

RESOLUTION APPROVING ZONING PETITION PDD96-107
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF SANDHILL COURT INC.
BY ROBERT BENTZ, AGENT
(WILLIAMS TRACE PUD)

291-141

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 PDD96-107 was presented to the Board of County Commissioners at a public hearing conducted on January 30, 1997; 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 PDD96-107, the petition of Sandhill Court Inc. by Robert Bentz, agent, for an Official Zoning Map Amendment from Agricultural Residential (AR) to the Residential 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 30, 1997, 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	--	Absent
Ken Foster	--	Aye
Karen T. Marcus	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

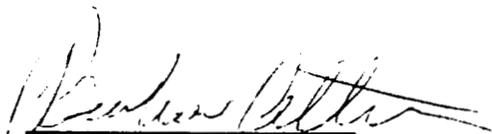
The Chair thereupon declared that the resolution was duly passed and adopted on February 27, 1997.

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

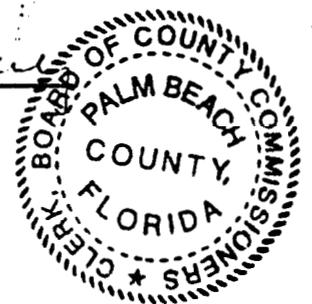


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, LESS THE WEST 50 FEET THEREOF FOR ROAD RIGHT-OF-WAY AND LESS THE PARCEL DESCRIBED IN THE ORDER OF TAKING ON PLAINTIFF'S COMPLAINT AS RECORDED IN OFFICIAL RECORD BOOK 5833, PAGE 999 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH,

THE EAST THREE QUARTER (E. 3/4) OF THE NORTH ONE HALF (N. 1/2) OF THE SOUTHWEST ONE-QUARTER (S.W. 1/4) OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 175.84 FEET MORE OR LESS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SAID SECTION 27; THENCE RUN S 0°08'08" W ALONG THE WEST LINE OF THE SAID N.E. 1/4 OF SECTION 27 AND ALONG THE CENTERLINE OF CARTER ROAD A DISTANCE OF 2042.14 FEET TO A POINT, THENCE RUN N 89°47'44" E, A DISTANCE OF 335.59 FEET TO THE POINT OF BEGINNING; THENCE RUN N 0°07'28" E, A DISTANCE OF 680.78 FEET TO A POINT, THENCE RUN N 89°47'07" E, A DISTANCE OF 830.56 FEET TO A POINT; THENCE RUN S 0°05'43" W, A DISTANCE OF 680.95 FEET TO A POINT; THENCE RUN S 89°47'44" W, A DISTANCE OF 830.83 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH,

THE EAST 175.84 FEET MORE OR LESS OF THE EAST THREE-QUARTERS (E 3/4) OF THE NORTH ONE-HALF (N 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 27; THENCE RUN S 0°08'08" W, ALONG THE WEST LINE OF THE SAID NE 1/4 OF SECTION 27 AND ALONG THE CENTERLINE OF CARTER ROAD, A DISTANCE OF 2042.14 FEET TO A POINT; THENCE RUN N 89°47'44" E, A DISTANCE OF 1166.42 FEET TO THE POINT OF BEGINNING; THENCE RUN N 0°06'04" E, A DISTANCE OF 680.92 FEET TO A POINT; THENCE RUN N 89°47'07" E, A DISTANCE OF 175.84 FEET TO A POINT; THENCE RUN S 0°05'43" W, A DISTANCE OF 680.95 FEET TO A POINT; THENCE RUN S 89°47'44" W, A DISTANCE OF 175.91 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH,

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH,

THE NORTH 454 FEET OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHWEST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

EXHIBIT A
LEGAL DESCRIPTION

AND,

THE NORTH **259.60 FEET** OF THE SOUTH **454.0 FEET** OF THE NORTH **908.0 FEET** OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.,,

TOGETHER WITH,

THE SOUTH **454.00 FEET** OF THE NORTH **908 FEET** OF THE EAST ONE-HALF (1/2) OF THE SOUTHEAST ONE-QUARTER (1/4) OF THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE NORTH **259.60 FEET** THEREOF;

TOGETHER WITH,

THE EAST ONE-HALF (1/2) OF THE SOUTHEAST ONE-QUARTER (1/4) OF THE NORTHEAST (1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, LESS THE NORTH **908 FEET** THEREOF, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH,

THE EAST ONE-HALF (1/2) OF THE SOUTHWEST ONE QUARTER (1/4) OF THE SOUTHEAST ONE-QUARTER (1/4) OF THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS :

