

RESOLUTION NO. R-2002-0290

RESOLUTION APPROVING ZONING PETITION PDD2001-029
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF HOLIDAY MANAGEMENT ASSOCIATES
BY LAND DESIGN SOUTH, AGENT
(COLONY CLUB APARTMENTS 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 PDD2001-029 was presented to the Board of County Commissioners at a public hearing conducted on February 28, 2002; 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 PDD2001-029, the petition of Holiday Management Associates by Land Design South, agent, for an Official Zoning Map Amendment to a Planned Development District from Agricultural Residential to Residential Planned Unit Development Zoning District 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 28, 2002, subject to the conditions of approval described in EXHIBIT C-1, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson 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	-	Absent
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on February 28, 2002.

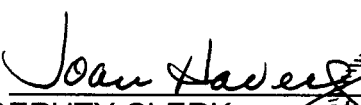
Filed with the Clerk of the Board of County Commissioners on 12 day of March, 2002.

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

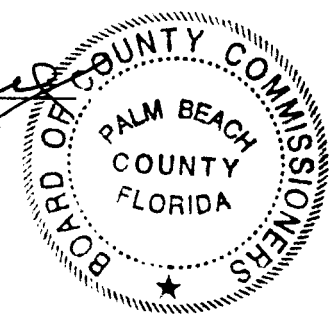


EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1:

TRACT 7 OF NE 1/4 OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, ACCORDING TO AN AMENDED PLAT OF SAID SECTION 12, RECORDED IN PLAT BOOK 9, PAGE 74, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE PORTION OF TRACT 7 ACQUIRED BY PALM BEACH COUNTY FOR THE WIDENING OF MILITARY TRAIL AS SHOWN IN THE STIPULATION AND FINAL JUDGEMENT DATED NOVEMBER 20, 1989, AND RECORDED NOVEMBER 29, 1989, IN ORB 6274, PAGE 304.

SUBJECT TO:

RIGHT-OF-WAY OF WEST 50 FEET OF TRACT 7 FOR PUBLIC HIGHWAY PURPOSES AS IN DEED BOOK 909, PAGE 208, PALM BEACH COUNTY RECORDS; AND RIGHT-OF-WAY FOR DRAINAGE DITCHES AND CANALS AS NOW LAID OUT AND IN USE.

TOGETHER WITH

PARCEL 2:

TRACT 5 OF NE 1/4 OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE AMENDED PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 9, PAGE 74.

ALSO TOGETHER WITH

PARCEL 3:

THE WEST 1/2 OF THE EAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE NORTHWEST CORNER OF THE ABOVE-DESCRIBED TRACT; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID TRACT A DISTANCE OF 320.0 FEET; THENCE EASTERLY PARALLEL TO THE NORTH LINE OF SAID TRACT A DISTANCE OF 138.93 FEET; THENCE NORTHERLY 93°43'30", AS MEASURED FROM WEST TO NORTH A DISTANCE OF 320.0 FEET;

THENCE WESTERLY ALONG THE NORTH LINE OF SAID TRACT A DISTANCE OF 138.0 FEET TO THE POINT OF BEGINNING. ALSO LESS THE NORTH 40 FEET FOR LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY OF CANAL L-18. THE ABOVE-DESCRIBED PARCEL BEING A PART OF THE WEST HALF OF TRACT 4, AS SHOWN ON PLAT BOOK 9, PAGE 74, SUBDIVISION OF SECTION 12, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT C-1

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 preliminary development plan (PDP)/site plan is dated October 25, 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. ACCESS

1. Prior to final Development Review Committee approval, notations on the PDP/site plan which currently read "potential future stub street to be constructed should future properties be incorporated within our developable area" shall be amended to read "potential future vehicular and pedestrian stub street connection to be paved to the property line." (DRC: PLANNING - Planning)
2. Prior to the issuance of a certificate of occupancy, the petitioner shall pave the property to the edge of the north and eastern property lines at the locations on the PDP/site plan labeled "potential future vehicular and pedestrian stub street connection to be paved to the property line." (CO: BUILDING-Planning)

C. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
2. Building facades shall be designed to be consistent with the building footprints shown on the October 25, 2001 PDP/site plan. (DRC: ZONING - Zoning)
3. At time of submittal for final DRC site plan certification, the petitioner shall submit architectural elevations to the Architectural Review Section of the Zoning Division for review and approval to be consistent with the Architectural Design Guidelines per Section 6.6.E. of the ULDC, and shall also include the following:
 - a. Provide additional architectural treatments on the right and left side elevations of Type 3 and 4 townhomes to avoid the appearance of blank walls.

Development shall be consistent with the approved architectural elevations. (DRC/BLDG PRMT: ZONING/BLDG - Zoning)

4. The maximum height for all two (2) story buildings and the clubhouse including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished grade to highest point. (BLDG PRMT: BLDG - Zoning)
5. The maximum height for all three (3) story buildings, including all air conditioning, mechanical equipment and satellite dishes shall not exceed fort-two (42) feet. All heights shall be measured from finished grade ~~floor~~ to highest point. (BLDG PRMT: BLDG - Zoning)

6. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG – Zoning)

D. LANDSCAPING - STANDARD

1. Fifty percent (50%) of canopy trees required to be planted in the perimeter buffer 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; and
 - c. Canopy diameter: Seven (7) feet. Diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.

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; and
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet.

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

3. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
4. All landscaping to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)
5. Native vegetation shall be required in all perimeter buffers to meet TDR requirements. (CO: LANDSCAPE – Zoning)

E. ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a) Building Permits for more than 177 multi family dwelling units shall not be issued until construction has begun for a separate right turn lane south approach on Military Trail at Hypoluxo Road, plus the appropriate paved tapers. (BLDG. PERMIT: MONITORING-Eng)
 - b) Building Permits for more than 195 multi family dwelling units shall not be issued until construction has begun for a separate right turn lane north approach on Lawrence Road at Hypoluxo Road plus the appropriate paved tapers. (BLDG. PERMIT: MONITORING-Eng)

Acceptable surety required for these turn lanes shall be posted with the Office of the Land Development Division on or before July 31, 2002. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer and shall include acquisition of any additional right of way (TPS - Maximum 6 month time extension).

2. LANDSCAPING WITHIN THE MEDIAN OF MILITARY TRAIL AND HYPOLUXO ROAD.
 - 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 provide:
 - both concrete median landscape cutouts on Military Trail and Hypoluxo Road
 - median landscaping on Hypoluxo Road

All within the median of Hypoluxo Road and Military Trail Road-right-of-way contiguous to the frontage. As part of this permit process, the property owner shall enter into Median Landscaping, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. All new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by Palm Beach County. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG PERMIT:MONITORING - Eng.)
 - B. All required median landscaping, including an irrigation system, the cost of the removal or cutting out the existing concrete median as well as the installation of all landscape material, paver block or similar materials shall be funded at the property owners expense. When landscape cutouts are permitted landscaping shall consist of Landscape Material approved by the County Engineer. All new and existing 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. The 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's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, and the irrigation system. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)
 - C. If the County does not assume maintenance responsibility, then appropriate property owners' 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 a Building Permit. (BLDG. PERMIT: MONITORING-Eng)
3. The Property Owner shall construct a right turn lane north approach on Lawrence Road at Hypoluxo Road and a right turn lane south approach on Hypoluxo Road at Military Trail. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - A) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMITS – MONITORING-Eng) ■

