

RESOLUTION NO. R-92- 1815

RESOLUTION APPROVING ZONING PETITION NO. 91-45
SPECIAL EXCEPTION PETITION OF SUNLIFE HOMES, INC.

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 91-45 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on May 28, 1992; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition NO. 91-45, the petition of SUNLIFE HOMES, INC., BY JACK W. NEUMAN, AGENT, for a SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT (STERLING POND) on a parcel of land lying in Tracts 86, 87 and 88 and West 1/2 of Tract 89, Block 80, PALM BEACH FARMS COMPANY, PLAT NO. 3, Plat Book 2, Page 53, TOGETHER with the East 1/2 of that certain 50 foot road reservation lying west of and adjacent to said Tracts 86 and 87 and TOGETHER with the South 1/2 of that certain 30 foot road reservation lying north of said Tract 86; TOGETHER with the North 15.00 feet of Tracts 5, 6, 7 and 8, Block 83, and that certain 50 foot road reservation lying north of and adjacent to said Tracts 5, 6, 7 and 8, Block 83 of said PALM BEACH FARMS COMPANY, PLAT NO. 3, and being located APPROX. 400' E OF S.W. 14 ST. AND LYONS RD., AND APPROX. .45 MILE N OF S.W. 18 ST., was approved on May 28, 1992, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The petitioner shall receive certification of the site plan approved by the Board of County Commissioners for the subject property, as amended as required by the conditions of approval, by the Site Plan Review Committee on or before August 29, 1992. (MONITORING-Zoning)

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All new excavated lakes shall possess a littoral shelf area. A littoral shelf shall be an area with a slope not greater six (6) feet horizontal to one (1) foot vertical, ranging in depth from ordinary high water (OHW) or the controlled water level (CWL) to four feet below OHW or CWL. A minimum of 30% of the surface area of all lakes shall be planted with native aquatic vegetation on a minimum of three foot centers. A littoral shelf planting plan and maintenance plan shall be submitted to the Department of Environmental Resources Management concurrent with Site Plan Review application and approved by ERM prior to Site Plan certification. This information shall also be provided on a mylar for the Zoning Division as part of the site plan application. Upon the completion of littoral zone planting ERM shall be notified. This notification shall occur within three working days. This planting shall not be credited as compensation required by wetland permits. (ERM)
2. Prior to site plan certification, the petitioner shall supply to the Department of Environmental Resources Management any additional information to verify that the site is free of environmental concerns associated with previous uses of the property. (ERM)

C. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (HRS)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (HRS)

D. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES)

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the first one inch of stormwater runoff. In the event that the subject site abuts a Florida Department of Transportation maintained roadway, concurrent approval from the Florida Department

of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. (ENGINEERING)

2. The Property owner shall construct a left turn lane, east approach on S.W. 14th Street at Lyons Road concurrent with the recordation of the first plat. Construction shall be completed prior to the issuance of any Certificates of Occupancy. (ENGINEERING/BUILDING)
3. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently at the time of the Building Permit is \$1,650 per approved single family dwelling unit. (IMPACT FEE COORDINATOR)
4. The property owner shall fund the construction of S.W. 18th Street as a 4 lane median divided section from Lyons Road to Boca Rio Road in accordance with the Condition above. Funding in the amount of \$614,862 shall be completed prior to November 1, 1992 or prior to the recordation of the first plat whichever shall first occur.

If the funding is not provided by the applicant as required within 180 days and a request is made for a time extension, the amount to be provided shall be the actual cost of construction and plan modifications, including inspections, contingencies, and other overhead as determined by the County Engineer based on the latest construction cost information available. Included in the time extension request shall be surety acceptable to the County Engineer for the improvements referenced above. Amount of the surety shall be 110% of a certified cost estimate by the developer's engineer. Credit toward the project's traffic Fair Share Fee will be given for monies expended toward the construction of S.W. 18th Street. (MONITORING/ENGINEERING-Impact Fee Coordinator)

5. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision and Required Improvements Regulations 90-8 as amended. The platting of this property may be phased in accordance with a phasing plan acceptable to the office of the County Engineer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (ENGINEERING)
6. Prior to recordation of the first plat a traffic impact study shall be submitted and approved by the Traffic Division which shows the existing and proposed traffic volumes at the intersection of S.W. 14th Street and Lyons Road to determine appropriate intersection geometries. This property owner shall then be responsible for constructing any of the required intersection improvements concurrent with the recordation of the first plat. (ENGINEERING)

7. The property owner shall fund the installation of "No Thru Traffic" signs to be located at the northeast corner and southwest corner of S.W. 14th Street and S.W. 56th Avenue. Funding shall be completed prior to the issuance of the first building permit on the subject property. (BUILDING/ENGINEERING)

