

RESOLUTION NO. R-95- 8

RESOLUTION APPROVING ZONING PETITION **DOA73-93(B)**
DEVELOPMENT ORDER AMENDMENT
PETITION OF TCR SOUTH FLORIDA APARTMENTS, 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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to **consider** petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have **been** satisfied; and

WHEREAS, Zoning Petition **DOA73-93(B)** was presented to the Board of County Commissioners at a public hearing conducted on January 6, **1995**; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency reservation and therefore complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified 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 **DOA73-93(B)**, the petition of TCR South Florida, for a DEVELOPMENT ORDER AMENDMENT in the Residential Single Family (RS) Zoning District, to add additional access point (St. Andrews Blvd.), previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 6, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 6th day of January, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILXEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

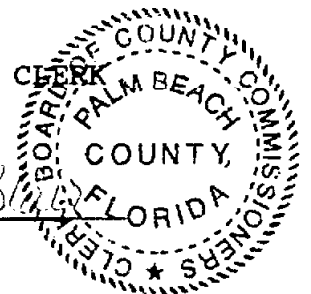


EXHIBIT A
LEGAL DESCRIPTION

LAND DESCRIPTION:

PARCEL "H", "ESTADA OF LOS PASEOS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 37, PAGE 110, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LANDS LYING IN UNINCORPORATED PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

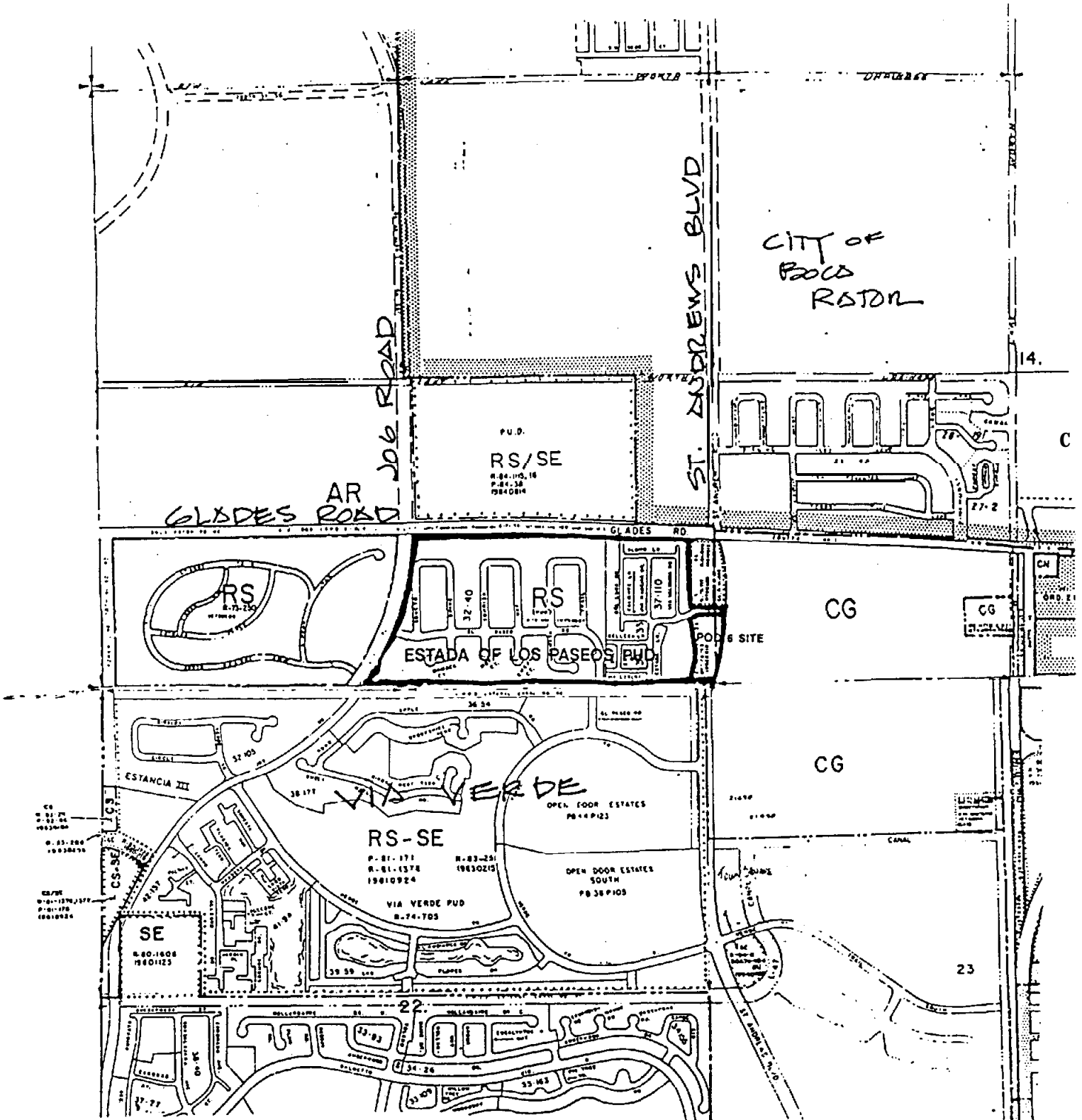


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-73-451, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, and all previous time limitations, unless expressly modified. (MONITORING)
2. Resolution R-89-1318 is hereby revoked. (ZONING)

B. LANDSCAPING - STANDARDS

1. All trees required to be planted on site, except within residential lots, 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. (BUILDING-Zoning)

C. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINE OF POD 6 (ABUTTING RIGHTS-OF-WAY)

1. Landscaping within the required buffer along the north and east perimeter of Pod 6 shall be upgraded to include:
 - a. One (1) canopy tree planted every twenty (20) feet on center;
 - b. One (1) 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; and,
 - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (BUILDING-Zoning)

D. PUD (Pod 6 ONLY)

1. Street lights shall be provided pursuant to Section **6.8.A.23.d(1)** of the ULDC. (ZONING/ENGINEERING)
2. Street trees shall be planted pursuant to Section **6.8.A.23.d(3)** of the ULDC. (ENGINEERING - Building)
3. All utilities shall be underground pursuant to Section **6.8.A.23.d(5)** of the Unified Land Development Code (ULDC). (ZONING/ENGINEERING)

E. ENGINEERING

1. Construction, by the developer, of Power Line Road **as** relocated, also Meridan Trail to State Road 808. (Previously Condition No. 1 of Resolution No. R-73-451, Petition No. 73-93). (ENGINEERING)

Note : [Completed]

2. Coordination and alignment of Meridan Trail with **Arvida** Corporation Shopping Center entrance point and Meridan Trail's north approach to State Road 808. (Previously Condition No. 2 of Resolution No. R-73-451, Petition No. 73-93). (ENGINEERING)

Note : [Completed]

3. The location of the projects additional access shall be approved by the County Engineer.

F. RECYCLE SOLID WASTE (Pod 6 ONLY)

1. All property owners and lessee's shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SWA)

G. COMPLIANCE

1. Failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
 - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions;
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Appeals of **any** departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of Conditional Use, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

2. Condition No. 1 of Resolution No. R-89-1318, Petition No. 73-93(A), which currently states:

The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.

Is hereby deleted. [REASON: Duplicate condition]