

RESOLUTION NO. R-94-366

RESOLUTION APPROVING ZONING PETITION PDD93-57
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF K. HOVNANIAN AT DELRAY BEACH II

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 PDD93-57 was presented to the Board of County Commissioners at a public hearing conducted on March 24, 1994; 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 PDD93-57, the petition of K. Hovnanian at Delray Beach II, (REZONING) from the Residential Single Family (RS) ZONING DISTRICT to the 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 8, attached hereto and made a part hereof, was approved on March 24, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 24thday of March, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

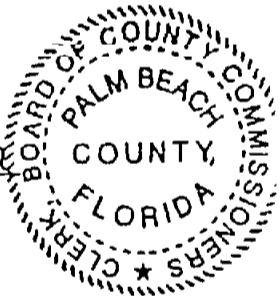
DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



ZONING FILE COPY

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THAT PART OF BLOCK 9, PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 26, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WESTERLY OF THE RIGHT-OF-WAY FOR HAGEN RANCH ROAD AND BEING MORE PARTICULARLY DESCRIBED-AS-FOLLOWS:

ALL THAT PART OF TRACTS 8 THROUGH 25 INCLUSIVE, AND 41 THROUGH 56 INCLUSIVE, SAID BLOCK 9, PALM BEACH FARMS COMPANY PLAT NO. 1; TOGETHER WITH THE NORTH ONE-HALF OF THAT CERTAIN 30 FOOT PLATTED ROAD RIGHT-OF-WAY LYING SOUTH OF AND CONTIGUOUS TO SAID TRACTS 49 THROUGH 56, INCLUSIVE; TOGETHER WITH THE EAST ONE-HALF OF THAT CERTAIN 30 FOOT PLATTED ROAD RIGHT-OF-WAY LYING WEST OF AND CONTIGUOUS TO SAID TRACTS 16, 17, AND 49; TOGETHER WITH THAT CERTAIN 30 FOOT ROAD RIGHT-OF-WAY LYING EAST OF AND CONTIGUOUS TO SAID TRACTS 9, 24, 41, AND 56; TOGETHER WITH THAT CERTAIN 30 FOOT PLATTED ROAD RIGHT-OF-WAY LYING SOUTH OF AND CONTIGUOUS TO SAID TRACTS 17 THROUGH 24 INCLUSIVE.

EXCEPTING HOWEVER THE RIGHT-OF-WAY FOR LAKE WORTH DRAINAGE DISTRICT L-30 CANAL AS PER CHANCERY CASE NO. 407; ALSO EXCEPTING HOWEVER THE WEST 35.00 FEET OF SAID TRACT 48 AND EXCEPTING THE SOUTH ONE-HALF OF THAT CERTAIN 30 FOOT ROAD RIGHT-OF-WAY LYING NORTH OF AND CONTIGUOUS TO THE SAID WEST 35.00 FEET OF TRACT 48.

TOGETHER WITH ALL OF THE PLAT OF MONTERRA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 66, PAGE 190, SAID PUBLIC RECORDS.

CONTAINING 234.97 ACRES MORE OR LESS.

