

RESOLUTION R-96- 262

RESOLUTION AMENDING RESOLUTION R-96-10
RESOLUTION APPROVING ZONING PETITION OF
HELEN T. CRAFT & THOMAS J. CRAFT
PETITION PDD95-59
HUNTINGTON WALK PUD

WHEREAS, Helen T. & Thomas J, Craft petitioned the Palm Beach County Board of County Commissioners on January 5, 1996 for an Official Zoning Map Amendment; and

WHEREAS, Resolution R-96-10 adopted January 5, 1996 confirming the action of the Board of County Commissioners inadvertently contained a scrivens error in Exhibit C; and

WHEREAS, Exhibit C of Resolution R-96-10 should have read as shown on attached Exhibit C.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Exhibit C of Resolution R-96-10 is hereby amended.

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	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted on February 22, 1996.

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

ORIGINAL

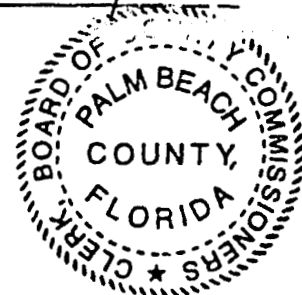


EXHIBIT C

CONDITIONS OF APPROVAL

A. BUILDING AND SITE DESIGN

1. All structures shall be limited to a maximum height of two (2) stories. (BLDG PERMIT: BLDG - Zoning)
2. All vehicle entrances into the development shall be electronically or manually controlled 24 hours a day. (ONGOING: CODE ENF)

B. COUNTY ATTORNEY

1. The petitioner shall include in the homeowners documents, all sales contracts, all written sales brochures, master plans and related site plans a disclosure statement regarding Antiquers Aerodrome. (ONGOING: MONITORING - Cty Atty)
2. The following information shall be included in the disclosure:
 - a) identification of Antiquers Aerodrome as a state and federally licensed single family flying community;
 - b) the location - directly south of this community on the east side of Hagen Ranch Road, one (1) mile north of West Atlantic Avenue;
 - c) the 800-1000 foot altitude of arriving and departing aircraft over the development;
 - d) that Antiquers Aerodrome has been in existence for thirty (30) years and is operated as an uncontrolled airfield with a 4,900 foot runway; and,
 - e) that the runway is lighted and available for use by the residents twenty-four (24) hours a day. (ONGOING: MONITORING - Cty Atty)
3. The information which appears in written form shall be in bold type. (ONGOING: MONITORING - Cty Atty)
4. The developer/property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of the Planning, Zoning and Building Department. The next report shall be submitted on or prior to November 1, 1996 and shall continue on an annual basis until all units within the development have been sold or control has been relinquished to the homeowners association, whichever occurs first. (DATE/ONGOING: MONITORING - Cty Atty)

C. LANDSCAPING - STANDARD

1. All trees required to be planted on site by this approval, except on individual residential lots, 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. (CO: LANDSCAPE - Zoning)

D. PLANNED DEVELOPMENT

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 - Eng)
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, 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)
5. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate bus access and/or a bus stop on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack. (DRC: ZONING - School Board / Engineering / Planning)

E. ENGINEERING

1. Prior to July 1, 1996 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land **Development** Division by road right-of-way warranty deed for the expanded intersection in accordance with Palm Beach County Typical Expanded Intersection Detail at Sims Road and Jog Road.

All right-of-way dedications shall be free of all encumbrances and encroachments. The 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 "Corner Clips" where appropriate at intersections as determined by the County Engineer. (BLDG PERMIT: ENG)

2. Prior to technical compliance for the improvements with the first plat, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Jog Road at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. 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. (PLAT: ENG)

3. The Property owner shall construct:
 - a. on Jog Road at the project's entrance road a right turn lane, north approach; and,
 - b. on Sims Road at both entrance roads a left turn lane, west approach.

