

RESOLUTION NO. R-96-396

RESOLUTION APPROVING ZONING PETITION PDD95-88  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF JPI DEVELOPMENT PARTNERS, INC.  
BY RONALD K. KOLINS, ESQ., AGENT  
PROMENADE AT BOCA RATON

POD

**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 PDD95-88 was presented to the Board of County Commissioners at a public hearing conducted on March 28, 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 PDD95-88, the petition of **JPI** Development Partners, Inc. by Ronald **K. Kolins, Esq.**, agent, for an Official Zoning Map Amendment (Z) from the Agricultural Residential (AR) to Residential Planned Unit Development (**PUD**) 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 March 28, 1996, 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:

Ken Foster, Chair	--	Absent
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 on March **28**, 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

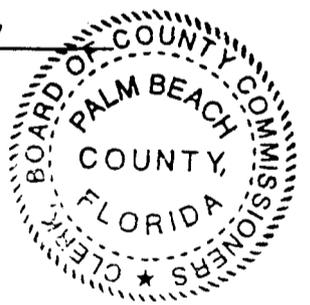


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION OF SUBJECT PARCEL(S)

Tract 68, Block 77, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the Plat thereof as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records of Palm Beach County, Florida.

Tract 67, Block 77, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the Plat thereof as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records of Palm Beach County, Florida.

Tract 69, Block 77, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the Plat thereof as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records of Palm Beach County, Florida.

The South Half (S 1/2) of Tract 66, Block 77, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the Plat thereof as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records of Palm Beach County, Florida.

The North Half (N 1/2) of Tract 66, Block 77, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the Plat thereof as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records of Palm Beach County, Florida.

The South Half (S 1/2) of Tract 65, Block 77, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the Plat thereof as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records of Palm Beach County, Florida.

The North Half (N 1/2) of Tract 65, Block 77, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the Plat thereof as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records of Palm Beach County, Florida.

EXHIBIT B  
VICINITY SKETCH

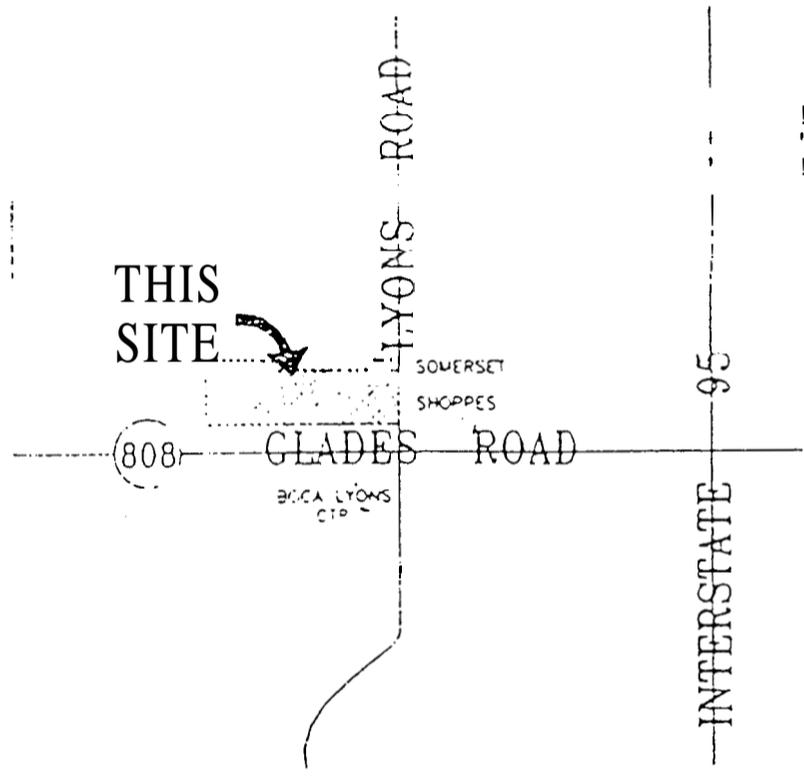


EXHIBIT C

CONDITIONS OF APPROVAL

A. HEALTH

1. Reasonable precautions shall **be** taken during development to insure that unconfined particulates (dust particles) from the property do not become a nuisance to neighboring properties. (ONGOING: HEALTH / CODE ENF)

B. LANDSCAPING = ALONG THE EAST PROPERTY LINE (ADJACENT TO LYONS ROAD)

1. All trees required to **be** planted within the buffer along the east property line, 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)
2. Landscaping and buffering along the east property line shall be upgraded to include:
  - a. A double row of canopy trees planted a minimum of thirty (30) feet on center.
  - b. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm **or** pine trees may supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning)

C. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ADJACENT TO COMMERCIAL)

1. Landscaping and buffering along the south property line adjacent to commercial shall be upgraded to include a six (6) foot high wrought iron type aluminum fence. The fence shall extend between decorative concrete columns spaced **sixty (60)** to eighty (80) feet **on center**. Hedge material shall be provided on both sides **of** the fence (CO: LANDSCAPE - Zoning)

D. MASS TRANSIT

1. 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(s) on or adjacent to the subject property. **Bus** access and/or bus stops shall **be** located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer.

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the 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 / Eng / Planning)

2. The 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 shall remain in effect until March 28, 1997. (DATE: MONITORING - Eng)

**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: ENG)
2. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Lyons Road, 55 feet from centerline on or **before January 1, 1997** or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer 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 as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING / ENG)
3. The Property owner shall reconstruct the median adjacent to this site including closing the existing median opening and constructing a new median opening and left turn lane, south approach on Lyons Road at the **project's** entrance 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 are not limited to, utility relocation:: 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. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: BLDG - Eng)
4. Concurrent with the 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 Lyons Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). 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. (PLAT: ENG)

5. If the petitioner decides to utilize Glades Road access, evidence of legal access to the site from Glades Road shall be provided prior to approval of the Master Plan by DRC. The petitioners concurrency shall also be revised accordingly prior to the DRC approval. (DRC: ENG)
6. 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 Number 95-88, to be paid at the time of issuance of the Building Permit presently is \$1,155.00 per approved multi-family dwelling unit (7 trips X \$165.00 per trip). (BDLG PERMIT: FAIR SHARE FEE COORDINATOR)

**F. PLANNED UNIT 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 in 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 in or adjacent to all rights-of-way over fifty (**50**) feet in width, 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. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants should the property ever be converted to fee simple ownership. The Declaration of Restrictions and Covenants shall be acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office should the property ever be converted to fee simple ownership, prior to the issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (BLDG PERMIT / PLAT: BLDG / ENG - Co Atty)

G. SCHOOL BOARD

1. The petitioner shall post in a clear and visible location in all rental and/or leasing offices a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies. (ONGOING: SCHOOL BOARD)

H. 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)