

RESOLUTION NO. R-93-1363

RESOLUTION APPROVING ZONING PETITION PDD93-33  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
PETITION OF TCT SOUTH FLORIDA APARTMENTS, 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 PDD93-33 was presented to the Board of County Commissioners at a public hearing conducted on October 28, 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 PDD93-33, the petition of TCT SOUTH FLORIDA APARTMENTS, INC., for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the MULTI-FAMILY RESIDENTIAL (RM) 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 October 28, 1993, subject to the conditions of approval described in EXHIBIT C, 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:

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

The Chair thereupon declared that the resolution was **duly** passed and adopted this 28th day of October, 1993.

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**

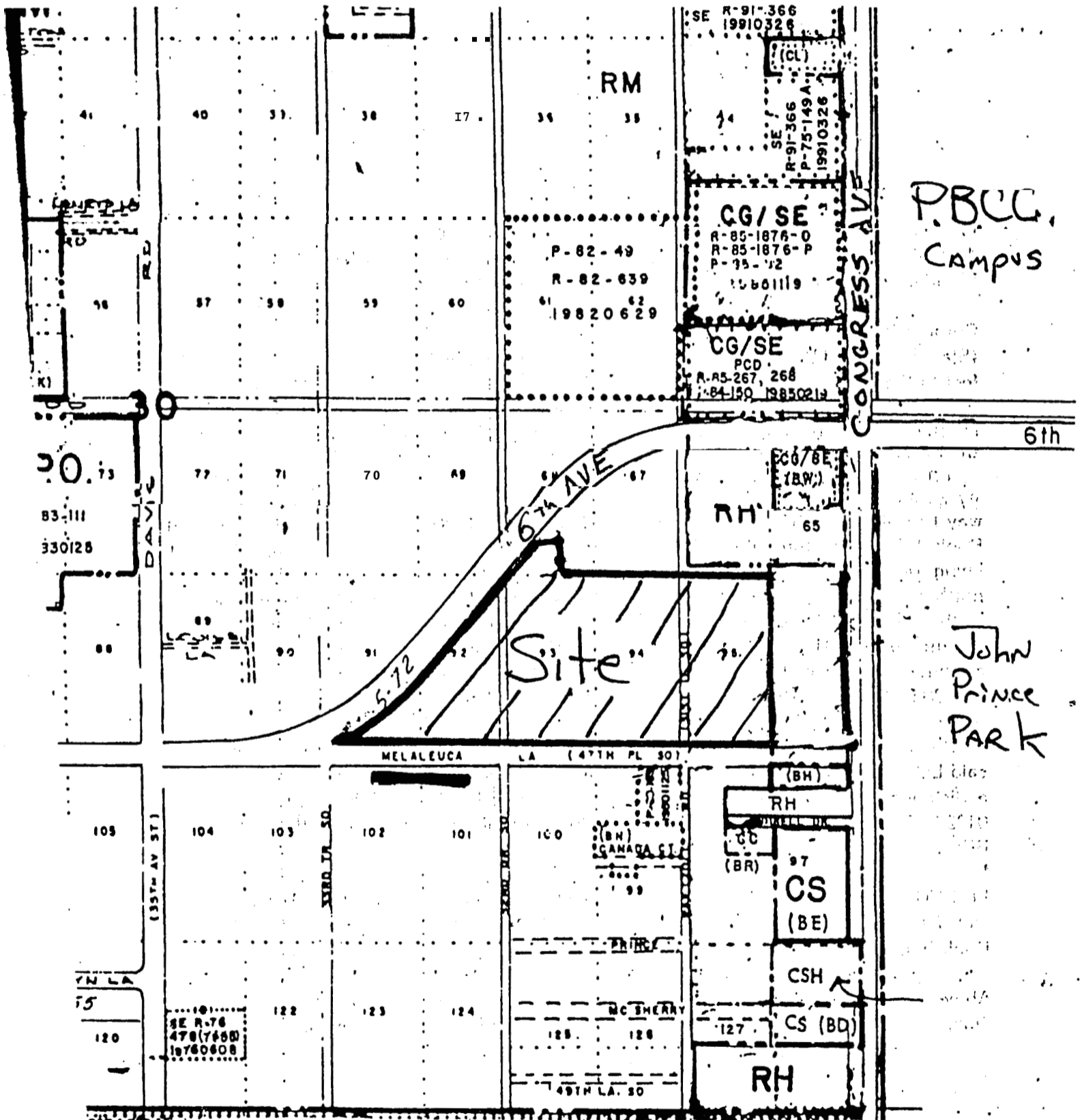
Being a portion of Lot E, Block 68, and portions of Blocks 91 through 96, and portions of the 30 foot platted roadways between Blocks 92 and 93, and Blocks 94 and 95, of THE PALM BEACH FARMS CO. PLAT NO. 7 OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST, as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, Florida, said portion being more particularly described as follows:

Commencing at the southeast corner of said Section 30; thence North  $01^{\circ}24'23''$  East {State Plane Grid Bearing Datum) along the east line of Section 30, a distance of 1360.77 feet to the easterly extension of the south line of said Block 96; thence North  $87^{\circ}42'43''$  West along said extension, 25.00 feet to the southeast corner of Lot "E", Block 96; thence North  $01^{\circ}24'23''$  East along the east line of Lot "E", Block 96, a distance of 40.00 feet to the POINT OF BEGINNING of the parcel described herein, and to a point on a line that is 40.00 feet north of parallel with the south line of Blocks 91 through 96; thence North  $87^{\circ}42'43''$  West along said parallel line, 1955.33 feet to a point on the southeast right-of-way line of the WEST EXTENSION OF 6TH AVENUE SOUTH as recorded in Road Plat Book 4, Pages 61 through 64, Public Records of Palm Beach County, Florida, said point being on a curve through which a radial line bears North  $24^{\circ}25'21''$  West; thence northeasterly along said southeasterly right-of-way line, being an arc of a curve concave to the northwest having a radius of 871.51 feet, a central angle of  $20^{\circ}25'24''$ , a chord distance of 309.01 feet bearing North  $55^{\circ}21'57''$  East, an arc distance of 310.65 feet to a point of tangency; thence North  $45^{\circ}09'15''$  East along said southeast right-of-way line, 803.28 feet to the north line of said Lot "E", Block 68; thence South  $87^{\circ}47'34''$  East along north line of Lot "E", 177.16 feet to this northeast corner of said Lot "E"; thence South  $01^{\circ}25'22''$  West along the east line of said Lot "E", 135.79 feet to the southeast corner of said Lot "E"; thence South  $87^{\circ}46'45''$  East along the north line of Blocks 94, 95 and 96, a distance of 972.77 feet to the northeast corner of Lot "A", Block 96; thence South  $01^{\circ}24'23''$  West along the east line of Block 96, a distance of 640.09 feet to the POINT OF BEGINNING;

LESS THEREFROM Lots A, B, C, D and E, Block 96, THE PALM BEACH FARMS CO. PLAT NO. 7 OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST, as recorded in Plat Book 5, page 72, Public Records of Palm Beach County, Florida.

Above description references a boundary survey prepared by Adair & Brady, Inc., dated July, 1986, work order number 86/134, Drawing No. FP-1530, in 6 sheets.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. GENERAL CONDITIONS

1. To ensure that the proposal will comply with the current ULDC the petitioner shall, prior to October 1, 1994, or the issuance of the Certificate of Occupancy (CO) of the two hundredth (200) dwelling unit, which ever occurs first, amend the Preliminary Development Plan to include a minimum of two unit types or obtain a variance from the Board of Adjustment. In the event the current PBC ULDC is revised to delete the requirement for PUD's to provide a minimum of two unit types the petitioner shall be relieved of this requirement. (ZONING)

#### B. BUILDING AND SITE DESIGN

1. To ensure that shade is provided along the pedestrian circulation system one (1) shade tree with a minimum of height of ten (10) feet shall be planted adjacent to the path thirty (30) feet on center. (ZONING)
2. Prior to the issuance of Building Permits the petitioner shall indicate on the construction plans and documents the following Sound Transfer Coefficients (STC) standards:
  - 1) A minimum of 23 STC rating for all exterior windows;
  - 2) A minimum of 45 STC rating for all exterior walls.

