

20/10

RESOLUTION APPROVING ZONING PETITION Z/COZ97-58
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
PETITION OF INDIAN TRAILS WATER CONTROL DISTRICT
BY KERIAN KILDAY, AGENT
(ITWCD PARKS (KIDSCAPE, EQUESTRIAN, MULTI-COURT, MULTI-PURPOSE))

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 Z/COZ97-58 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, 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, as amended; 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 Z97-58**, the petition of **Indian Trails Water Control District** by **Kerian Kilday**, agent, for **an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Public Ownership (PO)** for **four parcels** with a **CONDITIONAL OVERLAY ZONE (COZ)** on **four parcels of land legally described in EXHIBITS A-1, A-2, A-3, A-4**, 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 **October 23, 1997**, subject to the **conditions of the CONDITIONAL OVERLAY ZONE (COZ)** 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 COUNM, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Burt Aaronson*
COUNTY ATTORNEY

BY: *Joan Hawley*
DEPUTY CLERK



EXHIBIT A-1

**LEGAL DESCRIPTION
(KIDSCAPE PARK)**

**LEGAL DESCRIPTION
KIDSCAPE PARK**

All that certain land situate in Palm Beach County, Florida, described as follows:

The South 239 feet of the North 3914 feet less the East 4838 feet of Section 30, Township 42 South, Range 41 East, Palm Beach County, Florida subject to an easement for road and drainage purposes to Indian Trail Water Control District over the South 30 feet, and the West 60 feet.

Tax Folio Number: 00 41 42 30 00 000 7340

AND

The South 239 feet of the North 3875 feet, less the East 4838 feet of Section 30, Township 42 South, Range 41 East, Palm Beach County, Florida, subject to an easement for road and drainage purposes to Indian Trail Water Control District over the North 30 feet, and the West 60 feet.

Tax Folio Number: 00 41 42 30 000 0000 7330

EXHIBIT A-2

**LEGAL DESCRIPTION
(EQUESTRIAN PARK)**

LEGAL DESCRIPTION

THE EAST **239** FEET OF THE **WEST 1,324** FEET OF THE WEST $\frac{1}{2}$, **LESS THE SOUTH 4,930** FEET OF THE WEST $\frac{1}{2}$ OF SECTION **20**, TOWNSHIP **42 SOUTH**, RANGE **41** EAST;

TOGETHER WITH:

THE EAST **209** FEET OF THE WEST **1,085** FEET OF THE **WEST $\frac{1}{2}$** , **LESS THE SOUTH 4,930** FEET OF THE WEST $\frac{1}{2}$ OF SECTION **20**, TOWNSHIP **42 SOUTH**, RANGE **41** EAST;

TOGETHER WITH:

THE EAST **209** FEET OF THE WEST **876** FEET OF THE WEST $\frac{1}{2}$, **LESS THE SOUTH 4,930** FEET OF THE WEST $\frac{1}{2}$ OF SECTION **20**, TOWNSHIP **42 SOUTH**, RANGE **41** EAST;

TOTAL ACREAGE: **6.979** ACRES

EXHIBIT A-3

**LEGAL DESCRIPTION
(MULTI-COURT PARK)**

**ALL THAT CERTAIN LAND SITUATE IN PALM BEACH COUNTY,
FLORIDA, DESCRIBED AS FOLLOWS:**

The West 207 feet of the East 863 feet **less** the South 4990 feet of Section 26, Township 42 South, Range **40** East. Subject to an Easement to Indian Trail Water Control District for road and drainage purposes over the North 40 feet and the South 30 feet thereof. A/K/A Tract J-63.

Tax Folio Number: 00 40 42 26 00 000 1030

AND

The West 207 feet of the East 1070 feet, **less** the South 4990 feet of Section 26, Township 42 South, Range **40** East, Palm Beach County, Florida. A/K/A Tract J-64.

Tax Folio Number: 00 40 42 26 00 000 1040

AND

The West 237.83 feet of the East 1307.83feet, less the South 4990 feet of Section 26, Township **42** South, **Range** 40 East; Subject to an Easement to Indian Trail Water Control District for road and drainage purposes over the West 30 feet, the North 40 feet, and the South 30 feet thereof.

Tax Folio Number: 00 40 42 26 00 000 1050

EXHIBIT A-4

**LEGAL DESCRIPTION
(MULWURPOSE PARK)**

LEGAL DESCRIPTION

THE NORTH LINE OF SECTION **24**, TOWNSHIP **43** SOUTH, RANGE **40** EAST **IS** TAKEN AS BEING **N88°19'04"W** AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

THE SOUTH **248** FEET OF THE NORTH **4852** FEET OF THE EAST **286** FEET OF THE WEST 1700 FEET OF SECTION **24**, TOWNSHIP **43** SOUTH, RANGE **40** EAST, PALM BEACH COUNTY, FLORIDA; LESS COUNTY ROAD RIGHT OF WAY (SEMINOLE PRATT WHITNEY), AND SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO INDIAN TRAIL WATER CONTROL DISTRICT OVER THE SOUTH **30** FEET. A/K/A AO- **103**

TOGETHER WITH

THE SOUTH **248** FEET OF THE NORTH **5100** FEET OF THE EAST **286** FEET OF THE WEST 1700 FEET OF SECTION **24**, TOWNSHIP **43** SOUTH, RANGE **40** EAST, PALM BEACH COUNTY, FLORIDA; LESS COUNTY ROAD RIGHT OF WAY (SEMINOLE PRATT WHITNEY ROAD), SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO INDIAN TRAIL WATER CONTROL DISTRICT OVER THE SOUTH **30** FEET.

