

RESOLUTION NO. R-93- 652

RESOLUTION APPROVING ZONING PETITION PDD92-60
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF LEVITT HOMES, INC.

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 Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD92-60 was presented to the Board of County Commissioners at a public hearing conducted on May 27, 1993; 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 Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County 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) 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) 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 Land Development Code, Ordinance 92-20; 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 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 PDD92-60, the petition of LEVITT HOMES, INC., BY JOEL WANTMAN, AGENT for a OFFICIAL ZONING MAP AMENDMENT (REZONING) from the AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT to the RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) 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 May 27, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of May, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATE, LYING AND BEING IN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 36, TOWNSHIP 47 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 7, AS NOW CONSTRUCTED, WITH THE NORTH LINE OF THE HILLSBORO CANAL RESERVATION; THENCE WESTERLY ALONG SAID NORTH LINE, A DISTANCE OF 380.69 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 161° 26' 00", AS MEASURED FROM EAST TO WEST, WITH LAST DESCRIBED COURSE, A DISTANCE OF 20.54 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTHWESTERLY ALONG A PROLONGATION OF LAST DESCRIBED COURSE, A DISTANCE OF 1225.00 FEET; THENCE NORTHEASTERLY ALONG A LINE AT RIGHT ANGLES WITH LAST DESCRIBED COURSE, A DISTANCE OF 250.00 FEET; THENCE NORTHWESTERLY ALONG A LINE AT RIGHT ANGLES WITH LAST DESCRIBED COURSE, A DISTANCE OF 817.11 FEET, TO A POINT ON A LINE PARALLEL TO AND 250 FEET EAST OF THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 36, THENCE NORTHERLY ALONG SAID PARALLEL LINE, WHICH FORMS AN INCLUDED ANGLE OF 109° 23' 00" WITH LAST DESCRIBED COURSE, A DISTANCE OF 900.00 FEET; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN INCLUDED ANGLE OF 76° 47' 37" WITH LAST DESCRIBED COURSE, A DISTANCE OF 2301.62 FEET TO A POINT ON AFORESAID WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 7; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE, WHICH FORMS AN INCLUDED ANGLE OF 103° 19' 25", WITH LAST DESCRIBED COURSE, A DISTANCE OF 300.00 FEET; THENCE WESTERLY ALONG A LINE AT RIGHT ANGLES WITH LAST DESCRIBED COURSE, A DISTANCE OF 400.00 FEET TO A POINT ON A LINE PARALLEL TO AND 400.00 FEET WEST OF AFORESAID WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 7; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 986.94 FEET TO THE POINT OF BEGINNING.

LESS THE EAST 99 FEET THEREOF CONVEYED TO PALM BEACH COUNTY FOR ROAD RIGHT OF WAY BY DEED RECORDED IN OR BOOK 5805. PAGE 268. PALM BEACH, COUNTY RECORDS.

ABOVE DESCRIBED LAND CONTAINING 51.871 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