This construction shall be concurrent with the construction of the projects entrance roads onto the adjacent thoroughfares. 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. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Based upon the timing of the road construction of the above roadways, the County Engineer, at his option, may request funding of the above turn lanes to be incorporated into the road construction. (BLDG PERMIT: BLDG - Eng)

4. On or before June 15, 1996, 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 Jog Road, Hagen Ranch Road and Sims Road along the property frontage plus a maximum of 800 feet of these adjacent roadways. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. 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. (DATE: MONITORING - Eng)
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, Zoning Petition 95-59, to be paid at the time of issuance of the Building Permit presently is:
 - a) \$1,650.00 per approved single family dwelling unit (10 trips X \$165.00 per trip); and
 - b) \$1,155.00 per approved multi family dwelling unit (7 trips X \$165.00 per trip). (IMPACT FEE COORDINATOR)

6. The property owner shall participate in the funding of the construction of a pedestrian pathway on Hagen Ranch Road from the north right of way line of the Lake Wcrth Drainage District L-30 Canal, south to the north right-of-way line of Mansfield Hollow. Funding for this construction shall be completed on or before May 1, 1996. Funding of the pedestrian pathway shall be shared with Polo Trace PUD and shall be limited to a maximum of 50% of the cost of this bike path based upon actual construction costs (50% of the funding is intended to be contributed by Polo Trace PUD). The cost of this construction shall include but not be limited to all Engineering costs, Construction costs, Inspection costs, and Permit Costs. This 50% share of the cost may be adjusted down if other PUD's in the area are required to also contribute to this pedestrian pathway prior to the construction by Palm Beach County. (DATE: MONITORING - Eng)
7. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a) Building Permits for more than 294 single family dwelling units shall not be issued until construction has begun for Military Trail as a 6 lane section, from West Atlantic Avenue to Linton Boulevard, plus the appropriate paved tapers. (BLDG PERMIT: BLDG - Eng)
8. The mix of single family dwelling units listed above may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. A revised phasing plan shall be submitted and approved by the Development Review Committee (DRC) to reflect any proposed adjustments. (ONGOING: ENG)
9. Prior to recordation of 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: ENG).

F. **PREM**

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by November 1, 1996, for a 2.98 acre civic site, in a location and form acceptable to Facilities, Development & Operations Department (FDO), and the County Attorney's office. Developer to Plat and dedicate the Civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.
 - a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site. The appraisal to be obtained by the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the P.U.D., as it would apply to the civic site.

- b. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.
 - c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.
 - d. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:
 - 1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.
 - 2) As easement across Developer's property from the proposed civic site to the retention basins, if required.
 - e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
 - f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operation Department.
 - g. Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING - Prem)
2. The property owner shall provide the County with a certified survey of the proposed civic site by August 1, 1996. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
- a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
 - b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
 - c. The survey should include a location of any proposed water retention area that will border the civic site.
- The survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING - Prem)
3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by August 1, 1996. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

- a. Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
- b. Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- a) EPA's National Priorities list (NPL)
 - b) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
 - c) Hazardous Waste Data Management System List (HWDMMS) .
 - c. Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
 - d. The results of an on-site survey to describe site conditions and to identify potential area of contamination.
 - e. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - Prem)
4. Prior to August 1, 1996, the Petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2). (DATE: MONITORING - Prem)

G. SCHOOL BOARD

1. Prior to final master plan certification by the Development Review Committee (DRC) if the development is not approved as an all adult community the petitioner shall:
 - a. Meet with School District staff regarding the achievement of racial balance; and,

- b. Amend the master plan to provide a bus stop pull-off or turn around in front of access control points. The size and location of the stops shall be subject to approval by the School District and Engineering Department. (DRC: SCHOOL BOARD)

H. WATER UTILITIES

1. The proposed location of the two (2) public water supply well sites shall conform to the Palm Beach County Wellfield Protection Ordinance. (PBCWUD)
2. The petitioner shall utilize reclaimed water from the Southern Region Wastewater Treatment Plant to irrigate common areas of the development. Common areas include but are not limited to landscape buffers, medians and recreation areas. (PBCWUD)

I. 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)