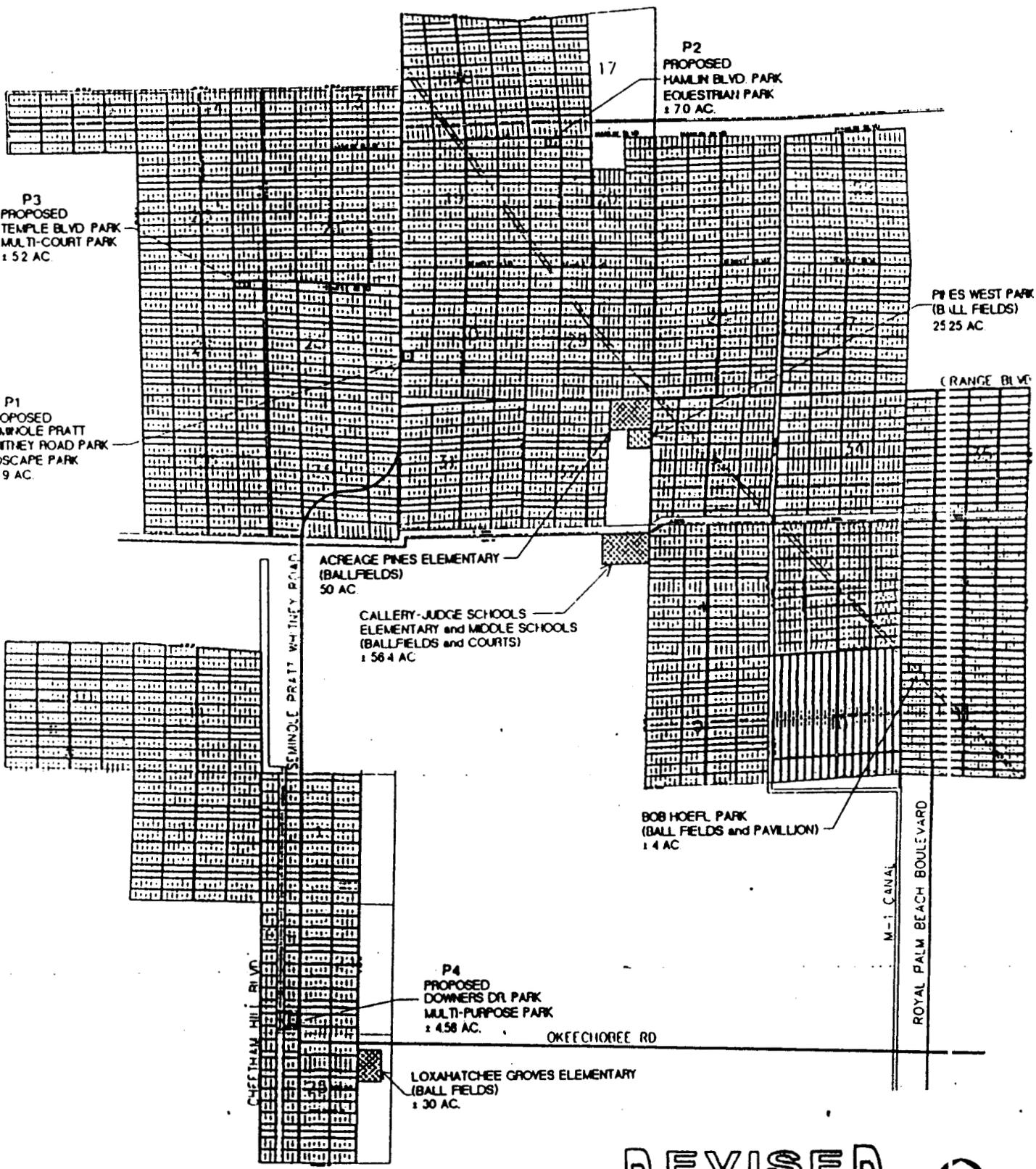
TOGETHER WITH

THE SOUTH **248** FEET OF THE NORTH **4852** FEET OF THE EAST **200** FEET OF THE WEST **1414** FEET OF SECTION **24**, TOWNSHIP **43** SOUTH, RANGE **40** EAST, PALM BEACH *COUNTY*, FLORIDA, SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO INDIAN TRAIL WATER CONTROL DISTRICT OVER **THE** NORTH **30** FEET.