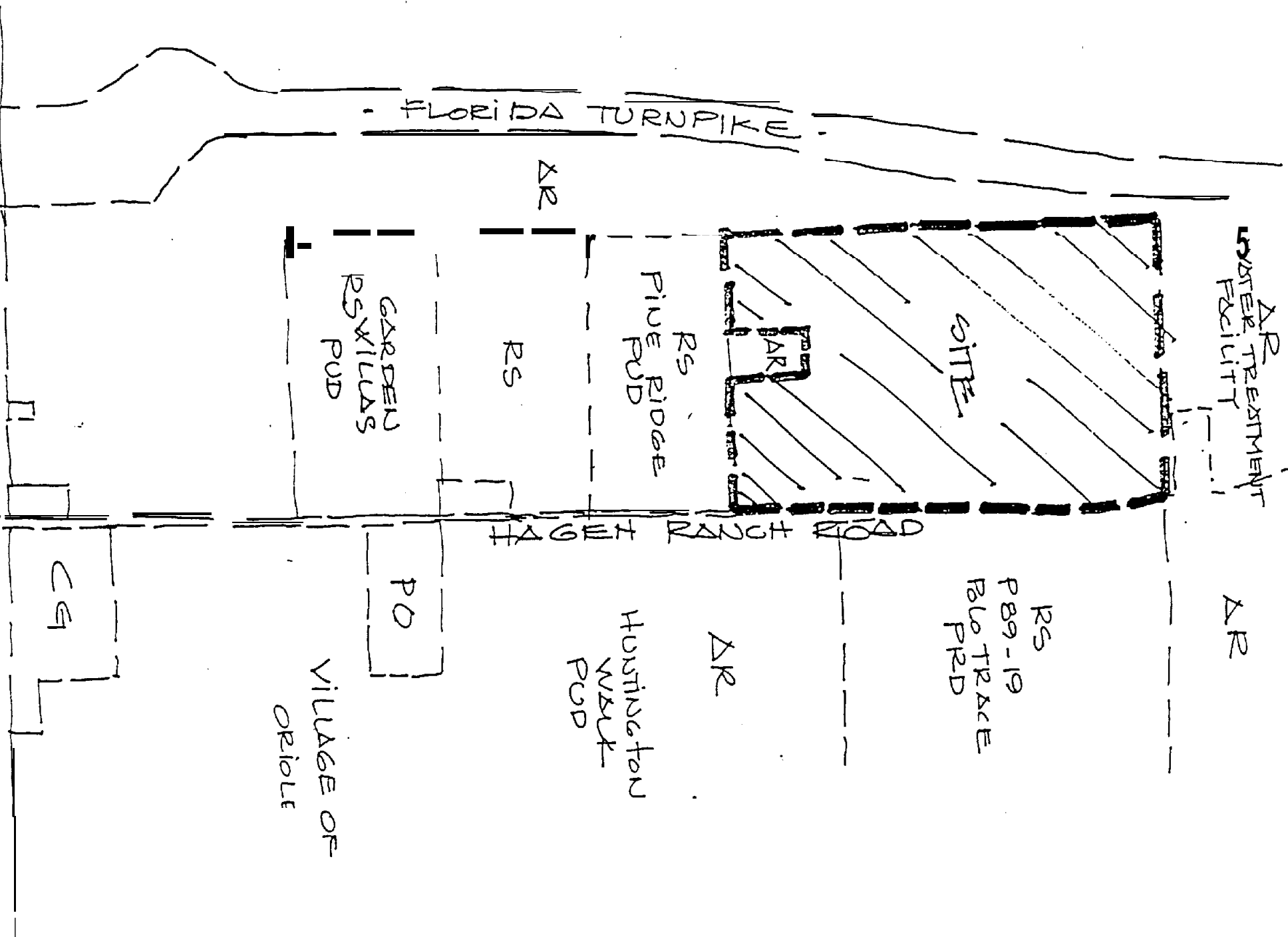
SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHT-OF-WAY OF RECORD.

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EXHIBIT B

(location sketch)



ZONING FILE COPY

WESLEYAN DRIVE

North arrow symbol

EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. To ensure compliance with the requirements of this approval, Resolution R-82-628, R-84-1841, R-85-275, R-87-229, R-88-1635, and R-89-726 approving zoning petition 81-125 for a special exception to allow a PUD and R-87-1944 approving a Developers Agreement for zoning petition 81-125 are hereby revoked. (ZONING)
2. Street lights a maximum of twenty five (25) feet in height shall be installed along all platted access tracts, easements, and right-of-ways. Light fixtures shall be directed away from residences. (ZONING, E&NEERING)
3. Median landscaping, subject to permitting by the County Engineer, shall be provided within all rights-of-way. 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)
4. 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, access tracts, and easements 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)
5. All utilities shall be underground pursuant to Article 6.8.23.d(5) of the Palm Beach County Unified Land Development Code. (ZONING/ENGINEERING)
6. To ensure compliance with the requirements of the ULDC, prior to certification of the Preliminary Development Plan (PDP) by the DRC, the petitioner shall apply and obtain approval of a master plan for the Polo Trace PRD, Zoning Petition DOA89-19(C), which complies with all applicable sections of., the ULDC and conditions of approval. (ZONING)

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7. To ensure that the proposal will comply with the requirements of the ULDC the petitioner shall, prior to certification of a Preliminary Development Plan (PDP) by the Development Review Committee (DRC), amend the Preliminary Development Plan to include a minimum of two unit types or obtain a variance from the Board of Adjustment. In the event the ULDC is amended to delete the requirement for PUD's to provide a minimum of two housing types the petitioner shall be relieved of this requirement. (ZONING)

