

RESOLUTION NO. R-2002- 1252

RESOLUTION APPROVING ZONING PETITION 22002-019
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
PETITION OF INDIAN TRAIL IMPROVEMENT DISTRICT
BY KIERAN J. KILDAY, AGENT
(ACREAGE COMMUNITY PARK)

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 22002-019 was presented to the Board of County Commissioners at a public hearing conducted on July 25, 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, as amended; 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 Z2002-019, the petition of Indian Trail Improvement District by Kieran J. Kilday, agent, for an Official Zoning Map Amendment rezoning from the Agricultural Residential to the Public Ownership Zoning District with a CONDITIONAL OVERLAY ZONE 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 July 25, 2002, subject to the conditions of the CONDITIONAL OVERLAY ZONE (COZ) 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 Greene 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 July 25, 2002.

Filed with the Clerk of the Board of County Commissioners on 21 day of August, 2002.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *[Signature]*
COUNTY ATTORNEY

BY: *[Signature]*
DEPUTY CLERK

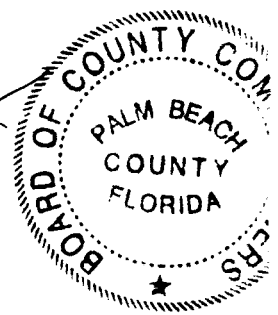


EXHIBIT A

LEGAL DESCRIPTION

A parcel of land lying within the East one-half (1/2) of Section 32, Township 42 South, Range 41 East, Palm Beach County, Florida, being more particularly described as follows: Commencing at the Northeast corner of Section 32, Township 42 South, Range 41 East; thence S.02E13'40"W., along the East line of the Northeast one-quarter (1/4) of said Section 32, as a basis of bearings, a distance of 2,220.84 feet to the POINT OF BEGINNING; thence continue S.02E13'40"W. along said line, a distance of 404.28 feet to the East one-quarter (1/4) corner of said Section 32; thence S.02E11'43"W., along the East line of the Southeast one-quarter (1/4) of said Section 32, a distance of 1,875.78 feet; thence departing said East line N.87E48'11"W., a distance of 400.06 feet to the point of curvature of a circular curve to the right having a radius of 90.00 feet and a central angle of 90E00'00"; thence northwesterly along the arc of said curve, a distance of 141.37 feet; thence N.02E11'49"E., a distance of 165.41 feet; thence N.51E46'17"W., a distance of 148.30 feet; thence N.59E17'56"W., a distance of 97.98 feet; thence N.49E07'59"W., a distance of 55.66 feet; thence N.03E48'08"W., a distance of 47.35 feet; thence N.48E26'49"E., a distance of 51.88 feet; thence N.21E16'31"E., a distance of 45.57 feet; thence N.34E48'47"E., a distance of 70.17 feet; thence N.15E40'46"E., a distance of 39.78 feet; thence N.13E36'05"W., a distance of 62.38 feet; thence N.07E12'12"E., a distance of 44.28 feet; thence N.67E38'44"W., a distance of 124.54 feet; thence N.02E11'49"E., a distance of 650.85 feet; thence S.85E44'34"E., a distance of 85.41 feet; thence S.45E07'27"E., a distance of 40.76 feet; thence N.51E50'11"E., a distance of 43.84 feet; thence N.31E26'33"E., a distance of 53.27 feet; thence N.16E09'40"E., a distance of 66.69 feet; thence N.65E25'28"E., a distance of 45.84 feet; thence N.26E23'27"E., a distance of 52.06 feet; thence N.45E30'18"W., a distance of 35.68 feet; thence N.06E06'50"E., a distance of 77.71 feet; thence N.44E48'57"E., a distance of 73.35 feet; thence N.02E24'35"E., a distance of 62.29 feet; thence N.11E42'05"E., a distance of 48.75 feet; thence N.66E24'20"E., a distance of 63.74 feet; thence N.87E48'39"E., a distance of 62.94 feet; thence N.47E00'40"E., a distance of 31.59 feet; thence S.48E55'25"E., a distance of 57.58 feet; thence S.59E28'54"E., a distance of 50.49 feet; thence N.78E53'45"E., a distance of 47.44 feet; thence S.89E02'10"E., a distance of 61.61 feet; thence S.79E51'19"E., a distance of 47.95 feet; thence N.43E31'14"E., a distance of 27.45 feet; thence N.02E13'40"E., along a line being 80.00 feet west of and parallel to the aforementioned East line of the Northeast one-quarter (1/4) of said Section 32, a distance of 365.69 feet to a point on the South line of "PINES WEST PARK" as described in Official Record Book 9299, Page 1501 of the Public Records of Palm Beach County; thence N.89E00'00"E., along said line, a distance of 80.13 feet to the East line of the Northeast one-quarter (1/4) of Section 32 and the POINT OF BEGINNING.

Said lands situate, lying and being in Palm Beach County, Florida.

Containing 28.98 acres, more or less.

