

RESOLUTION NO. R-2001- 1361

RESOLUTION APPROVING ZONING PETITION PDD2000-112  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF FOUR JR CORPORATION  
BY HP TOMPKINS, AGENT  
(OSPREY ISLES)

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 PDD2000-112 was presented to the Board of County Commissioners at a public hearing conducted on August 23, 2001; 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) with approved conditions 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) with approved conditions 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) with approved conditions 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) with approved conditions 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 PDD2000-112, the petition of Four JR Corporation by HP Tompkins, agent, for an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Planned Unit Development (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 August 23, 2001, 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 Masilotti and, upon being put to a vote, the vote was as follows:

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on August 23, 2001.

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

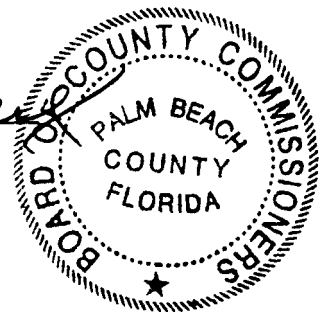


EXHIBIT A  
LEGAL DESCRIPTION

DESCRIPTION OF A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING A PORTION OF THE PLAT OF ASHALOM MEMORIAL PARK @, AS RECORDED IN PLAT BOOK 31, PAGES 194 AND 195, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID SECTION 14, TOWNSHIP 42 SOUTH, RANGE 41 EAST; THENCE RUN SOUTH 01E28'43" WEST, ALONG THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 4214.42 FEET; THENCE NORTH 88E26'41" WEST, DEPARTING SAID EAST LINE, A DISTANCE OF 80.00 FEET; THENCE NORTH 01E28'43" EAST, A DISTANCE OF 1833.40 FEET; THENCE NORTH 88E26'41" WEST, A DISTANCE OF 710.56 FEET; THENCE SOUTH 01E37'03" WEST, A DISTANCE OF 1833.39 FEET; THENCE NORTH 88E26'41" WEST, A DISTANCE OF 270.75 FEET; THENCE SOUTH 01E50'04" WEST, A DISTANCE OF 409.18 FEET TO A POINT IN THE NORTH RIGHT-OF-WAY LINE OF LAKE PARK ROAD (NORTH LAKE BOULEVARD); THENCE NORTH 89E02'40" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 278.02 FEET; THENCE NORTH 01E50'04" EAST, ALONG THE WEST LINE OF THE EAST ONE HALF OF THE EAST ONE HALF OF SAID SECTION 14, A DISTANCE OF 4626.56 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14; THENCE SOUTH 88E26'41" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 1317.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,415,339.00 SQUARE FEET (101.3622 ACRES) MORE OR LESS

BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF SECTION 14, TOWNSHIP 42 SOUTH, RANGE 41 EAST BEARING SOUTH 01E28'43" WEST.

