

RESOLUTION NO. R-94-119

RESOLUTION APPROVING ZONING PETITION **PDD93-39**  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
PETITION OF ATLANTIC PARTNERSHIP, LTD

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 **PDD93-39** was presented to the Board of County Commissioners at a public hearing conducted on January 27, 1994; 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 **PDD93-39**, the petition of Atlantic Partnership, Ltd. for an 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 January 27, 1994, subject to the conditions of approval described in EXHIBIT c, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

The motion was seconded by Commissioner Marcus and, upon being put to a vote, the vote was as follows:

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


The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of January, 1994.

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

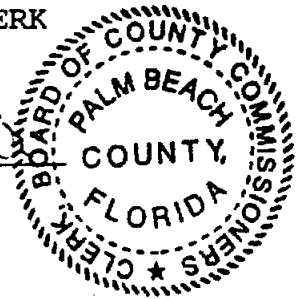


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

A PORTION OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLMWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 14; THENCE NORTH 89°12'59" EAST, ALONG THE SOUTHERLY BOUNDARY OF SAID SOUTHWEST ONE-QUARTER (SE 1/4), A DISTANCE OF 1,689.08 FEET; THENCE NORTH 00°47'01" WEST, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°41'05" WEST, A DISTANCE OF 845.95 FEET; THENCE NORTH 60°41'05" WEST, A DISTANCE OF 180.02 FEET; THENCE NORTH 29°18'55" EAST, A DISTANCE OF 104.00 FEET; THENCE SOUTH 60°41'05" EAST, A DISTANCE OF 119.98 FEET; THENCE NORTH 00°41'05" WEST, A DISTANCE OF 59.96 FEET; THENCE NORTH 89°12'59" EAST, A DISTANCE OF 206.00 FEET; THENCE SOUTH 00°41'05" EAST, A DISTANCE OF 0736.00 FEET; THENCE SOUTH 89°12'59" WEST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 00°41'05" EAST, A DISTANCE OF 290.00 FEET; THENCE SOUTH 89°12'59" WEST, A DISTANCE OF 156.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

