs first, for the road intended to be landscaped. (ENGINEERING)
4. All utilities shall be underground pursuant to Article 6.8.23.d(5) of the Palm Beach County Unified Land Development Code. (ZONING/ENGINEERING)
5. All two story units shall be located in the interior pods. (ZONING/BUILDING)
6. The minimum setback for all recreational facilities, structures, and accessory structures shall be fifty (50) feet from any required perimeter buffer adjacent to residential uses. The setback area shall be for the exclusive use of landscaping. (ZONING)

C. HEALTH

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

D. 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)

E. ENGINEERING

1. The Property owner shall construct Crestwood Avenue from Woodland Drive to Palm Ridge Drive. This construction shall meet local street standards, including a minimum of two (2) ten (10) foot travel lanes. The construction shall be concurrent with the paving and drainage improvements for the site. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to finalizing the first plat. (Monitoring Agent - County Engineer).
2. The Property owner shall construct a right turn lane, east approach on Via Delray at the project's entrance road. Length of the turn lane shall be extended from Bolero Circle East to the project's entrance road. The construction shall be concurrent with the construction of paving and drainage improvements for the site. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy (Monitoring Agent - County Engineer).
3. The Property owner shall construct a median opening on Via Delray Road at the project's entrance road to permit only left turns exiting the site. This shall be subject to the approval of the County Engineer. The construction shall be concurrent with construction of paving and drainage improvements for the site. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit and construction shall be completed prior to the issuance of the first Certificate of Occupancy (Monitoring Agent - County Engineer).

4. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$73,095 (443 additional trips X \$165.00 per trip) and is paid at the time of the Building Permit (Monitoring Agent - Impact Fee Coordinator).
5. The Lake Worth Drainage District is requesting the required right-of-way for Lateral Equalizing Canal No. E-3, by Quit Claim Deed or an Easement Deed in the form provided by said District. If the property owner agrees the Lake Worth Drainage District requests that prior to June 1, 1994 that the right of way be conveyed. (Monitoring Agent - Lake Worth Drainage District).
6. Prior to Site Plan certification by the Development Review Committee the property owner shall submit verification of recorded safe sight easements at the project entrance and Via Delray. In addition the approved Site Plan shall contain a landscape plan for Casa Del Rey reflecting landscaping material proposed to be installed in the area between the project's entrance and Bolaro Circle, the North right-of-way line of Via Delray Boulevard and the north edge of pavement. These landscape plans shall be approved by the Zoning Division and the County Engineer. Installation of any landscape material shall be subject to a valid permit issued by the County Engineer. (ENGINEERING)
7. Approval of this PUD is valid only with access onto both Via Delray and Crestwood Avenue. Should access onto either Via Delray or Crestwood Avenue be deleted, this petition shall be brought back to the Board of County Commissioners for reconsideration. (ENGINEERING)

F. LANDSCAPING - GENERAL

1. To insure adequate buffering with adjacent single family residences, all trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - 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.
 - d. Clear trunk: five (5) feet. (ZONING)

G. LANDSCAPING ALONG ALL PROPERTY LINES ABUTTING RESIDENTIAL

1. To insure adequate buffering with adjacent single family residences, landscaping along all property lines abutting residential uses shall be upgraded to include:

- a. One (1) native canopy tree planted every twenty (20) feet on center;
- b. One (1) native palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location. No more than twenty five percent of the required trees may be superseded by this requirement; and
- c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation to be maintained a minimum of sixty (60) inches in height. (ZONING)

H. LANDSCAPING ALONG THE ACCESS ROAD FROM VIA DELRAY ROAD

1. Landscaping shall be provided along both sides of the access road Via Delray Road to include:
 - a. One (1) native canopy tree planted every twenty (20) feet on center;
 - b. One (1) native palm trees for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,
 - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (ZONING)

I. SIGNS

1. To ensure compliance with the regulating plan submitted by the petitioner, entry or project identification sign fronting on Via Delray Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade - six (6) feet;
 - b. Maximum sign face area per side - 54 square feet;
 - c. Maximum number of signs - one (1) on Via Delray Road.
 - d. Type - monument style only. (BUILDING)
2. Prior to site plan certification, the petitioner shall submit a Master Sign Program to the Zoning Division which specifies sign location, sign dimensions, typical base planting details, and conformance to all sign related conditions of approval. (ZONING)

J. VEGETATION PRESERVATION

1. The petitioner shall preserve or relocate existing native sabal palms on site and shall incorporate them into the project design. (ZONING)
2. Prior to issuance of a Vegetation Removal Permit, the petitioner shall complete the following:
 - a. All sabal palms to be relocated or preserved shall be identified in the field, tagged and numbered.

- b. The sabal palms shall receive appropriate protection during site development. No clearing shall commence until all protection devices are installed by the petitioner, and inspected and approved by the Zoning Division. (ZONING)
3. All prohibited species shall be removed from the property prior to the issuance of the first Certificate of Occupancy (C.O.). (BUILDING)

K. SCHOOL BOARD

1. All sales and notice literature and purchase agreements for the within development shall include a statement/notice that students may not be assigned to the nearest school and that all prospective buyers are encouraged to contact the Palm Beach County School Board to determine which school assignment will apply to their children. (SCHOOL BOARD)
2. Prior to master plan certification, petitioner(s) shall demonstrate that they have met with the School Board 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 schools. (ZONING - School Board)

L. PLANNING

1. Prior to certification of a Preliminary Development Plan, Regulatory Plan or other required plan by the Development Review Committee (DRC), the petitioner shall execute a development agreement and obtain a Certificate of Concurrence Reservation from the Planning Division. (PLANNING)