



RESOLUTION NO. R-96- 1967

RESOLUTION APPROVING ZONING PETITION SA95-64 (B)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF J.D. EASTRICH PROPERTIES NO. 1 LIMITED PARTNERSHIP  
BY RAYMOND ROYCE, AGENT  
(CORAL LAKES PUD)

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, public hearings are duly noticed and advertised; and

WHEREAS, Zoning Petition SA95-64 (B) was presented to the Board of County Commissioners at a public hearing conducted on December 2, 1996; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the Settlement Agreement between the City of Lake Worth, the City of Atlantis, the City of Greenacres, the Village of Palm Springs, Palm Beach County and J.D. Eastrich Properties No. 1 Limited Partnership, and the recommendations of the various county review agencies; and

WHEREAS, nothing in this Resolution or in the conditions of approval are intended to modify or negate the Settlement which shall remain in full force and effect; 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 Unified 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 determination and 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 SA95-64(B), the petition of J.D. Eastrich Properties No. 1 Limited Partnership, by Raymond Royce, agent, for a Development Order Amendment to the Planned Unit Development 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 December 2, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 6, 1997.

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

Petition SA95-64(B)  
Project No.



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**EXHIBIT A**  
**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION**

Parcel **A**: All of Lot C and the North 19 feet of Lot D, Tract 64, Palm Beach Farms Company Plat No. 7, Section 30, Township 44 South, Range 33 East, according to the Plat thereof. as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, Florida.

Parcel **B**: Lot E, Block 33, Lot E, Block 34, Lots A, B, and C, Block 63, Lots A & B, Block 64, Lots A, B, C, D and E, Block 61, Lots A, B, C, D and E, Block 62, Palm Beach Farms Company Plat No. 7, Section 30, Township 44 South, Range 33 East, according to the Plat thereof, as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, Florida.

Less the following:

A certain parcel of land in Section 30, Township 44 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

The East 10.00 feet of Lot E, Block 33, the East 10.00 feet of Lots A, B, C and the East 10.00 feet of the North 19 feet of Lot D, Block 64, of the Palm Beach Farms Company Plat No. 7, according to the Plat thereof, as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, Florida.



EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. **Resolution 85-1876P, Zoning Petition 85-92, a special exception for a large scale community shopping center and planned commercial development, is hereby repealed.** (Previously Condition A.1 of Resolution R-95-1480, Petition PDD95-64) (ZONING)
2. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-95-1480 (Petition 95-64), have been consolidated herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified by this approval or in accordance with the terms of the Settlement Agreement referenced in Condition A.3. (ONGOING:MONITORING-Zoning)
3. In addition to these conditions of approval, 3 development of the site shall be in accordance with the Settlement Agreement, dated May 1996, between the City of Lake Worth, the City of Atlantis, the City of Greenacres, the Village of Palm Springs, Palm Beach County and J. D. Eastrich Properties No. 1 Limited Partnership in connection with Case No. AP 95-9424 AY in the Circuit Court of the Fifteenth Judicial Circuit of Florida in and for Palm Beach County, Florida. (ONGOING/DRC: CO ATTY/ZONING)

B. BUILDING AND SITE DESIGN

1. **The petitioner shall provide a continuous interior pedestrian pathway connecting all buildings to Congress Avenue.** (Previously Condition B.1 of Resolution R-95-1480, Petition PDD95-64) (DRC: BLDG-Zoning)
2. **The petitioner shall provide a gate operated card entry system at the Congress Avenue entrance prior to the issuance of the first Certificate of Occupancy.** (Previously Condition B.2 of Resolution R-95-1480, Petition PDD95-64) (1st CO: BLDG-Zoning)
3. A gate house with bathroom facilities shall be provided and may be used by the Palm Beach County Sheriff's Department. (DRC/1st CO: ZONING/BLDG)
4. **Prior to the issuance of Building Permits, the petitioner shall indicate on the construction plans and documents the following Sound Transfer Coefficients (STC) standards:**
  - 1) **A minimum of 23 STC rating for all exterior windows;**
  - 2) **A minimum of 45 STC rating for all exterior walls.**

**In addition, the petitioner shall construct all dwelling units pursuant to these standards.** (Previously Condition B.3 of Resolution R-95-1480, Petition PDD95-64) (BLDG PERMIT: BLDG-Department of Airports)

C. LANDSCAPING

1. Landscaping and buffering along Congress Avenue shall be upgraded to include:
  - a. A minimum twenty (20) foot wide landscape buffer strip.
  - b. A minimum three (3) foot high earth berm.
  - c. The berm shall be topped with a minimum four (4) foot high fence. if the fencina used is chain link, then it will be colored vinyl coated fencing.
  - d. On the exterior side of the required fence the petitioner shall install thirty (30) inch high shrub or hedge material spaced twenty four (24) inches on center at installation, to be maintained at a minimum height of forty eight (48) inches.
  - e. One (1) canopy tree planted every twenty (20) feet on center on alternating sides of the required fence. (Previously Condition C.1 of Resolution R-95-1480, Petition PDD95-64) (CO: LANDSCAPE-Zoning)
2. Prior to the issuance of the first Certificate of Occupancy (C.O), a temporary six (6) foot high wood or chain link fence shall be installed between Phase 1 and Phase 2 of the development. The fence shall only be removed after issuance of the first building permit within Phase 2. This requirement shall not apply if the project is developed in one phase. (Previously Condition C.2a. and C.2.b of Resolution R-95-1480, Petition PDD95-64) (CODE ENF/BLDG-Zoning)
3. Condition C.3 of Resolution R-95-1480, Petition PDD95-64 which currently states:

A minimum six (6) foot high fence shall be installed along the north, west and south property lines in addition to the fencing shown on the proposed preliminary development plan dated September 27, 1995.

