

RESOLUTION NO. R-98- 408

RESOLUTION APPROVING ZONING PETITION PDD97-101
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF POLO REALTY INC.
BY ROBERT BENTZ, AGENT
(OXLEY NORTHERN 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, 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 PDD97-101 was presented to the Board of County Commissioners at a public hearing conducted on February 26, 1998; 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 PDD97-101, the petition of Polo Realty Inc. by Robert Bentz, agent, for an Official Zoning Map Amendment (PDD) to Rezoning from AR to PUD 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 February 26, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

The motion was seconded by Commissioner Lee 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	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon **declared** that the resolution was duly passed and adopted on March 26, 1998.

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

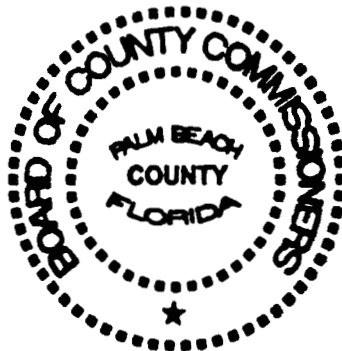


EXHIBIT A

LEGAL DESCRIPTION

LAND DESCRIPTION

PARCEL C:

A PARCEL OF LAND LYING IN THE NORTHEAST ONE QUARTER (NE 1/4) OF SAID SECTION 34 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

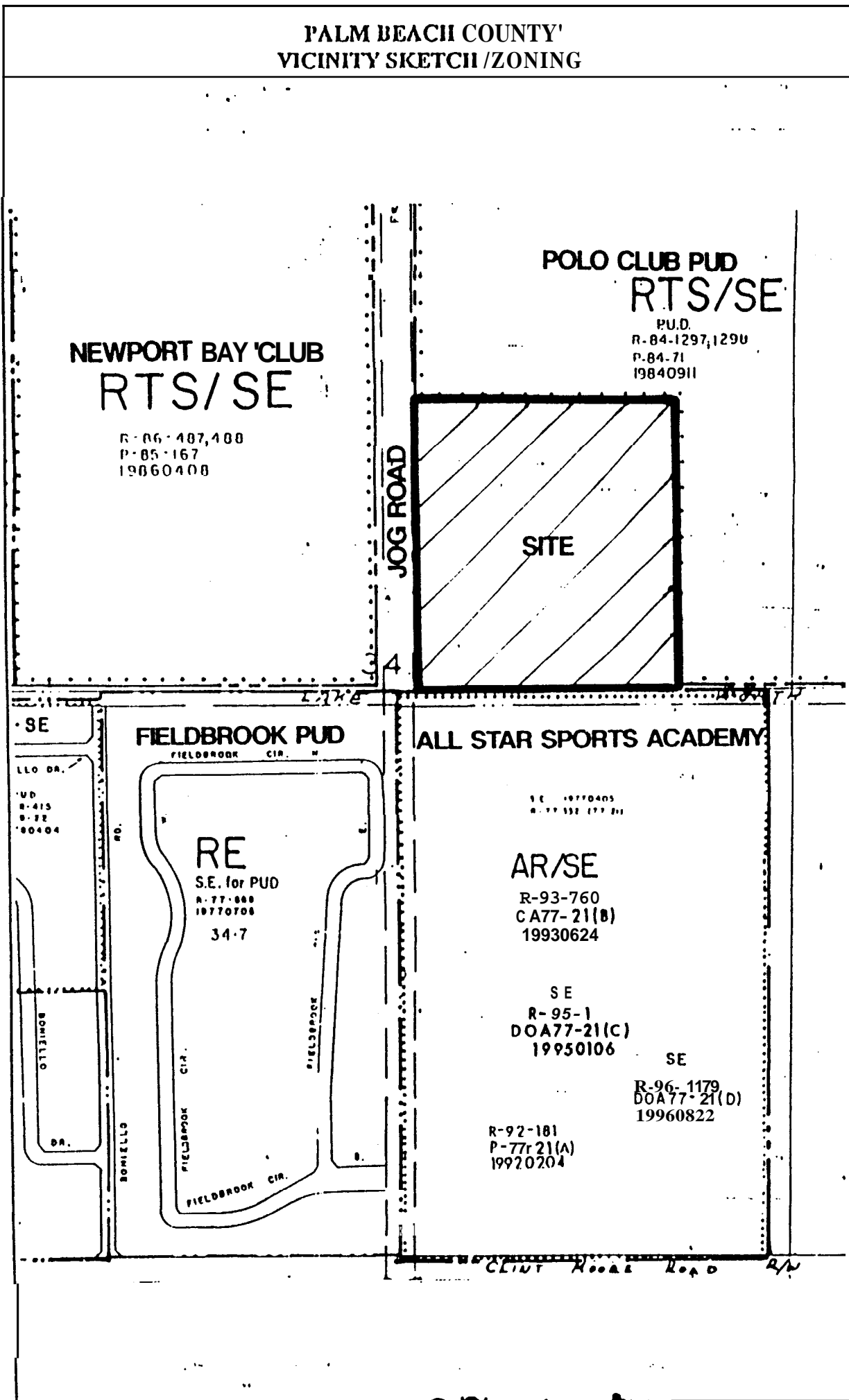
COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SAID SECTION 34; THENCE SOUTH 01' 04' 11" EAST, ALONG THE WEST LINE OF SAID NORTHEAST ONE QUARTER (NE 1/4), A DISTANCE OF 1308.00 FEET TO A POINT OF BEGINNING (P. O. B.).