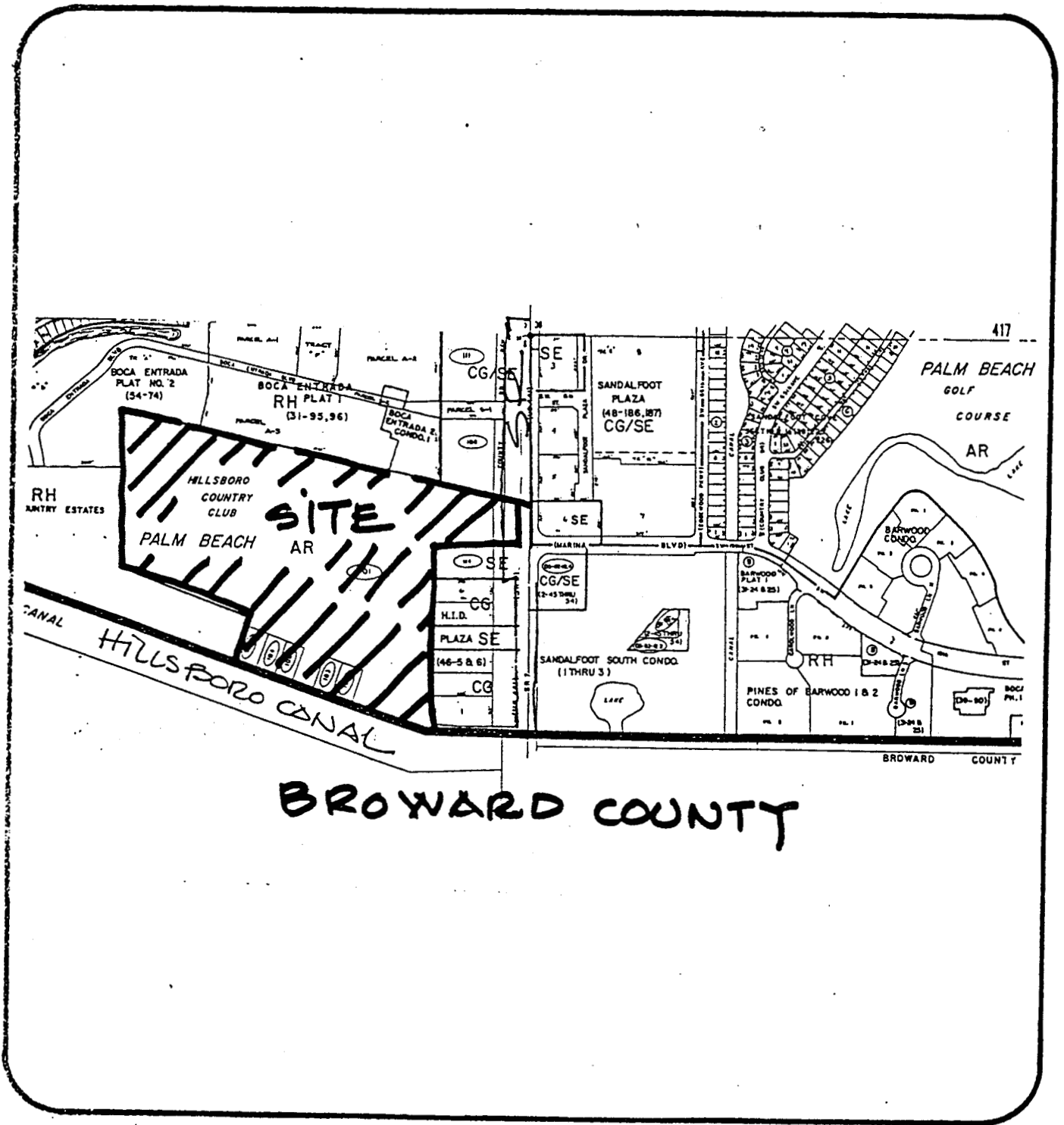


EXHIBIT C

CONDITIONS OF APPROVAL

A. SITE DESIGN

1. Street lights a maximum of twenty five (25) feet in height shall be installed along all platted right-of-ways. Light fixtures shall be directed away from residences. (ZONING/ENGINEERING)
2. Median landscaping, subject to permitting by the County Engineer, shall be provided within all rights-of-way or abutting the rights-of-way in the event the right-of-way **does** not permit it within the development that are designed with medians. Median landscaping shall, at a minimum, include:
 - a. One (1) native tree for every thirty feet (30) of median;
 - b. One (1) shrub for every one hundred fifty (150) square feet or one groundcover for every seventy five (75) square feet of median area;
 - c. Lawn area planted by sod; and
 - d. Detail median landscaping plans shall be submitted, installed and maintained pursuant to the standards set forth in Article 6.8.23.d(2)(a) of the Palm Beach County Unified Land Development Code. (ZONING/ENGINEERING)
3. Street trees shall be planted no more than fifty (50) feet on center along both sides of all streets within all platted rights-of-way or access tracts that are interior to the PUD subject to approval by the County Engineer. All required landscaping shall be installed prior to release of the performance bond or issuance of a certificate of completion, whichever occurs first, for the road intended to be landscaped. (ENGINEERING)
4. All utilities shall be underground pursuant to Article 6.8.23.d(5) of the Palm Beach County Unified Land Development Code. (ZONING/ENGINEERING)

B. 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)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **ERM** has reviewed the submitted Phase I Environmental Site Assessment and requests the following additional information prior to DRC Master Plan certification:
 - a. A site map drawn to scale detailing the locations of the aboveground tanks, 55-gallon drums, tank area soil borings, temporary monitoring wells and contaminated soil.

- b. Copies of soil and groundwater analytical data from the environmental site assessment completed by PSI Jammal & Assoc. (ERM)

D. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. All existing on-site sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC and Palm Beach County ECR-I. (HEALTH)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing on-site potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH)