Is hereby amended to read:

A minimum six (6) foot high ~~colored vinyl coated chain link~~ fence shall be installed along the north, west and south property lines. If the fencina is chain link, then it will be colored vinyl coated fencing. (1st CO: BLDG-Zoning)
4. The petitioner shall construct a six (6) foot high wall along the southeastern property line adjacent to the existing commercial center. The wall shall prevent pedestrian access to the site by connecting to the existing wall on the north and the required fence on the south. (Previously Condition C.4 of Resolution R-95-1480, Petition PDD95-64) (1st CO: BLDG-Zoning)
5. 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: 3.5 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. (Previously Condition C.5 of Resolution R-95-1480, Petition PDD95-64)(CO: LANDSCAPE-Zoning)

D. SECURITY

1. Twenty-four (24) hour manned security by appropriate personnel and property management shall be provided on site at all times. (ONGOING: CODE ENF)

E. ENGINEERING

1. 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 95-64, 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). (Previously Condition E.1 of Resolution R-95-1480, Petition PDD95-64) (BLDG PERMIT: IMPACT FEE COORD)

2. LANDSCAPE WITHIN MEDIAN

- a. Prior to technical compliance by the Land Development Division, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Congress Avenue. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All landscaping installation and maintenance requirements shall be subject to the standards as 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. (Previously Condition E.2.a of Resolution R-95-1480, Petition PDD95-64)(ENG)
- b. All required median landscaping including an irrigation system, if required, shall be at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the property owner its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners'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 concurrent with the improvements with the first plat. (Previously Condition E.2.b of Resolution R-95-1480, Petition PDD95-64)(ENG)
- c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to recordation of the first plat to reflect this obligation. (Previously Condition E.2.c of Resolution R-95-1480, Petition PDD95-64) (PLAT: ENG - Co Atty)

3. Condition E.3 of Resolution R-95-1480, Petition PDD95-64 which currently states:

Prior to July 15, 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 Congress Avenue, 53 feet from centerline along the project's entire frontage, plus the additional right-of-way for an expanded intersection at Congress Avenue at 6th Avenue South, free of all encumbrances and encroachments. 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.

Is hereby amended to read:

Prior to the issuance of the first Building Permit, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Congress Avenue, 53 feet from centerline along the project's entire frontage, plus the additional right-of-way for an expanded intersection at Congress Avenue at 6th Avenue South, free of all encumbrances and encroachments. 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: MONITORING/BLDG - Eng)

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. (Previously Condition F.1 of Resolution R-95-1480, Petition PDD95-64) (ENG)
2. Pedestrian circulation shall be provided pursuant to Section 6.8.A.23.d(4) of the ULDC, subject to approval by the County Engineer. (Previously Condition F.2 of Resolution R-95-1480, Petition PDD95-64) (ENG)
3. All utilities shall be underground pursuant to Section 6.8.A.23.d(5) of the ULDC. (Previously Condition F.3 of Resolution R-95-1480, Petition PDD95-64) (ENG)

G. RIGHTS-OF-WAY ABANDONMENT

1. Portions of the previously platted thirty (30) foot rights of way and the fifteen (15) foot utility easement located along the north side of the LWDD L-13 Canal shall be abandoned prior to final Development Review Committee approval. (Previously Condition G.1 of Resolution R-95-1480, Petition PDD95-64)(DRC: ZONING - Eng)

H. UNITY OF CONTROL

1. Condition H.1 of Resolution R-95-1480, Petition PDD95-64 which currently states:

Prior to October 26, 1996, the petitioner shall record in the public records a unity of control for the entire subject property. The unity shall be in a form acceptable to the County Attorney.

Is hereby amended to read:

Prior to final DRC approval, the petitioner shall record in the public records a unity of control for the entire subject property. The unity shall be in a form acceptable to the County Attorney. (DRC: MONITORING-CO Atty)

I. MASS TRANSIT

1. A. 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 mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board or Palm Tran. (DRC: ZONING)

B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner ~~within three (3) years (December 1, 1999)~~ in a manner and location acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. Mass transit access, shelters and/or bus stops shall be constructed prior to the issuance of the first Certificate of Occupancy (CO). The petitioner shall dedicate additional right-of-way to accommodate the requirement for mass transit access and/or bus shelters, if requested by the County Engineer. Mass transit access shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, and a bicycle rack. (DATE 1st CO: MONITORCNG - Eng)

J. 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. (Previously Condition 1.1 of Resolution R-95-1480, Petition PDD95-64) (MONITORING)