F. LANDSCAPING

1. The required twenty-five (25) foot PUD buffer shall be upgraded to include:
 - a. Double row of fourteen (14) foot tall trees planted thirty (30) feet on center, and
 - b. Twenty-four (24) inch hedge planted twenty-four (24) inches on center. (ZONING)
2. Concurrent with submittal of the master plan to the Site Plan Review Committee (SPRC), the petitioner shall submit a landscape plan, consistent with section 500.35 of the Zoning Code, indicating planting details for landscaping and irrigation within the north and south rights-of-way of SW 14th Street between Lyons Road and the projects entrance. This plan shall contain a typical cross section of SW 14th Street with proposed landscaping and shall be subject to approval by the SPRC. (ZONING-Engineering)
3. Landscaping required by Condition F.2. shall, at a minimum, consist of the following:
 - a. Laurel and/or Live Oak trees planted twenty (20) feet on center, and
 - b. A thirty-six (36) inch high Ficus hedge, upon installation, planted twenty-four (24) inches on center. (ZONING)
4. Prior to the issuance of the first certificate of occupancy (C.O.) the petitioner shall install F Type curbing along SW 14th Street between Lyons Road and the projects entrance, subject to approval by the County Engineer. (BUILDING/ENGINEERING)
5. Prior to the issuance of technical compliance (T.C.) the petitioner shall receive a permit from the County Engineer to landscape the north and south rights-of-way of SW 14th Street between Lyons Road and the projects entrance. In the event the permit is granted, the petitioner shall install landscaping in accordance with the landscape plan approved by the SPRC within 120 days of T.C. This landscaping shall remain the perpetual maintenance obligation, including irrigation, of the home owners association (HOA) and/or the property owners association (POA) of the subject PUD. This requirement shall be made part of the HOA and/or POA documents. (ENGINEERING)

6. All trees required by this approval shall meet the following minimum standards:
- 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. (ZONING)

G. LANDSCAPE WITHIN MEDIAN

1. Prior to site plan certification, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the median(s) of Lyons Road 300 feet north and 300 feet south of the intersection of Lyons Road with S.W. 14th Street. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected from the following list.

<u>Trees:</u>	<u>Groundcover:</u>
Laurel Oak	Wedilia
Live Oak	Bahia Grass
Slash Pine	
Sabal Palmetto	

Alternative species may be allowed subject to approval by the Zoning Division. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- a. All plants shall be container grown or field collected and transplanted from the project site.
- b. All planting shall be done in accordance with detail planting plans and specifications to be submitted and approved by the Zoning Division concurrent with Site Plan certification.

All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees, or duly established Property Owner's Association and/or Homeowner's Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving

the first building permit or filing of the first Plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (ENGINEERIN/BUILDING)

H. PLANNED UNIT DEVELOPMENT

1. Each primary structure within the PUD shall clearly display a street address number on the facade of the building which is legible from the street. (BUILDING)
2. Development of the PUD shall be limited to a maximum of 193 detached single family housing units, permitted PUD uses, and accessory uses and structures. (BUILDING-ZONING)
3. The property owner, in cooperation with county staff, shall make a diligent effort to obtain a second access to the planned unit development. (ENGINEERING)
4. The petitioner shall compensate the County Engineering Department for the installation of speed limit signs on Southwest 56th Avenue indicating a maximum speed of 25 miles per hour. (ENGINEERING)
5. The stop signs located at the intersection of 14th Street and 56th Avenue shall be interchanged, subject to approval by the County Engineer. (ENGINEERING)

I. PROPERTY OWNERS ASSOCIATION

1. All property included within the legal description of the petition shall be subjected 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 property included in the Planned Unit Development (PUD), and assessment of all members of the "master" association for the cost of maintaining the PUD's common areas. The property shall not be subjected to the Declaration of Restrictions in phases, and approval of the Declaration must be obtained from the County Attorney's Office prior to the recordation of the first plat of any portion of the Planned Unit Development. (COUNTY ATTORNEY)

J. RECYCLE SOLID WASTE

1. All property owners and lessee's shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SOLID WASTE AUTHORITY)

K. SCHOOL BOARD

1. All sales and notice literature and purchase agreements for the within development shall include a statement/notice that students may not be assigned to the nearest school and that all prospective buyers are encouraged to contact the Palm Beach County School Board to determine which school assignment will apply to their children. (SCHOOL BOARD)

2. Prior to master plan certification, petitioner(s) shall demonstrate that they have met with the School Board and discussed the potential of entering into an agreement to help achieve racial balance and allow the children who reside within the development to attend the nearest available schools. (SCHOOL BOARD)
3. Prior to site plan certification, the petitioner shall meet with the School Board to ensure the appropriate location of a sidewalk or access easement along the second access to Boca Pines PUD. The Master Plan shall be amended to indicate a sidewalk or easement, subject to approval by the County Engineer and the School Board. (SCHOOL BOARD)

L. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable 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. (MONITORING)
2. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, 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)

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared the resolution was duly passed and adopted this 1st day of December, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