TOGETHER WITH

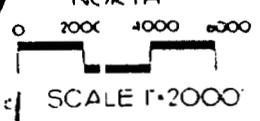
THE **SOUTH 248** FEET OF THE NORTH **5100** FEET **OF** THE EAST **200** FEET OF THE WEST **1414** FEET OF SECTION **24**, TOWNSHIP **43** **SOUTH**, RANGE **40** EAST, PALM BEACH COUNTY, FLORIDA, SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO INDIAN **TRAIL** WATER CONTROL DISTRICT OVER THE **SOUTH 30** FEET.

ALL TOGETHER CONTAINING **4.587** ACRES.



-  PROPOSED NEIGHBORHOOD PARK SITES
-  SCHOOL SITES
-  EXISTING PARKS

REVISED
JUN 27 1997



ZONING FILE COPY 97-58

Date	By	Dr.	Chk.
5-21-97	THW		
REVISIONS			

INDIAN TRAIL WATER CONTROL DISTRICT

Palm Beach County, Florida
PARKS LOCATION MAP



Kliday & Associates
Landscape Architects/Planners
1531 Forum Place
Suite 100A
West Palm Beach, Florida 33401
(561) 689-5522 • Fax: (561) 689-2592

EXHIBIT C

CONDITIONS OF APPROVAL

A. BUILDING AND SITE DESIGN

1. The **minimum setback** for all roofed structures shall be **twenty (20)** feet. (DRC: ZONING)

B. HEALTH

1. Application and **engineering** plans to construct for each park an onsite **sewage treatment and disposal system (OSTDS)** in accordance with Rule **10D-6 FAC** and Palm Beach County ECR-1 must be submitted to the Palm **Beach County** Health Department prior to issuance of a building permit. (BLDG: HEALTH/BLDG)
2. Application to construct at each park a registered limited use commercial well in accordance with Rule **10D-4 FAC** must be submitted to the Palm **Beach County** Health Department prior to issuance of a building permit. (BLDG: HEALTH/BLDG)

C. LANDSCAPING ALONG RESIDENTIAL PROPERTY LINES

1. Landscaping and buffering along all property lines along residential and adjacent to vehicular use areas shall include:
 - a. A **minimum five (5) foot** wide landscape **buffer strip**;
 - b. **One (1) canopy tree** planted every thirty (30) feet on center; and
 - c. A **minimum thirty (30) inch** high **shrub** or hedge material, spaced no more than **twenty four (24) inches** on center at installation. (CO: LANDSCAPE)

D. LANDSCAPING ABUTTING RIGHT-OF-WAYS

1. Landscaping and buffering along the property lines abutting 0 to 99 foot right-of-ways shall include:
 - a. A **minimum ten (10) foot** wide landscape **buffer strip**;
 - b. **One (1) canopy tree** planted every thirty (30) feet on center, and,
 - c. **Thi i (30) inch** high shrub or hedge material, spaced no more than **twenty four (24) inches** on center at installation, to be maintained at a **minimum** height of **thirty-six (36) inches**. (CO: LANDSCAPE)
2. **Landscaping and buffering** along the property lines abutting 100+ foot right-of-ways shall include:
 - a. A **minimum fifteen (15) foot** wide landscape **buffer strip**;
 - b. **One (1) canopy tree** planted every thirty (30) feet on center, and,
 - c. **Thi i (30) inch** high **shrub** or hedge material, spaced no more than **twenty four (24) inches** on center at installation, to be maintained at a **minimum** height of **thirty-six (36) inches**. (CO: LANDSCAPE)

E. ENGINEERING

1. Prior to the issuance of any Building Permits for the sites, the properly owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Seminole Pratt-Whitney Road, 60 feet from

centerline, along the project's entire frontage, 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: MONITORING-Eng)

2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Seminole Pratt-Whitney Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County standards and codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-E—)
3. Prior to building permit for Park 1 (Kidscape) and Park 4 (Multi-Purpose Park), the property owner shall provide for pavement markings (crosswalk) and warning signs on Seminole Pratt Whitney Road adjacent to the park subject to the approval of the County Engineer. (BLDG PERMIT: MONITORING - Eng)

F. LIGHTING

1. All outdoor lighting shall be of low intensity, shielded and directed down and away from adjacent properties and streets. All lighting fixtures, except sports lighting, shall not exceed twenty five (25) feet in height, measured from finished grade to highest point (CO / ONGOING: BLDG / CODE ENF - Zoning)
2. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)

H. USE LIMITATION

1. The four parcels shall be limited to use as public parks providing passive and/or active recreational activities for the general public. (DRC: ZONING)
2. Storage or placement of any mobile homes or heavy equipment shall not be permitted on the facilities except for temporary park construction or recreational related equipment subject to approval by the Indian Trail Improvement District (ITID) Board of Supervisors in accordance with Building Division permits. (ONGOING: CODE ENF - BLDG: Zoning)
3. Following approval by the Palm Beach County Board of County Commissioners, the Indian Trail Improvement District (ITID) Board of Supervisors shall notify adjacent property owners, the District Commissioner, and the Zoning Division of any proposed changes to the layout, program, or other elements within the neighborhood parks. The proposed changes shall be reviewed and adopted at a publicly advertised ITID Board of Supervisors meeting. (ONGOING)

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.

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)