- B) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

F. LANDSCAPING – INTERIOR

1. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
 - a. The minimum width of the required landscape areas shall be eight (8) feet;
 - b. The length of required landscape areas shall be no less than 50% of the total length of each side of the structure (excluding the front side of each townhouse row); and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover. (DRC: LANDSCAPE - Zoning)
2. Prior to final Development Review Committee approval, the PDP/site plan shall be amended to indicate a landscape focal point with specimen tree at the terminus of the northern entrance, fronting building #1. (DRC: LANDSCAPE - Zoning)
3. The focal point shown at the western entrance shall include a plaza, fountain, arcade or similar pedestrian oriented public area acceptable to the Zoning Division. (DRC: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES (HYPOLUXO ROAD AND MILITARY TRAIL FRONTAGES)

1. Landscaping along the north and west property lines abutting Hypoluxo Road and Military Trail shall be upgraded to include:
 - a. A minimum thirty-five (35) foot wide buffer strip to the north adjacent to Hypoluxo Road;
 - b. A minimum forty (40) foot wide buffer strip to the west adjacent to Military Trail;
 - c. A continuous three (3) foot high berm measured from top of curb;
 - d. A six (6) foot high opaque concrete wall at top of berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
 - e. One (1) native canopy tree for each thirty (30) linear feet of property line, alternating on both sides of wall;
 - f. One (1) flowering tree for each thirty (30) linear feet of property line, alternating on both sides of wall; and
 - g. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of ninety (90) feet between clusters, alternating on both sides of wall. (CO: LANDSCAPE - Zoning)
2. The following landscaping shall be required on the exterior side of the required wall:
 - a. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches; and
 - b. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches.

All shrub or hedge material shall be planted in overlapping masses consisting of a minimum of two (2) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:

- eighteen (18) to twenty-four (24) inches – groundcover and small shrub; and

- twenty-four (24) to thirty-six (36) inches – medium shrub. (CO: LANDSCAPE – Zoning)
3. The following landscaping shall be required on the interior side of the required wall:
 - a. One twenty-four (24) inch medium shrub for each two (2) linear feet of property line, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES (ADJACENT TO HYPOLUXO TRAIL PCD)

1. Landscaping along the north 630 feet of the west property line and the west 610 feet of the north property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide buffer strip. No width reduction or easement encroachment shall be permitted along the west property line;
 - b. A continuous two-and-a-half (2.5) foot high berm measured from top of curb;
 - c. A six (6) foot high vinyl coated chain link fence or concrete wall at top of berm. If a concrete wall is used, the exterior side shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
 - d. One (1) native canopy tree for each twenty (20) linear feet of property line, to be planted in a staggered manner;
 - e. One (1) flowering tree for each sixty (60) linear feet of property line; and
 - f. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of ninety (90) feet between clusters. (CO: LANDSCAPE - Zoning)
2. The following landscaping shall be required on the interior side of the required wall:
 - a. One (1) small shrub for each four (4) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - b. One (1) medium shrub for each eight (8) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
 - c. One (1) large shrub for each two (2) linear feet of property line, to be installed at a minimum height of thirty (30) inches.

All shrub or hedge material shall be planted in overlapping masses consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:

- eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
- twenty-four (24) to thirty-six (36) inches – medium shrub; and
- seventy-two (72) inches – large shrub. (CO: LANDSCAPE – Zoning)

I. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ADJACENT TO RESIDENTIAL)

1. Landscaping along the south property line shall be upgraded to include:
 - a. A minimum forty-five (45) foot wide buffer strip for the eastern 500 feet of the south property line. No width reduction or easement encroachment shall be permitted;
 - b. A minimum forty (40) foot wide buffer strip for the western 620 feet of the south property line;

- c. A continuous three (3) foot high berm measured from top of curb;
 - d. A six (6) foot high vinyl coated chain link fence to be installed at top of berm;
 - e. One (1) native canopy tree for each twenty (20) linear feet of property line, alternating on both sides of fence;
 - f. One (1) flowering tree for each thirty (30) linear feet of property line, alternating on both sides of fence; and
 - g. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of ninety (90) feet between clusters, alternating on both sides of fence. (CO: LANDSCAPE - Zoning)
2. The following landscaping shall be required on the interior side of the required fence:
- a. One (1) small shrub for each four (4) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - b. One (1) medium shrub for each eight (8) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
 - c. One (1) large shrub for each two (2) linear feet of property line, to be installed at a minimum height of thirty (30) inches.

