

RESOLUTION NO. R-97- 1583

2/17/97

RESOLUTION APPROVING ZONING PETITION DOA72-118C
DEVELOPMENT ORDER AMENDMENT
PETITION OF H. MILLER & SONS OF TAMPA, INC.
BY ROBERT BENTZ, AGENT
(BOCA CHASE 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, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA72-118C was presented to the Board of County Commissioners at a public hearing conducted on October 23, 1997; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; 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.

0. 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 DOA72-118C, the petition of H. Miller & Sons of Tampa, Inc., by Robert Bentz, agent, for a Development Order Amendment (DOA) to Redesignate two commercial parcels and one institutional parcel to residential, transfer 60 units and add 12 units to new parcel 10 (40 TH) and new parcel 11 (32TH) 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 October 23, 1997, 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on October 23, 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

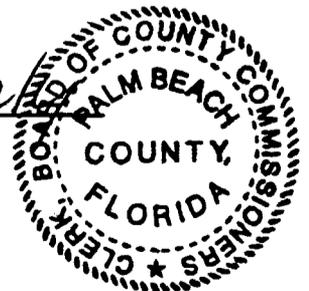


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION PARCEL 10

A CERTAIN PARCEL OF LAND LYING IN SECTION 1, TOWNSHIP 47 SOUTH, RANGE 41 EAST, SAID PARCEL ALSO BEING A PORTION OF TRACTS 13 AND 14 OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2 OF SECTION 1, TOWNSHIP 47 SOUTH, RANGE 41 EAST, AS RECORDED IN PLAT BOOK 1, PAGE 102, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID PARCEL BUNG MORE PARTICULARLY DESCRIBED AS FOLLOWS:

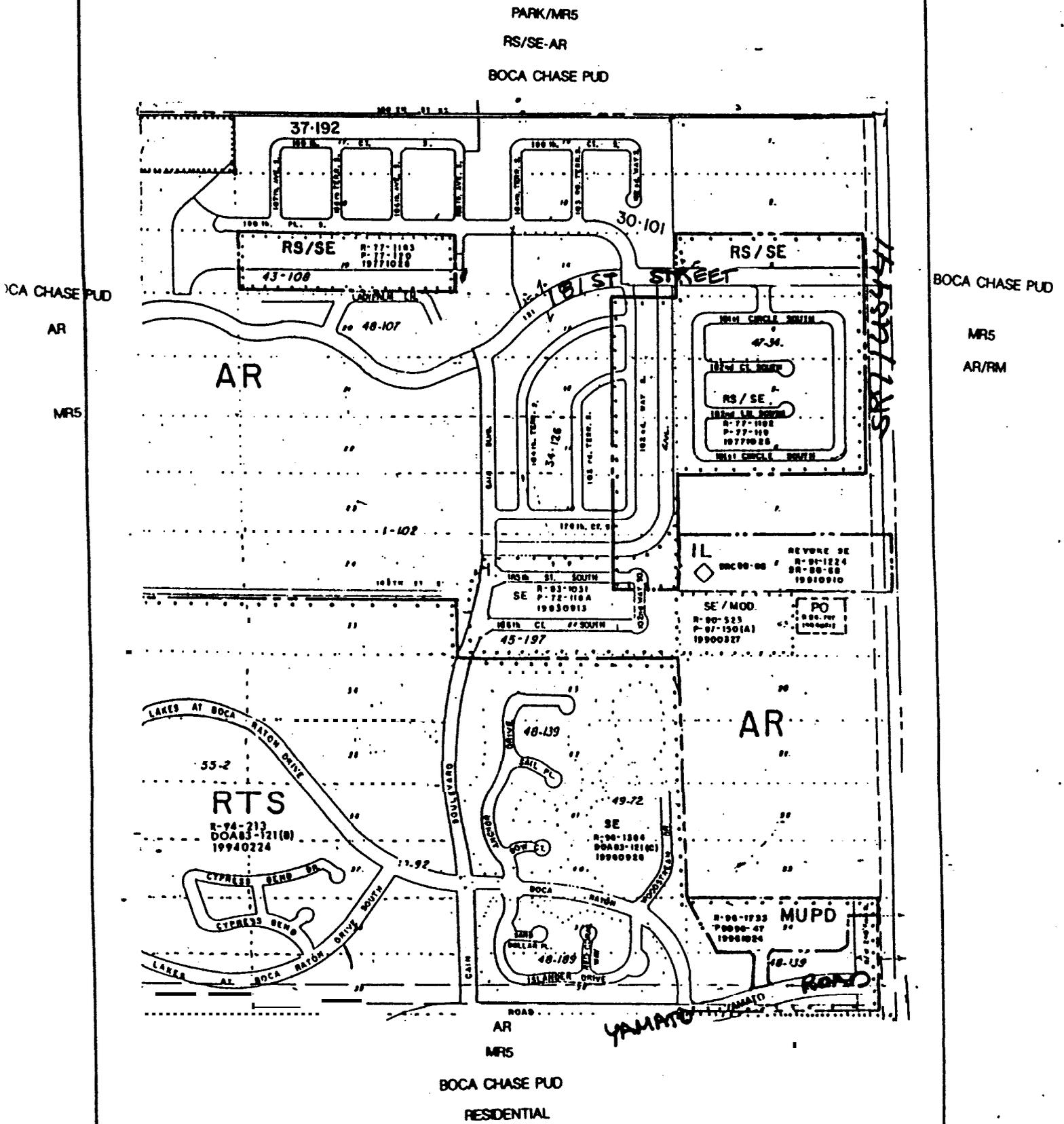
BEGINNING AT AN IRON ROD & CAP SET BY HELLER, WEAVER & CATO, MONUMENTING THE NORTHEAST PLAT CORNER OF WATERBERRY SECTION FOUR, AS PER PLAT BOOK 48, PAGES 107 & 108, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE N 00°27'38" W, ALONG THE EAST LINE OF BOCA CHASE SECTION THREE, AS RECORDED IN PLAT BOOK 43, PAGE 109, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. A DISTANCE OF 169.78 FEET; THENCE N 44°48'07" E, A DISTANCE OF 35.52 FEET TO A POINT ON THE SOUTH LINE OF RIVIERA SECTION ONE "PUD", AS RECORDED IN P U T BOOK 30, PAGE 101, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE AFOREMENTIONED BOCA CHASE SECTION THREE, THENCE S 89°58'08" E, ALONG THE SOUTH LINE OF THE AFORMENTIONED RIVERA SECTION ONE "PUD", A DISTANCE OF 274.78 FEET TO THE NORTHWEST CORNER OF TRACT "A", PLAT OF BOCA CHASE SECTION ONE, AS RECORDED IN P U T BOOK 34, PAGES 136 & 137, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE S 00°27'38" E, ALONG THE WEST LINE OF M E AFORESAID TRACT "A", A DISTANCE OF 308.62 FEET, THENCE S 21°33'00" E, ALONG SAID WEST LINE OF TRACT "A", A DISTANCE OF 147.98 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF 181st STREET SOUTH, AS SHOWN ON THE AFOREMENTIONED BOCA CHASE SECTION THREE, SAID POINT LYING ON A CURVE, CONCAVE TO THE SOUTH WITH A RADIUS OF 1010.00 FEET, AND A CENTRAL ANGLE OF 04°37'03", AND WHOSE CHORD BEARS S 46°53'17" WEST, THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 81.40 FEET TO THE POINT OF TANGENCY; THENCE S 44°34'46" W, ALONG SAID NORTHERLY RIGHT OF WAY LINE OF 181st STREET SOUTH, A DISTANCE OF 123.23 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTH WITH A RADIUS OF 350.00 FEET, AND A CENTRAL ANGLE OF 28°47'16", THENCE WESTERLY, ALONG THE ARC OF SAID CURVE, AND CONTINUING ALONG THE NORTHERLY RIGHT OF WAY LINE OF 181st. SOUTH, A DISTANCE OF 175.85 FEET; THENCE N 21°33'00" W, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 273.08 FEET; THENCE N 68°27'00" E A DISTANCE OF 600 FEET; THENCE N 21°33'00" W, A DISTANCE OF 11.24 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE EAST, WITH A RADIUS OF 150.00 FEET, AND A CENTRAL ANGLE OF 21°05'22", THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 55.21 FEET; THENCE N 00°27'38" W, A DISTANCE OF 144.28 FEET TO THE POINT OF BEGINING. M E PREVIOUS 5 COURSES ARE COINCIDENT WITH THE EAST LINE OF WATERBERRY SECTION FOUR, P U T BOOK 48, PAGES 107 & 108.

