

RESOLUTION NO. R-96- 133

RESOLUTION APPROVING ZONING PETITION PDD95-92
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF Elliot N. Sachs
BY Scott G. Morton, AGENT
TWIN LAKES PUD

30/15

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 Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD95-92 was presented to the Board of County Commissioners at a public hearing conducted on January 25, 1996; 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 Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified 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 Unified 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 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 PDD95-92, the petition of Elliot N. Sachs by Scott G. Morton, agent, for an Official Zoning Map Amendment (Z) from the Residential Single Family 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 B, attached hereto and made a part hereof, was approved on January 25, 1996, 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 Aaronson and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution **was** duly passed and adopted **on** January 25, 1996.

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

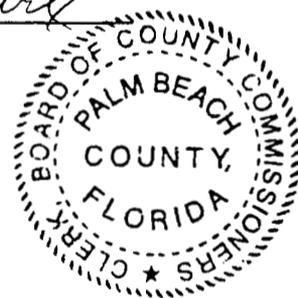


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

Lot A, LESS the North 60 feet, Lots B through E, Block 79; Lot A, LESS the North 60 feet, Lots B through E, Block 80; Tracts **A** through E of Block 81; Tracts A through E, Block 52, LESS the West 15 feet of Blocks 80 and 81; Lots **A** through E, Block 111; Lots **A** through E, Block 112, LESS the West 15 feet for Road Right-of-way; Lots **A** through E, Block 113, LESS the West 15 feet for Road Right-of-way; Lots **A** through E, Block 114, Palm Beach Farms Plat N^o 8, according to the plat thereof as recorded in Plat Book **5**, Page 73, of the Public Records of Palm Beach County, Florida.