All shrub or hedge material shall be planted in overlapping masses consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:

- eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
- twenty-four (24) to thirty-six (36) inches – medium shrub; and
- seventy-two (72) inches – large shrub. (CO: LANDSCAPE – Zoning)

3. The following landscaping shall be required on the exterior side of the required fence.
- a. One twenty-four (24) inch high medium shrub, spaced twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)

J. LANDSCAPING ALONG THE EAST AND NORTH PROPERTY LINE (ADJACENT TO RESIDENTIAL)

1. Landscaping along the east 168 feet of the north property line and the east property line shall be upgraded to include:
- a. A minimum sixty (60) foot wide buffer strip for the east 168 feet of the north property line and the east property line. No width reduction or easement encroachment shall be permitted;
 - b. A continuous three (3) foot high berm measured from top of curb;
 - c. A six (6) foot high vinyl coated chain link fence to be installed at top of berm;
 - d. One (1) native canopy tree for each twenty (20) linear feet of property line, alternating on both sides of fence;
 - e. One (1) flowering tree for each thirty (30) linear feet of property line, alternating on both sides of fence; and
 - f. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of ninety (90) feet between clusters, alternating on both sides of fence. (CO: LANDSCAPE - Zoning)
2. The following landscaping shall be required on the interior side of the required fence:
- a. One (1) small shrub for each four (4) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;

- b. One (1) medium shrub for each eight (8) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
- c. One (1) large shrub for each two (2) linear feet of property line, to be installed at a minimum height of thirty (30) inches.

All shrub or hedge material shall be planted in overlapping masses consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:

- eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
- twenty-four (24) to thirty-six (36) inches – medium shrub; and
- seventy-two (72) inches – large shrub. (CO: LANDSCAPE – Zoning)

3. The following landscaping shall be required on the exterior side of the required fence.

- a. One twenty-four (24) inch high medium shrub, spaced twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)

4. Landscaping within the north 280 feet of the east property line shall be upgraded to include the following:

- a. A 29 foot landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. One (1) native canopy tree for each twenty (20) linear feet of property line, to be planted in a staggered manner;
- c. One (1) flowering tree for each thirty (30) linear feet of property line; and
- d. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of ninety (90) feet between clusters. (CO: LANDSCAPE - Zoning)

K. LIGHTING

- 1. Outdoor lighting used to illuminate the subject property and identification signs shall be the minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
- 2. All outdoor light poles shall not exceed twenty five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
- 3. Security lighting shall be provided for all stairwells and shall not be extinguished during evening hours. (BLDG PERMIT: BLDG - Zoning)

L. 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. 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: MONITORING - Eng)

M. PLANNING

1. Prior to final PDP/site plan certification by the Development Review Committee (DRC), in order to comply with Recommendations 35 and 37 from the West Boynton Area Community Plan, the property owner/petitioner shall provide cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation through the residential development including the six (6) foot pedestrian pathway which is located adjacent to the lake maintenance easement. (DRC: PLANNING - Planning)