THENCE CONTINUE SOUTH 01' 04' 11" EAST, ALONG SAID WEST LINE, A DISTANCE OF 1288.00 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST ONE QUARTER (NE 1/4); THENCE NORTH 89° 23' 38" EAST, ALONG THE SOUTH LINE OF THE NORTHEAST ONE QUARTER (NE 1/4), A DISTANCE OF 1310.00 FEET; THENCE NORTH 01' 04' 11" WEST, DEPARTING FROM THE SOUTH LINE, A DISTANCE OF 1200.00 FEET; THENCE SOUTH 89° 23' 30" WEST, A DISTANCE OF 1310.00 FEET TO THE POINT OF BEGINNING. LESS THE WEST 60' THEREOF.

CONTAINING 36.958 ACRES MORE OR LESS

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: **97-104**
 Zoning Quad Page **#37**
 Date: **10-15-97**



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 November **25**, 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. ARCHITECTURAL CONTROL FOR CIVIC AREA

1. All buildings and structures shall **be** designed and constructed to be compatible with **the** general architectural character of surrounding residential areas. Compatibility may **be** accomplished by using a minimum of three (3) of the following:
 - a. Similar materials for the building facades;
 - b. Similar architectural details and features on the building elevations (i.e. louvers, decorative banding, pilasters **or** columns, loggia, etc.);
 - c. Similar **colors**; **or**,
 - d. Similar roof materials and treatment (i.e. pitched roof, dormers, etc.) (BLDG PERMIT: BLDG - Zoning)
2. Architectural character and treatment shall be provided on all sides of the buildings. (BLDG PERMIT: BLDG - Zoning)
3. **All** air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides by a parapet **or** a full pitched roof. (BLDG PERMIT: BLDG - Zoning)
4. Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with **the** building's architecture. (BLDG PERMIT: BLDG - Zoning)

C. BUILDING AND SITE DESIGN FOR CIVIC AREA

1. The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed twenty-five (**25**) feet. (BLDG PERMIT: BLDG - Zoning)
2. All areas **or** receptacles for the storage and disposal of trash, garbage, recyclable material **or** vegetation, such as dumpsters and trash compactors, shall not **be** located within fifty (**50**) feet of any residentially zoned property lines. (DRC/ONGOING: ZONING/CODE ENF)
3. **All** outdoor lighting used to illuminate the subject property and identification signs shall **be** of low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
4. **All** outdoor lighting fixtures shall not exceed fifteen (15) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)

5. ~~All outdoor lighting shall be extinguished~~ no later than 10:00 p.m., excluding lighting for security lighting only. (ONGOING: CODE ENF)
6. The lighting conditions above shall not apply to proposed security or **low** voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management ~~prior~~ to DRC site plan certification. (DRC: **ERM**)

E. ENGINEERING

1. Prior to site plan approval by ~~the~~ DRC the site plan shall be revised to provide sufficient merge area between the gates and the intersection of ~~the~~ entrance road and ~~the~~ loop road to allow proper turning movements at that intersection. (DRC: ENG)

2. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS

- 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 Jog Road. ~~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. The property owner shall also **be** responsible to supplement any existing ~~landscape~~ material previously planted in this median and all new landscape material shall **be** consistent with ~~the~~ landscaping ~~there~~ 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 existing landscape material shall also **be** the perpetual maintenance obligation of the petitioner **and** its successors, **heirs or assigns 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)

3. If a ~~shared~~ ~~main~~ landscape program is developed and installed along Jog Road in front of the subject parcel and this property owner participates in this program, the previous conditions shall no longer apply provided the landscaping to be installed exceeds the minimum as provided in Palm Beach County's minimum landscape standards.
4. The Developer shall also provide within this project's internal storm water management system an equivalent amount of stormwater runoff for the load drainage adjacent to this parcel 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)

