

RESOLUTION R-98- 1802

RESOLUTION CORRECTING RESOLUTION R-97-002
RESOLUTION APPROVING ZONING PETITION OF
OLEN DEVELOPMENT CORP.
PETITION PDD96-074

WHEREAS, Olen Development Corp., petitioned the Palm Beach County Board of County Commissioners on December 2, 1996 for an Official Zoning Map Amendment to a Planned Development (PDD) rezoning from Residential Single Family (RS) to Residential Planned Unit Development (PUD); and

WHEREAS, Resolution R-97-002, adopted on January 7, 1997 confirming the action of the Board of County Commissioners inadvertently contained errors in Exhibit C; and

WHEREAS, Exhibit C of Resolution R-97-002 should have read as shown on attached Exhibit C.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Exhibit C of Resolution R-97-002 is hereby corrected.

Commissioner Roberts moved for the approval of the Resolution.

The motion was seconded by Commissioner Foster, 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	--	Aye
Mary McCarty		Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted on October 22, 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

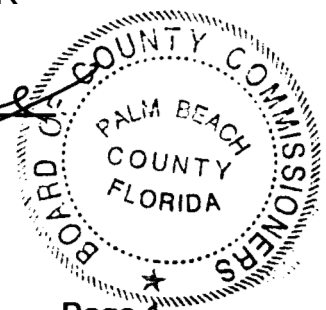


EXHIBIT C

CONDITIONS OF APPROVAL

A. BUILDING AND SITE DESIGN

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 August 19, 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)
2. All residential structures within fifty (**50**) feet of the north and northwest property line shall be limited to a maximum height of two (2) stories. (DRC: BLDG - Zoning)
3. The entrance to the recreational area shall be provided north of the gated access. (DRC: BLDG - Zoning)
4. Prior to DRC approval, the master plan shall be amended to show a detail of the northeast corner of Lawrence Road and Gateway Boulevard. The detail shall indicate landscaping and signage subsequent to the right-of-way expansion. (DRC: ZONING - Eng)

B. HEALTH

1. Reasonable precautions will be taken during development to insure that unconfined particulates (dust particles) from the property do not become a nuisance to neighboring properties. (ONGOING: HEALTH)

C. 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 planted on site in compliance with this approval, except on individual residential lots, shall meet the following minimum standards at time of 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. Pruning: minimum six (**6**) fronds, no clipped or spiked cuts.

- d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning]

D. LANDSCAPING ALONG NORTH AND NORTHWEST PROPERTY LINES
(ABUTTING LAWRENCE LAKE PUD)

1. Landscaping and buffering along the north (excluding adjacent to the 85-foot L-28 easement) and northwest property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide Type C landscape buffer strip; and,
 - b. Six (6) foot high hedge and berm combination. (DRC / CO: ZONING / LANDSCAPE)

E. ENGINEERING

1. Prior to April 14, 1997 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 an expanded intersection at NW 22nd Avenue and Lawrence Road. Lawrence Road shall be 60 feet from centerline and **NW 22nd Avenue** shall be 71 ½ feet from centerline along the project's entire frontage, 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. (DATE/BLDG PERMIT: MONITORING - Eng)
2. On or before **April 14, 1997**, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Lawrence Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING - Eng)

3. In order to comply with the mandatory Traffic Performance Standard;, the Developer shall be restricted to the following phasing schedule:

a. No more than **148** multi family dwelling units shall be issued until construction has begun for the widening of Gateway Boulevard as a **6** lane section from Military Trail to Congress Avenue plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)

4. Prior to DRC approval of the Master Plan, the Master Plan shall be amended to:

a. Reflect the project entrance as an 80 foot right of way and setbacks for the gates a minimum of **150** foot from the right of way of Gateway Boulevard. (DRC: ENG)

5. 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 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 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. (TC: 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. (PLAT/ONGOING: 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. (PLAT: ENG)

~~f. **LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING SUNNY AVENUE SOUTH AND 2.85 ACRE WATER MANAGEMENT TRACT)**~~

~~1. Landscaping and buffering along the east property line abutting the existing water management tract shall be upgraded to include:~~

~~a. A minimum twenty (10) foot wide Type D landscape buffer strip. No further reductions of the buffer shall be permitted. (DRC/GO: LANDSCAPE Zoning)~~

6E. LANDSCAPING ALONG EAST PROPERTY LINE (~~NORTH OF THE WATER MANAGEMENT TRACT~~)

1. The petitioner shall provide a **15** foot Type C compatibility landscape buffer along the east property line. (CO: LANDSCAPE)(DRC / CO: ZONING / LANDSCAPE)
2. Credit for existing native vegetation shall be approved by the DRC, subject to the Landscape and Buffering Standards of the ULDC. (DRC / CO: ZONING / LANDSCAPE)

H G. LWDD

1. Prior to final master plan certification by the DRC the petitioner shall provide the LWDD a Quit Claim deed for the north **56.1** feet of the NE 1/4 of the SW1/4 of S18, T45S R42E and provide a survey and master plan indicating the revised north boundary line. (DRC: CO ATT / LWDD - Eng)

t H. MASSTRANSIT

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 located and constructed by the petitioner within three (3) years (November 1, 1999) in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. 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: MONITORING - Eng)

3 J. 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. Street 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 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. (BLDG PERMIT / PLAT: MONITORING / ENG - Co Att)

6. Prior to final DRC approval of the master plan the petitioner shall indicate a cross section of the existing lake tract adjacent to Sunny Avenue South entrance road showing proper recovery area between edge of pavement and edge of water. (DRC: ZONING)

K J. 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)

L K. 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)