N. PLANNED UNIT DEVELOPMENT

1. Prior to final Development Review Committee approval, the PDP/site plan shall be revised to indicate a minimum twenty (20) foot separation distance between all residential structures (excluding the attached garage for building #2) and the fifty (50) foot Florida Power and Light (FP&L) easement. Structures adjacent to the fifty (50) foot easement shall be limited to a maximum height of two (2) stories. (DRC/BLDG PRMT: ZONING/BLDG - Zoning)
2. Decorative street lights shall be provided similar to those required under Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng) (CO: BLDG - Eng)
3. All utilities shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC, with exception to overhead power transmission lines located in the fifty (50) foot Florida Power and Light (FP&L) easement. (PLAT: ENG - Zoning)
4. All guest parking spaces required for each building shall be designated within a minimum distance of one-hundred (100) feet, with parking stops clearly labeled as "Guest Parking." (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)
5. A minimum amount of recreation amenities shall be provided in the principal recreation areas to be consistent with the PDP/site plan dated October 25, 2001, and shall include: a clubhouse/leasing office a minimum of 5,000 square feet, a pool not less than 1,000 square feet in size, two (2) tennis courts; basketball court; and tot lot. (DRC: ZONING/BLDG - Zoning)
6. Prior to final Development Review Committee approval, the site plan shall be revised to indicate a second gazebo along the lake walkway, to be located between buildings 8 and 9. (DRC: ZONING - Zoning)
7. Prior to final Development Review Committee approval, the site plan shall be revised to indicate pedestrian connections to the picnic pavilion and gazebo located in the additional recreation area. The picnic pavilion shall be a minimum of 400 square feet and include picnic tables and trash receptacles. (DRC/BLDG PRMT: ZONING/BLDG - Zoning)
8. Prior to final Development Review Committee site plan approval, the petitioner shall provide documentation from Florida Power and Light (FP&L) indicating approval to abandon the easements for anchoring facilities servicing electric transmission and distribution lines which bisect the subject site. Documentation shall also indicate the ultimate width and location of FP&L easements to remain. (DRC: ZONING - Zoning)

9. Prior to issuance of the first building permit, the petitioner shall coordinate with FP&L to replace existing electric transmission and distribution line support poles with self-supporting monopoles. No support wires/structures or associated easements shall be permitted. (BLDG PERMIT: MONITORING – Zoning)

O. SCHOOL BOARD

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 rental offices.

"NOTICE TO TENANTS"

"School age children may not be assigned to the public school closest to their residence. School Board policies regarding overcrowding or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s)." (ONGOING: SCHOOL BOARD – School Board)

P. SIGNS

1. Signage fronting on Military Trail shall be limited as follows:
 - a. Maximum sign height: eight (8) feet;
 - b. Maximum sign face area: sixty (60) square feet;
 - c. Maximum number of signs: one (1) pair;
 - d. Location: Military Trail entrance; and
 - e. Style: wall sign only. (CO: BLDG - Zoning)
2. Signage fronting on Hypoluxo Road shall be limited as follows:
 - a. Maximum sign height: six (6) feet;
 - b. Maximum sign face area: sixty (60) square feet;
 - c. Maximum number of signs: one (1);
 - d. Location: Hypoluxo Road entrance; and
 - e. Style: monument. (CO: BLDG - Zoning)

Q. 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)



**Department of
Planning, Zoning & Building**

100 Australian Avenue
West Palm Beach FL 33406
(561)233-5000

Planning Division 233-5300

Zoning Division 233-5200

Building Division 233-5100

Code Enforcement 233-5500

Contractors Certification 233-5525

Administration Office 233-5005

Executive Office 233-5003

www.pbcgov.com/pzb

**INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING**

TO: Phyllis House, Minutes Manager
FROM: William C. Whiteford, Zoning Director
DATE: March 8, 2002
RE: Amended Conditions from the February 28, 2002
BCC Hearing

*WCW
by
drc*



**Palm Beach County
Board of County
Commissioners**

Warren H. Newell, Chairman

Carol A. Roberts, Vice Chair

Karen T. Marcus

Mary McCarty

Burt Aaronson

Tony Masioltri

Addie L. Greene

County Administrator

Robert Weisman

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on February 28, 2002.

The following petitions were amended:

- | | |
|------------------|----------------------------|
| PDD/TDR2001-029 | Colony Club Apartments PUD |
| EAC1990-030(F) | Fountains of Boynton |
| Z/COZ2001-051 | Military Purdy Rezoning |
| Z/DOA1981-096(B) | Lantana Transfer Station |

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