F. LANDSCAPE - 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;
 - 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)
3. A group of three or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (ADJACENT TO RESIDENTIAL)

1. Landscaping and buffering along the north and east property lines adjacent to the Polo Club PUD shall be upgraded to include:
 - a. A minimum twenty (20) foot wide buffer strip and;
 - b. A three (3) foot high continuous berm measured from finished grade; and
 - c. One (1) canopy tree planted every twenty (20) feet on center;
 - d. One (1) palm or pine tree for every twenty (20) linear feet. The palm or pine tree will alternate on either side of the berm with a maximum spacing of twenty (20) feet on center on each side of the berm, a group of three (3) or more palm or pine trees may not supersede this requirement; and

- e. Thirty-six (36) inch high shrub or hedge material located ~~at the plateau of the berm~~, spaced no more than twenty four (24) inches on center at installation, to ~~be~~ maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG SOUTH PROPERTY LINE (ADJACENT TO LWDD -39 CANAL)

- 1. **Landscaping** and buffering along the south property line shall be upgraded to include:
 - a. **A** minimum fifteen (**15**) foot wide **buffer** strip;
 - b. **One** (1) canopy tree planted every twenty (20) feet on center;
 - b. One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of **sixty** (60) feet ~~on~~ center between clusters;
 - c. **A one** (1) to three (**3**) foot undulating berm, with an average height of **two** (2) feet, measured from the top of the curb; and,
 - d. Thirty (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 **sixty** (**60**) inches. (CO: LANDSCAPE)

I. LANDSCAPING ALONG WEST PROPERTY LINE (ALONG RIGHT-OF-WAY)

- 1. Landscaping and buffering along **Jog** Road shall be upgraded to **include**:
 - a. **A** minimum twenty (20) foot wide buffer strip;
 - b. **One** (1) canopy tree planted every thirty (30) feet on center;
 - c. One (**1**) palm ~~or~~ pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of **sixty** (60) feet ~~on~~ center between clusters;
 - d. **A two** (2) to four (4) foot undulating berm, with an average height of **three** (3) feet, measured from ~~the~~ top of the curb; and,
 - e. Thirty (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)

J. MASS TRANSIT

- 1. **A** Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, 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 the County Engineer. (DRC: 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 the 28th unit. 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. (BLDG PERMIT: MONITORING - Eng)

K. PARKS

1. Any parcel of land used to satisfy minimum recreation requirements shall adhere to the following dimensions.
 - a. Minimum parcel size **shall be** seven thousand five hundred (7,500) square **feet exclusive of** easements.
 - b. Minimum parcel width shall average seventy five (75) feet **with** no dimension less than fifty (50) feet.
 - c. Minimum parcel depth **shall** average one hundred (100) feet **with** no dimension less than seventy five (75) feet.
 - d. The Parks **and** Recreation Department may waive this condition **when** considering location, abutting land uses, accessibility, recreation facilities to be offered and the recreation parcels' function **in** the overall recreation and open space network of the development. (DRC: PARKS)

L. PLANNED UNIT DEVELOPMENT

1. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the **Co** 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** 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**. This Declaration shall **be** amended when additional units are added to the PUD. (BLDG PERMIT/PLAT: MONITORING/ENG - Co At)

M. SCHOOL

1. The subject development shall post **a** notice **of** annual boundary **school assignments** for students **from** this development. The District will **provide** an 11" x 17" sign to **be** posted in a clear and visible location in all sales offices and models. (ONGOING: SCHOOL BOARD)

N. SIGNS FOR CIVIC AREA

1. All freestanding signs (**i.e.** point of purchase, entrance wall, directory: shall be limited as follow:
 - a. Maximum sign height, **measured** from finished grade to highest point - eight (**8**) feet;
 - b. Maximum sign face area per side - **60** square feet;
 - c. Maximum number of signs - one (1) along 100' right-of-way;
 - d. Location - twenty-five (**25**) feet from the civic area's west property line; and,
 - e. Style - monument style only. (CO: BLDG)

2. All wall mounted signs shall be limited as follow:
 - a. Maximum sign area - 60 square feet; and,
 - b. Maximum number of signs - one (1) along Jog Road. (CO: BLDG)
3. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)

O. USE LIMITATIONS FOR CIVIC AREA

1. Hours of operation for all uses, including deliveries, shall be limited to 8:00 a.m. - 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning)
2. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning)

P. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING- Zoning)
2. 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; revocation of any concurrency; 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)