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. 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. (HEALTH)
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. (HEALTH)

D. RECYCLE SOLID WASTE

1. All residential, recreational and civic parcels (i.e. clubhouse, civic site) shall participate in a recycling program. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SWA)

E. ENGINEERING

1. Prior to the issuance of a Technical Compliance Letter the property owner shall submit and receive approval from the Florida Department of Transportation and the County Engineer a detailed plan of the signalization, geometries, and striping plan for this project's entrance. (ENGINEERING)
2. Prior to the certification of the Master Plan by the DRC the property owner shall revise the Master Plan to be in compliance with Article 8 of the ULDC including but not limited to right of way widths of the internal road network based upon projected ADTs, and minimum centerline radii based upon street classification. (ENGINEERING)
3. Property owner shall construct a left turn lane south and a left turn west approach at the projects entrance and Hagen Ranch Road. This construction shall be concurrent with the paving and drainage improvements with the first plat. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but not be limited to, utility relocations.
- a) Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of Technical Compliance issued from the Office of the County Engineer.

- b) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING - Engineering)
4. The Property owner shall fund the construction of a pedestrian pathway from the north right-of-way line of the LWDD L-30 Canal south to the north right-of-way line of Mansfield Hallow. Funding for this construction shall be completed prior to July 15 1994. (ENGINEERING)
5. 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 at the time of the Building Permit is \$1650 per approved single family dwelling unit and \$1155 per approved multi family dwelling unit. Credit for any previously paid impact fees shall be given as provided for in the Impact Fee Ordinance. (IMPACT FEE COORDINATOR).
6. The Property owner shall fund the cost of installation of a traffic signal at the projects entrance and Hagen Ranch Road when warranted as determined by the County Engineer. Should warrants for this signalization not be met after five year's after issuance of the final certificate occupancy, then this petitioner shall be relieved from this obligation. (ENGINEERING)
7. Prior to site plan certification the developer shall:
- Provide Palm Beach County Water Utilities Department (utility) with two production well sites, locations of which are to be determined by mutual agreement;
 - Provide utility with necessary easements for well sites and raw water mains as required for the maintenance and operation of said wells and mains as provided in 3a above.
 - Provide utility with an easement adjacent to the L-30 Canal for utility lines required for operation of the Southern Region Wastewater Treatment Plant;
 - Enter into an agreement with the utility on the utilization of irrigation-quality treated effluent for all or a portion of golf course area irrigation, subject to regulatory approvals, permits, statutory governing authorities having jurisdiction over such matters prior to making applications for an irrigation system. It is recognized that the operation of the wellfield to be provided for in 3a and 3b above may affect or limit the area to be considered for irrigation. It is not the intention of the utility to require expensive, unnecessary dual irrigation of said areas.
8. In the event there is joint use of the golf courses on the East and West side of Hagen Ranch Road, the Petitioner shall construct the required grade separated golf cart crossing in a manner and form acceptable to the County Engineer.
- The Petitioner shall reserve an area for future construction of 72 parking spaces for the golf course on the East side of Hagen Ranch Road. These spaces shall be required to be constructed if the golf course on the East side of Hagen Ranch Road is developed without providing the required golf course parking.

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- b. The existing golf course maintenance facility shall be available for use by the golf course East of Hagen Ranch Road if a separate East side maintenance facility is not provided.
 - c. None of the conditions set forth herein are intended to eliminate any legal Land Development Code requirements for the development of the Polo Trace PRD on the East side of Hagen Ranch Road.
9. The developer shall be eligible to receive reimbursement for up to 50% of the cost of constructing the pedestrian bicycle path required in Condition E-4. These reimbursement funds shall be collected by Palm Beach County from any other developer requesting development approval from the Board of County Commissioners for property located adjacent to the Hagen Ranch Road bicycle path. Reimbursement shall be limited to a time period ending March 31, 2001.

F. LANDSCAPING - GENERAL

- 1. 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: 3.0 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.
 - a. Clear trunk: five (5) feet. (ZONING)

G. LANDSCAPING ALONG WESTERN PROPERTY LINE

- 1. To ensure adequate buffering from the Florida Turnpike, the minimum buffer requirements along the west property line shall be upgraded to include the following:
 - 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. A minimum thirty (30) inch high hedge planted two (2) feet on center, at time of planting. (ZONING)

H. 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)
- 2. All sales and notice literature and purchase agreements for within the 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)