CONTAINS 4.32 ACRES, MORE OR LESS.

LEGAL DESCRIPTION PARCEL 11
TRACTS "A" & "B", BOCA CHASE SECTION FIVE
ACCORDING TO THE PLAT THEREOF, AS RECORDED
IN PLAT BOOK 47, PAGES 34 AND 35,
OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
CONTAINS 4.2 ACRES, MORE OR LESS

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: 72-118
 Zoning Quad Page 68
 Date: 4/15/97



EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A ALL PETITIONS

1. **condition 1 of Resolution R-83-1031, Petition 72-118(A) which currently states:**

Conditions of the previous approval (Pet. 72-118) shall remain in effect and in addition:

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in R-83-1031 (Petition 72-118(A), have been consolidated as contained 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. (ONGOING: MONITORING-Zoning)

2. **Development of the site is limited to the uses shown on the preliminary development plan as approved by the Board of County Commissioners. The approved master plan is dated June 10, 1997. 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. HEALTH

1. **Condition 5 of Resolution R-83-1031, Petition 72-118(A) which currently states:**

The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties. (HEALTH)

Is hereby deleted. [REASON: Code Requirement]

2. **The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters. (Previously Condition 6 of Resolution R-83-1031, Petition 72-118(A) (HEALTH)**

C. LANDSCAPING - STANDARD: PARCEL 10 AND 11 PET. 72-118(C)

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~~ *radius* at 3 points measured from the trunk to the *outermost* branch tip. Each ~~r a d i~~ *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)**

D. PIANNED UNIT DEVELOPMENT PARCEL 10 AND 11 PET. 72-118(C)

- 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)**

E. ENGINEERING

- 1. **The final alignment of Cain Boulevard shall be subject to the approval of the County Engineer. (Previously Condition 2 of Resolution R-83-1031, Petition 72-118(A) (ONGOING: ENG)**
- 2. **The developer shall contribute Three Hundred (\$300.00) dollars per single family dwelling units and Two Hundred (\$200.00) dollars per multi-family dwelling unit toward the cost of meeting this development's direct and identifiable traffic impact to be paid at the time of issuance of building permits. (Previously Condition 3 of Resolution R-83-1031, Petition 72-118(A) (IMPACT FEE COORD)**
- 3. **Condition 4 of Resolution R-83-1031, Petition 72-118(A) which currently states:**

The development shall retain onsite the first one inch of stormwater runoff per the requirements of the Palm Beach County Subdivision and Platting Ordinance No. 73-4, as amended.

Is hereby deleted. [REASON: Code Requirement]

4. Prior to final subdivision approval for either POD 10 or 11, an internal traffic report **shall** be submitted and approved by the Palm Beach County Traffic Division addressing the need for site related improvements for both POD'S. (DRC APPROVAL: ENG)

F. EXCAVATION

1. The developer shall comply with all previous conditions of approval unless expressly modified herein. (Previously Condition 1 of Resolution R-91-363, Petition 72-118(B).
2. Any and all off-site bucking of fill or other excavated material from the Riviera/Boca Chase planned Unit Development (Zoning Petition No. 72-118) shall completely cease on or before May 31, 1991. (Previously Condition 2 of Resolution R-91-363, Petition 72-118(B).

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.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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)