EXHIBIT B
VICINITY SKETCH

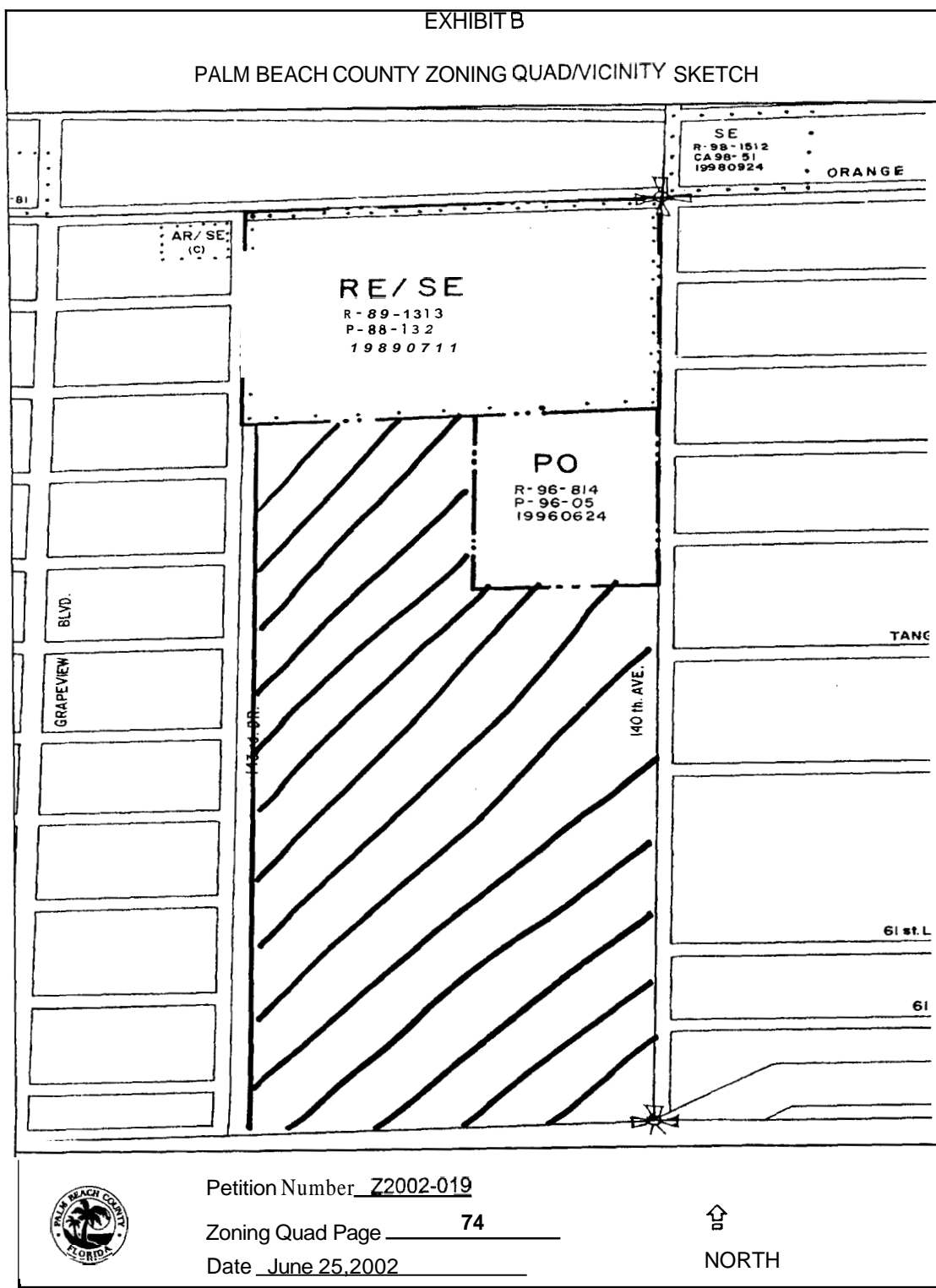


EXHIBIT C

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 approved site plan is dated May 8, 2002. 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. ENVIRONMENTAL RESOURCE MANAGEMENT

1. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation has been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (DRC/ONGOING: ERM-Erm)

C. LANDSCAPING - STANDARD

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
 - a. Tree height: Fourteen feet;
 - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. Canopy diameter: Seven feet – diameter shall be determined by the average canopy radius measured at three points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted on site by this approval, 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. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. forty-eight (48) to seventy-two (72) inches – large shrub.
 - d. this condition applies to the east buffer only. (CO: LANDSCAPE - Zoning)
4. All trees and palms shall be planted in a meandering and naturalistic pattern. This condition applies to the east buffer only. (CO: LANDSCAPE - Zoning)

5. Prior to final DRC certification, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE-Zoning)

D. LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF 140TH AVENUE NORTH)

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. one (1) native canopy tree for each thirty (30) feet of the property line;
 - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - f. one (1) large native shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE-Zoning)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along 140th Avenue North to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG. PERMIT: MONITORING -Eng)
2. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for 140th Avenue North an additional 10' along the project's east property line (a total of 40 feet from centerline) for 140th Avenue North on or before **June 1, 2003** or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer 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. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE/BLDG. PERMIT: MONITORING-Eng)
3. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after January 1, 2008. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies, with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng)

F. LANDSCAPING - INTERIOR

1. Foundation planting or grade level planters for the community center shall be provided along the front and side facades of the structure to consist of the following:
 - a. The minimum width of the required landscape areas shall be eight (8) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC/CO: ZONING/LANDSCAPE-Zoning)

G. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of 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, freestanding lighting fixtures shall have the following minimum setback from the east property line:
 - a. Soccer/football fields – thirty (30) feet; and
 - b. Baseball/softball fields – forty (40) feet.
(DRC/BLDG PERMIT: ZONING-Zoning)
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. excluding security lighting only. (ONGOING: CODE ENF-Zoning)
4. 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-Zoning)

H. SIGNAGE

1. Freestanding signs fronting on 140th Avenue North 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 – seventy-five (75) square feet;
 - c. maximum number of signs - one (1) and
 - d. style - monument style only. (CO: BLDG-Zoning)

I. 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)