E. ENGINEERING

1. Prior to the issuance of a Technical Compliance Letter the property owner shall submit and receive approval from the Florida Department of Transportation and the County Engineer a detailed plan of the signalization, geometrics, and striping plan for the intersection of State Road 7 and S.W. 18th Street and this project's entrance. (ENGINEERING)
2. Prior to the certification of the Master Plan by the DRC the property owner shall revise the Master Plan to be in compliance with Article 8 of the ULDC including but not limited to right of way widths of the internal road network based upon projected ADTs, and minimum centerline radii based upon street classification. (ENGINEERING)
3. In order to comply with the mandatory traffic performance standards the developer shall be restricted to the following phasing schedule:
 - a) No Euilding Permits for the site shall be issued after January 1, 1998. (ENGINEERING - Building)
 - b) Building Permits for more than 86 dwelling units shall not be issued until construction has begun for SW 18th Street as a 4 lane section from Lyons Road to Boca Rio Road plus the appropriate paved tapers. (BUILDING/ENGINEERING)
4. The Developer shall fund signal modifications as determined by the County Engineer and Florida Department of Transportation at the intersection of S.W. 18th Street and State Road 7. (ENGINEERING)
5. The property owner shall fund the construction of SW 18th Street as a 4-lane median divided section from Lyons Road to Boca Rio Road. Funding in the amount of \$877,000 shall be submitted by the Property Owner to the Land Development Division of the County Engineer's Office prior to December 1, 1993, or prior to the issuance of a Land Development Permit, whichever shall first occur. Road funding shall be in the form of \$25,000 cash which shall be used for construction plan modification by Palm Beach County. The remaining balance, \$852,000, may be posted as surety in a form acceptable to the County Engineer. Palm Beach County shall provide the developer with a minimum of thirty calendar days prior to drawing

any surety. This notice to the developer shall occur when Palm Beach County is prepared to bid the road construction for SW 18th Street. Monies which are expended toward the construction of SW 18th Street by this property owner shall be credited toward Palm Beach County's Fair Share Impact Fee. If the current contract purchaser, successor or assigns, of Sterling Pond PUD, provides these funds as currently required in the condition of approval for the Sterling Pond PUD, then Hillsboro Country Club PUD shall be entitled to reimbursement from the Sterling Pond PUD funds prior to Sterling Pond's obtaining plat approval. If Palm Beach County takes the property back from Sunlife Homes for any reason, prior to the provision of these funds by Sterling Pond PUD, then no reimbursement will be given. In no case shall reimbursement to Hillsboro Country Club PUD exceed the construction costs of SW 18th Street less this projects traffic impact fee. All canal crossings within the project limits shall be constructed to their ultimate configuration.

Note: Funding of SW 18th Street as specified in this condition is only required in the event that surety for this segment of road has not been posted by the developer of Sterling Pond PUD prior to December 1, 1993. Should surety from this other developer be posted for this section of SW 18th Street, prior to December 1, 1993, then this condition shall not be applicable. Monies posted by Hillsboro Country Club not expended by Palm Beach County for the road construction of SW 18th Street shall be returned to this developer. (MONITORING - Engineering) .

6. The Property owner shall construct a right turn lane north approach on SR 7 at the project entrance road. This construction shall be concurrent with the paving and drainage improvements with the first plat. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but not limited to, utility relocations. Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of Technical Compliance issued from the Office of the County Engineer. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.
(BUILDING - Engineering)
7. Property owner shall not apply for building permits for more than 86 dwelling units prior to June 1, 1994.
(MONITORING/BUILDING)

F. LANDSCAPING - GENERAL

1. All trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.0 inches measured 4.5 feet above grade.

- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
- d. Clear trunk: five (5) feet. (ZONING)

G. LANDSCAPING ALONG PROPERTY LINES ABUTTING RESIDENTIAL OR COMMERCIAL USES

- 1. Landscaping along all property lines abutting residential or commercial uses shall be upgraded to include:
 - a. A six (6) foot high masonry or concrete wall;
 - b. One (1) native canopy tree planted every twenty (20) feet on center;
 - c. One (1) native palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location. No more than twenty five percent of the required trees may be superseded by this requirement; and
 - d. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation to be maintained a minimum of sixty (60) inches in height. The required hedge shall be planted along the interior of the required wall and along the exterior of the required wall along the west property line abutting side property lines and the dead end street of Boca Country Estates (approximately 250 linear feet). (ZONING)
- 2. The required wall shall be constructed concurrent with the required subdivision improvements of the abutting parcel on the subject property. No portion of any performance bonds for any subdivision requirement shall be released until such time as the required wall and landscape buffer is completed. (ENGINEERING/ZONING)

H. RECYCLE SOLID WASTE

- 1. All property owners 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. (SWA)

I. SIGNS

- 1. Entry or project identification sign fronting on State Road 7 and the marginal access road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade - six (6) feet;
 - b. Maximum sign face area per side - 50 square feet;
 - c. Maximum number of signs - two (2) on SR7 and one (1) on the marginal access road.
 - d. Type - monument style only. (BUILDING)

2. Prior to site plan certification, the petitioner shall submit a Master Sign Program to the Zoning Division which specifies sign location, sign dimensions, typical base planting details, and conformance to all sign related conditions of approval. (ZONING)

J. SCHOOL BOARD

1. Prior to site plan certification, the petitioner shall demonstrate that they have met with the School Board staff 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 school. (SCHOOL BOARD)