In addition the petitioner shall construct all dwelling units pursuant to these standards. (BUILDING-Department of Airports)

#### C. PLANNING

1. Prior to the Development Review Committee certification of the final site plan, the petitioner shall have executed and recorded a covenant acceptable to the county that guarantees that minimum of twenty (20) percent of the total units of this proposed development shall be reserved for tenants who qualify for affordable housing as provided for in the Palm Beach County Comprehensive Plan and the Section 6.9 of the Unified Land Development Code. (PLANNING/COUNTY ATTORNEY)

#### D. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC., and Palm Beach County ECR-I. Engineering Plans to construct a wastewater collection/transmission system must be submitted to the Palm Beach County Public Health Unit, prior to obtaining a building permit. (HEALTH)

2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ERC-II. Engineering Plans to construct a water distribution system must be submitted to the Palm Beach County Public Health Unit, prior to obtaining a building permit. (HEALTH)

**E. ENGINEERING**

1. The property owner has voluntarily agreed to convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for 6th Avenue South, 55 feet from centerline prior to **June 1, 1994** or prior to the issuance of the first Building Permit, whichever shall first occur. This right of way shall be along the project's entire frontage, free of all encumbrances and encroachments. Property owner 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer (MONITORING/BUILDING - Engineering).
2. The Property owner shall realign and reconstruct the median opening and construct a separate left turn lane, east approach on 6th Avenue South at the projects entrance road. 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 not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING - Engineering).
3. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently at the time of the Building Permit is \$332,640.00 (2,016 trips X \$165.00 per trip) (IMPACT FEE COORDINATOR).
4. The Developer shall install signalization if warranted as determined by the County Engineer at Old Melaleuca Lane and Congress Avenue. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition (ENGINEERING - Building).
5. Prior to Site Plan approval by the Development Review Committee the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney. This Unity of Title may be broken with the approval of the Executive Director of Planning, Zoning and Building (COUNTY ATTORNEY/ENGINEERING).

6. Proposed walls, signs, or berms along 6th Avenue South shall be shown on the proposed site plan. Location of these items shall meet Florida Green Book Standards for minimum sight distance requirements relative to adjacent sidewalk and lane configuration on 6th Avenue South. (ENGINEERING).

F. LANDSCAPE WITHIN MEDIAN

1. Prior to issuance of a Building Permit, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for Each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected from the following list:

Trees:

Laurel Oak  
Live Oak  
Slash Pine  
Sabal Palmetto

Ground cover:

Wedilia  
Bahia Grass

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

- 1) All plants shall be container grown or field collected and transplanted from the project site.
  - 2) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (ENGINEERING)
- B. All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowners' Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. (BUILDING/ENGINEER - Zoning)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (BUILDING/ENGINEERING - County Attorney)

G. SCHOOL BOARD

1. Petitioner, his assigns, heirs, and all future parties in interest, shall include in all sales and notice literature on the within development, a statement that public school students may not be assigned to the nearest school and that all prospective buyers are encouraged to contact the Palm Beach County School Board to determine which school assignment will apply to their children.  
(SCHOOL BOARD)
2. Prior to site plan certification, the petitioner, his assigns, heirs, and all future parties in interest shall demonstrate through written notification from the School Board that they have met with the School Board and discussed the potential of entering into an agreement to help achieve racial balance goals and allow the children who reside in the development to attend the nearest available public schools. (SCHOOL BOARD)