**EXHIBIT B  
VICINITY SKETCH**

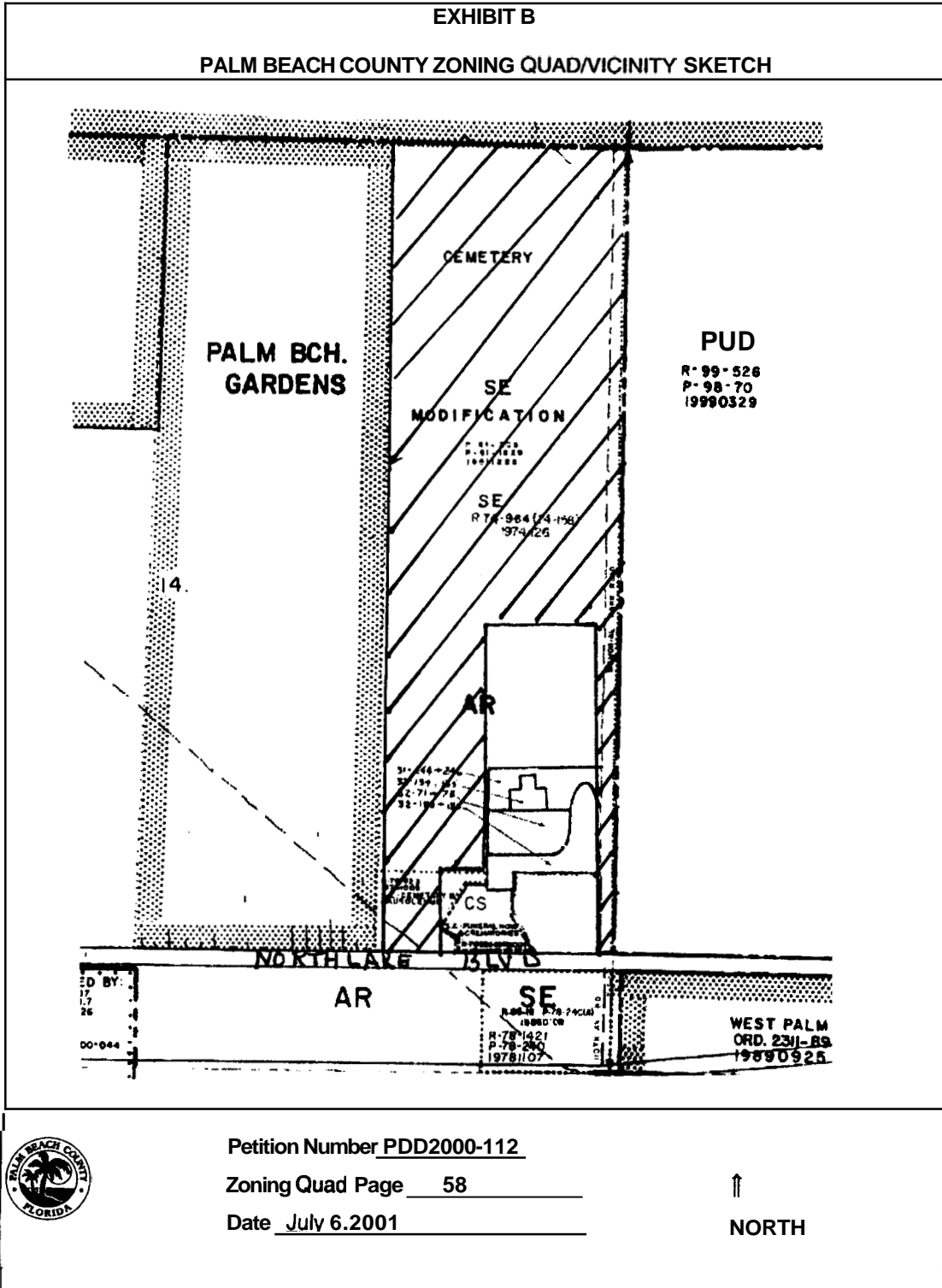


EXHIBIT C

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 revised site plan is dated August 23, 2001. 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- Zoning)

B. LANDSCAPING- STANDARD

1. All canopy trees required to be planted on the perimeter of the site by this approval shall meet the following minimum standards at installation:
  - a. Tree height: 50% - 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 (3.5 feet) at 3 points measured from the trunk to the outermost branch tip; and,
  - d. Number of Species: 5 minimum, one of which must be flowering, 40% maximum of any one species
  - e. Native: 60% native (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
  - a. Height: Twelve (12) feet clear trunk;
  - b. Clusters: Staggered heights twelve (12) to eighteen (18) feet. (CO: LANDSCAPE - Zoning)
3. All shrub or hedge material shall be planted in a hierarchy of layers consisting of a minimum of two (2) varying heights as follows:

twenty-four (24) inches – small shrub;  
twenty-four (24) to forty-eight (48) inches – medium shrub; and,  
forty-eight (48) to sixty (60) inches – high shrub

These heights shall be continuously maintained to achieve the hierarchical effect. (CO: LANDSCAPE - Zoning)
4. Required landscape buffers shall not overlap utility easements. (DRC: ZONING - Zoning)
5. The DRC shall not permit any administrative reduction to the minimum required buffer widths. (DRC: ZONING-Zoning)
6. Credit may be given for existing or relocated trees and palms provided they meet current ULDC requirements. (DRC: ZONING –Zoning)
7. A group of three or more pine trees may not supercede the requirements for a canopy tree along the Northlake Boulevard frontage. (CO: LANDSCAPE-ZONING - Zoning)

C. LANDSCAPING ALONG SOUTH PROPERTY LINE (NORTHLAKE BOULEVARD FRONTAGE)

1. Landscaping and buffering along the south property line shall include:
  - a. a minimum twenty-five (25) foot wide landscape buffer strip;
  - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
  - c. one (1) canopy tree planted each twenty (20) linear feet of frontage with maximum spacing of twenty-five (25) on center;
  - d. one (1) pine tree for each twenty-five (25) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - e. one (1) small shrub for each two (2) linear feet of frontage. Shrub shall be twenty-four (24) inch high at installation.
  - f. one (1) medium/large shrub for each four (4) linear feet of frontage. Shrub shall be thirty (30) inch high at installation. (CO: LANDSCAPE-Zoning)

D. LANDSCAPING ALONG NORTH, EAST AND WEST PROPERTY LINES

1. Landscaping and buffering along the north, east and west property lines shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip;
  - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
  - c. one (1) canopy tree for each twenty (20) linear feet of frontage;
  - d. one (1) pine tree for each twenty-five (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
  - e. one (1) small shrub for each two (2) linear feet of frontage. Shrub shall be twenty-four (24) inch high at installation.
  - f. one (1) medium/large shrub for each four (4) linear feet of frontage. Shrub shall be thirty (30) inch high at installation. (CO: LANDSCAPE-Zoning)