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID POINT OF COMMENCEMENT AS ESTABLISHED BY THE PALM BEACH COUNTY DEPARTMENT OF ENGINEERING AND PUBLIC WORKS SURVEY SECTION; THENCE SOUTH **00°34'55"** EAST, ALONG THE WEST LINE OF SAID NORTHEAST ONE-QUARTER AS ESTABLISHED BY SAID PALM BEACH COUNTY SURVEY SECTION, A DISTANCE OF **1361.36 FEET**, TO A POINT ON THE NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 27 AS SAID SECTION 27 WAS ESTABLISHED BY E. ELLIOT GROSS AND IN USE; THENCE NORTH **89°21'24"** EAST, ALONG SAID NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SECTION 27, A DISTANCE OF **60.00 FEET**, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF JOG/CARTER ROAD ACCORDING TO OFFICIAL RECORD BOOK 5833, PAGE 999 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL;

THENCE NORTH **89°21'24"** EAST, ALONG SAID NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SECTION 27, A DISTANCE OF **2616.90 FEET**, TO A POINT ON THE EAST LINE OF SECTION 27 AS SAID SECTION WAS ESTABLISHED BY E. ELLIOT GROSS AND IN USE; THENCE SOUTH **00°22'33"** EAST, ALONG SAID EAST LINE OF SECTION 27, A DISTANCE OF **1362.29 FEET**, TO THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION AS SAID SECTION WAS ESTABLISHED BY E. ELLIOT GROSS AND IN USE; THENCE SOUTH **89°22'35"** WEST, ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 27 AS SAID SECTION 27 WAS ESTABLISHED BY E. ELLIOT GROSS AND IN USE, A DISTANCE OF **1007.15 FEET**, TO A POINT ON THE WEST LINE OF THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 27 AS SAID SECTION 27 WAS ESTABLISHED BY E. ELLIOT GROSS AND IN USE; THENCE NORTH **00°20'42"** WEST, ALONG THE LAST DESCRIBED WEST LINE, A DISTANCE OF **680.97 FEET**, TO A POINT ON THE SOUTH LINE OF THE NORTH

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ONE-HALF OF THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 27 AS SAID SECTION 27 WAS ESTABLISHED BY E. ELLIOT GROSS AND IN USE; THENCE SOUTH 89°21'59" WEST, ALONG THE LAST DESCRIBED SOUTH LINE, A DISTANCE OF 1607.67 FEET, TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE OF JOG/CARTER ROAD; THENCE NORTH 00°34'55" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF JOG/CARTER ROAD, A DISTANCE OF 680.69 FEET, TO THE POINT OF BEGINNING.

CONTAINING 2,466,842 SQUARE FEET OR 56.6309 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