Total Acreage 35.10

Section 30, Township 45, Range 43

EXHIBIT B
VICINITY SKETCH

Location Map
Sec 30 Twnshp 45S Range 43E

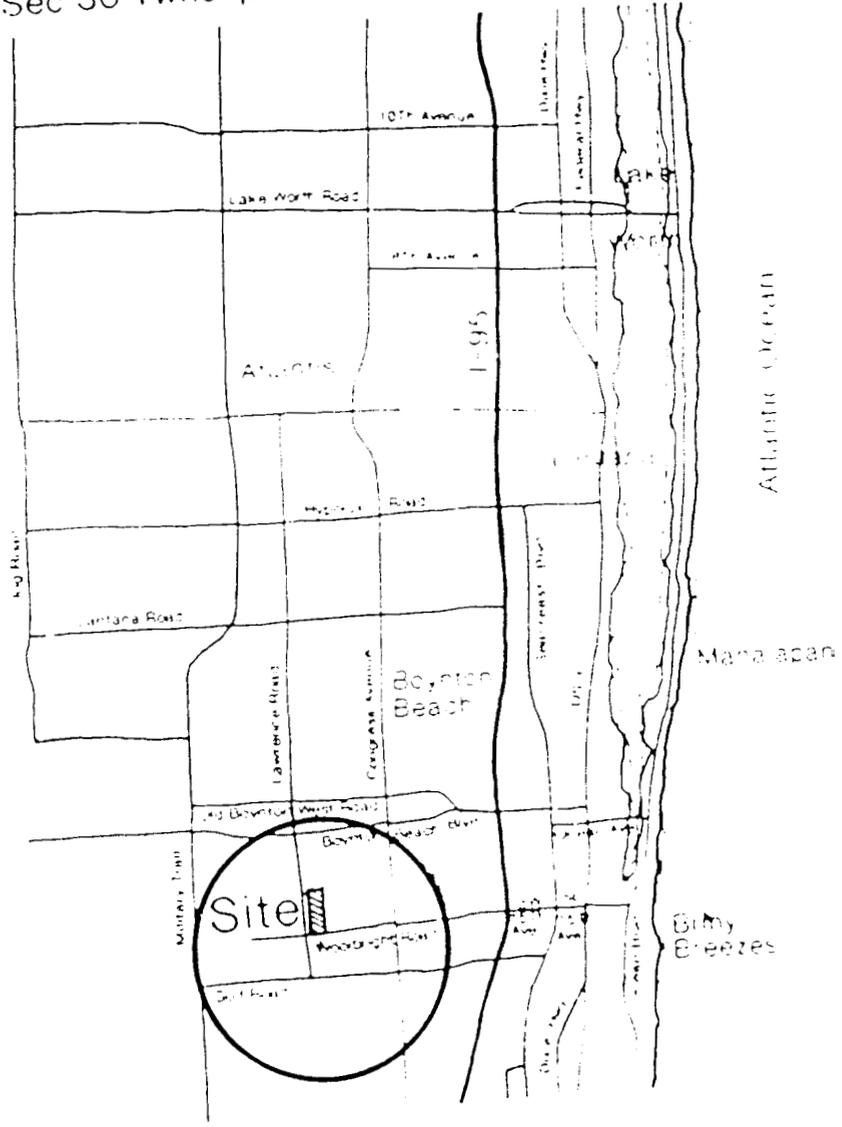


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. The previous approval applicable to the subject property, as contained in Resolution R-80-82 (Petition 79-275), is hereby revoked. (ONGOING: MONITORING-Zoning)

B. BUS ACCESS

1. Prior to certification of the master plan or site plan, whichever occurs first, the petitioner shall amend the plan to indicate bus access on or adjacent to the subject property in a location and manner acceptable to the Palm Beach County School Board, Palm Tran and County Engineer. A bus stop, if required, shall include, at a minimum, a covered shelter, pedestrian access, bicycle access, and bike rack. (DRC: ZONING-School Board/Engineering/Planning)

C. LANDSCAPING ALONG THE SOUTH PROPERTY LINE

1. A six (6) foot high CBS wall shall be installed within the buffer adjacent to the south property line. (CO: LANDSCAPE-Zoning)
2. Landscaping along the south property line shall be upgraded to include:
 - a) one (1) tree for every 300 square feet of buffer area; and,
 - b) one (1) shrub for every fifty (50) square feet of buffer area. (CO: LANDSCAPE-Zoning)
3. The upgraded landscaping shall be installed along the exterior side of the required wall, adjacent to Woolbright Road. (CO: LANDSCAPE-Zoning)

D. PLANNED UNIT DEVELOP —

1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG-Engineering)
2. Street trees shall be planted within or adjacent to all rights-of-way pursuant to Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE-Eng.)
3. Street bike lanes shall be provided pursuant to Section 6.8.A.23.d(4) of the ULDC for all rights-of-way over 50 feet in width, subject to approval by the County Engineer. (CO: BLDG-Eng.)
4. All utilities shall be underground pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG.-Zoning)

E. ENGINEERING

1. Prior to technical compliance for the first plat the property owner shall convey a roadway construction easement to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (PLAT: ENGINEERING)

2. The Property owner shall construct a left turn lane, north approach on Lawrence Road at the project's entrance road. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - a. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING - Eng)
 - b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: BLDG - Engineering).

3. Prior to recordation of the first plat, 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 Lawrence Road along the property frontage; and for a maximum 400 feet distance each side of the property boundary lines along Lawrence Road. 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 (PLAT: **ENG**).

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, to be paid at the time of issuance of the Building Permit presently is \$247,500.00 (1,500 **trips X** \$165.00 per trip) (BLDG PERMIT: **IMPACT FEE COORDINATOR**).

5. The Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved **by** the Development Review Committee. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (PLAT: **ENGINEERING**)

6. No guard gates or similar security devices shall be allowed on the project's entrance road unless the entrance road right-of-way is widened to a minimum width of 80 feet. (ONGOING: CODE ENF- Engineering)
7. LANDSCAPE WITHIN MEDIAN
 - a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: BLDG-Engineering)
 - b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: BLDG-Engineering)
 - c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: BLDG-County Attorney)
8. Property owner shall negotiate in good faith a contract for a proportionate share of the cost of operation and maintenance of mass transit generated by this projects identifiable impacts. This condition will remain in effect until January 25, 1997. (DATE: ENG)

F. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or

- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC 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; and/or
- 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 an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment 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)