E. ENGINEERING

1. The Property owner shall fund the construction of a left turn lane west approach on Northlake Boulevard at the project's entrance road. Funding shall be coordinated and approved by Roadway Production Division of the County Engineer. Funding shall include all plan revision costs, Palm Beach County's Staff Administrative Costs and construction costs. Funding shall be completed by October 1, 2001. If funding is not received by Palm Beach County Roadway Production Division by this date, the property owner shall pay all costs associated with the redesign, permitting, and construction of the left turn lane, and complete the construction of the left turn lane prior to the issuance of the first building permit. (DATE: MONITORING- Eng)
2. LANDSCAPE WITHIN MEDIAN OF NORTHLAKE BOULEVARD
  - A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to:
    - landscape the adjacent median of Northlake Boulevard
    - provide landscape cutouts within the existing adjacent concrete traffic separators

This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material 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. (BLDG PERMIT: MONITORING- Eng)

- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners' 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 prior to the issuance of the first certificate of occupancy. (CO: MONITORING-Eng)
- C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owner's documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of the Building Permit. (BLDG PERMIT: MONITORING-Eng)

- 3. Prior to DRC certification the final subdivision plan shall be revised to reflect the project entrance aligned with 112th Terrace on the south side of Northlake Boulevard adjacent to the site. (DRC APPROVAL: ENG)

F. MASS TRANSIT

- 1. 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-Zoning)

2. 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 the first Certificate of Occupancy (CO) for more than 25% of the units, or the 100th unit, whichever is less. 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. (CO: BLDG PERMIT: MONITORING - Eng)

#### G. PLANNING

1. Prior to final master plan approval by the Development Review Committee (DRC), in order to comply with Recommendation #4 from page 52 from the Western Northlake Corridor Land Use Study, the applicant shall provide street cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation along Northlake Boulevard and for all internal roadways. The shade trees, excluding palm trees, shall be a minimum of twelve (12) feet in height with a minimum spread of five (5) feet and a minimum clear trunk of five (5) feet and shall be spaced an average distance of thirty (30) feet or less along the sidewalk of Northlake Boulevard and for all internal roadways, subject to approval of the County Engineer. However, all trees planted within safe sight triangles shall have a minimum eight (8) foot clear trunk and otherwise shall comply with the provisions of Streetscape Standards, as applicable. (DRC: PLANNING-Engineering)
2. Prior to final master plan approval by the Development Review Committee, the notation at the southeastern property line which currently reads "future connection thru future development" shall be relocated to the southeastern and southern boundaries of the subject property and shall be amended to read "proposed vehicular and pedestrian cross access/stub streets to be paved to the property line for future access to adjacent parcel". (DRC: PLANNING-Planning)
3. Prior to the issuance of the first certificate of occupancy, the petitioner shall pave the property to the edge of the southeastern property line at the two (2) locations shown on the site plan which read "proposed vehicular and pedestrian cross access/stub street to be paved to the property line for future access to adjacent parcel". (CO: MONITORING-BUILDING-Planning)

#### H. PLANNED UNIT DEVELOPMENT

1. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
2. Street trees shall be planted within or adjacent to streets fifty (50) feet in width or greater, pursuant to Section 6.8.A.16.c(3) of the ULDC and subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
3. Street bike lanes/or sidewalk shall be provided in or adjacent to all streets over fifty (50) feet in width, pursuant to Section 6.8.A.16.c(4) of the ULDC and subject to approval by the County Engineer. (CO: BLDG - Eng)
4. All utilities shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC. (PLAT: ENG - Zoning)



5. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show a focal point at the intersection of the project's entrance, and cul-de-sacs. Decorative street pavers shall be provided at each t-intersection. The focal points shall be in the form of a plaza, fountain, arcade, landscaping with uplighting, pavers or similar construction material acceptable to the Zoning Division. (DRC: ZONING - Zoning)
6. Flexible Regulations and Administrative Deviations from the required property development regulations for the residential units shall be limited to the following:

<b>Property Development Regulations</b>	<b>Administrative Deviation or Flexible Regulations</b>
<b>Building Coverage Allowed: 40% maximum</b>	<b>Building Coverage Requested: 44% maximum</b>

7. Drainage easements shall not be permitted along the rear yards of back-to-back units. (DRC: ZONING-Zoning)
8. All lots (units) where side yard abuts the rear yard of two (2) or more lots (units) shall be restricted to one (1) story in height. (DRC: ZONING/BLDG-Zoning)
9. 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 recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG - Co Att)

**I. SIGNS**

1. Freestanding signs fronting on Northlake Boulevard shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. Maximum sign face area per side - sixty (60) square feet;
  - c. Maximum number of signs - one (1); and
  - d. Style - monument style only. (CO: BLDG)

**J. 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 Code Enforcement Special Master 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)