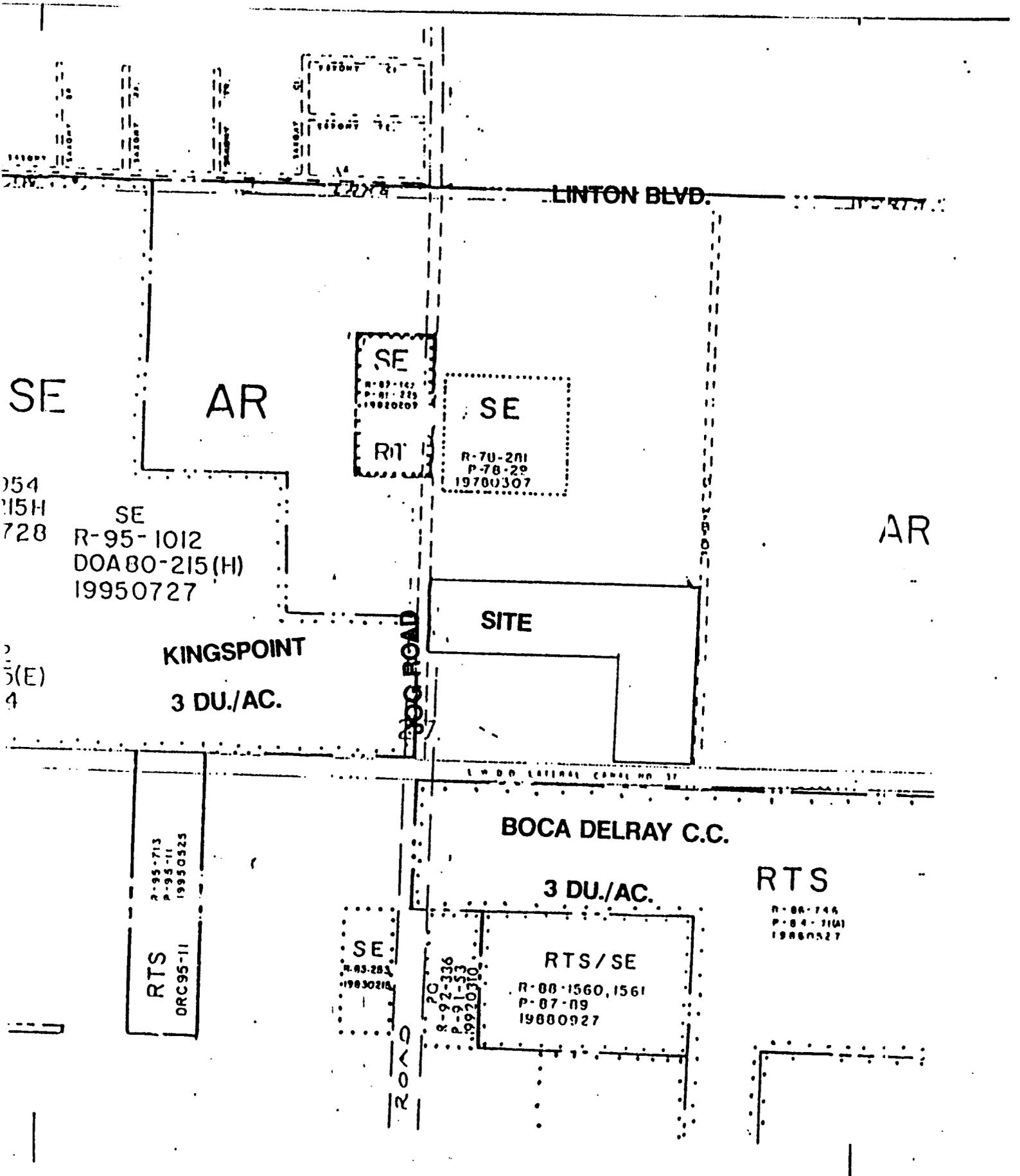


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by ~~the~~ Board of County Commissioners. The approved site plan is **dated** October **25, 1996**. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to **meet** conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. LANDSCAPING - STANDARD

1. **All** canopy **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.
 - d. Credit may **be** given for existing or relocated **trees** provided they **meet** current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. **All** palms required to **be** planted on site by this approval, **except on** individual residential lots, shall meet the following minimum standards at installation:
 - a. Palm heights: twelve **(12)** feet clear trunk or grey wood, whichever is greater;
 - b. Clusters: staggered heights twelve **(12)** to eighteen **(18)** feet; and
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

C. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING JOG ROAD)

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. **An** undulating two (2) foot high berm measured from top of curb;
 - c. One **(1)** canopy tree for each twenty-five **(25)** linear feet of frontage with a maximum spacing of thirty (30) feet on center;
 - d. One **(1)** palm or pine tree for each twenty-five **(25)** linear feet, with a maximum spacing of sixty **(60)** feet on center between clusters. **An** additional group of **three** or more palm or pine trees may supersede the requirement for a canopy tree in that location; and,
 - e. Twenty four **(24)** inch high shrub or hedge material installed **on** the plateau of the berm when feasible. Shrub or hedge material **shall** be spaced no more than twenty four **(24)** inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

C. MASS TRANSIT

1. Prior to final certification of the preliminary development plan by the Development Review Committee, the petitioner shall amend the plan to indicate one or more of **the** following: 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 and/or Palm Tran. (C RC: ZONING)

b. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to **the** Palm Beach County **School** Board, Palm Tran, and County Engineer prior to issuance of a building permit for more than 25% **(51)** of the units. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING - Eng)

D. 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. 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 acceptable to the County **Attorney's** office ~~with~~ 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 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: MONITORING / ENG - Co Att)

E. ENGINEERING

1. Prior to DRC approval of ~~the~~ Master Plan, the Master Plan shall be amended to reflect the ~~entrance~~ to the project to align with the proposed median opening, ~~currently~~ under construction, intended to serve this site, or ~~meet~~ ~~access~~ management guidelines for median opening spacings as ~~established~~ by the County Engineer. (DRC: ENGINEERING)
2. The Property Owner shall reconstruct Tropical Way within the existing 15 foot easement as a ~~shell~~ rock road from Jog Road east 1600 feet subject to ~~an~~ approved **cross section** as approved by the County Engineer. The width and thickness of the shell **rock** roadway shall be comparable to the existing shell rock road.
 - a. 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.
 - b. 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: MONITORING - Eng)
3. The development of this site shall not adversely impact the drainage of the existing lots **to** the south or Tropical Way. This projects drainage design shall incorporate any required drainage through this projects internal drainage system **if as** required by the County Engineer. The Paving and drainage plans for the site shall incorporate these requirements. (LAND DEVELOPMENT PERMIT: ENG)
4. The Developer shall also provide within this project's internal storm **water** management system an equivalent amount of storm water runoff for the road drainage of Jog Road. The amount of runoff required to be stored onsite shall be based upon the applicable County Water Control District, South Florida Water Management District and Palm **Beach** County Engineering Requirements. (TC:ENG)
5. 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 the "**Low** Cost Planting Concept" outlined in the Palm **Beach** County Engineering and Public Works Department March 1994 **Streetscape** Standards and shall be consistent with the landscaping **theme** adopted for this roadway. 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: MONITORING - Eng)

- 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 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 on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)
- 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: MONITORING - Eng)

F. SCHOOL BOARD

- 1. The petitioner shall post in a clear and visible location in all sales offices and model homes 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)

G. 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)