EXHIBIT B  
VICINITY SKETCH

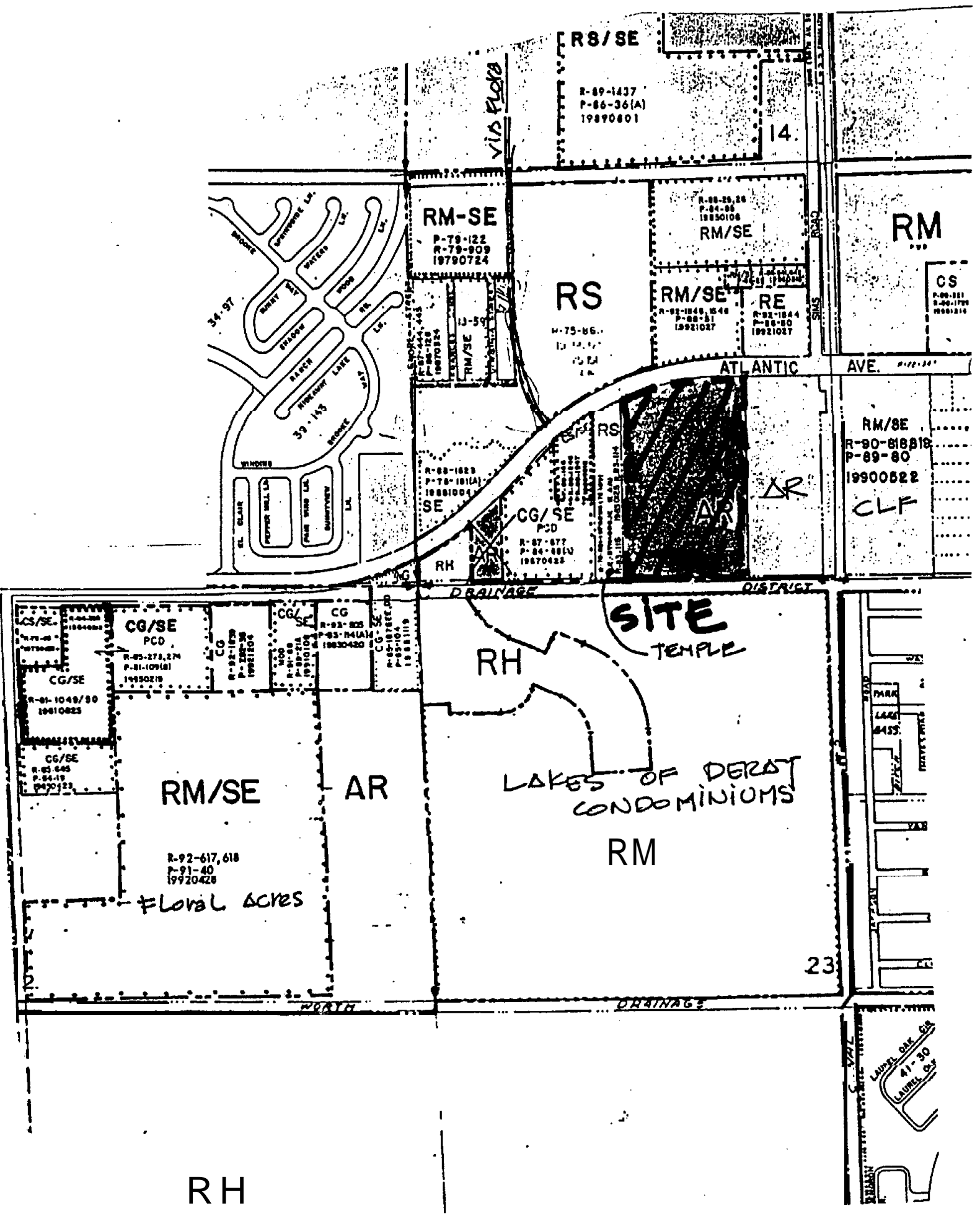


EXHIBIT C

CONDITIONS OF APPROVAL

A. CIVIC SITE

1. To ensure compliance with the requirements of the ULDC and all conditions of approval, prior to certification by the DRC, the petitioner shall pay all applicable fees to PREM in lieu of providing the required Civic site or amend the Preliminary Development Plan to indicate the location of the required civic site pursuant to Section 6.8. of the ULDC. (ZONING)

B. SITE DESIGN

1. Street lights a maximum of twenty (20) feet in height, measured from finish grade to highest point, shall be installed, maintained and operated by the property owner along all platted access tracts, easements or road ways. (ZONING/ENGINEERING)
2. Street trees shall be planted no more than fifty (50) feet on center along both sides of all streets within all access tracts, access easements, road ways or **right-of-ways** that are interior to the PUD subject to approval by the County Engineer. (ENGINEERING)
3. All utilities shall be underground pursuant to Article **6.8.23.d(5)** of the Palm Beach County Unified Land Development Code. (ZONING/ENGINEERING)
4. All residential structures shall not exceed three (3) stories in height. (BUILDING)

C. 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. (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 ECR-II. (HEALTH)

D. 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)

E. ENGINEERING

1. The Property owner shall fund construction of a left turn lane, east approach on West Atlantic Avenue at the project's entrance road. Cost for this left turn lane shall be approved by the County Engineer. The construction shall be concurrent with the widening of West Atlantic Avenue. Funding to Palm Beach County shall be completed prior to receiving Technical Compliance for the first plat. (BUILDING - Engineering).
2. The Developer shall also provide within this project's internal storm water management system an equivalent amount of stormwater runoff for the road drainage of West Atlantic Avenue. The amount of runoff required to be stored **onsite** shall be based upon the applicable County Water Control District, South Florida Water Management District and Palm Beach County Engineering Requirements. (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 **\$228,690.00** (1,386 trips X \$165.00 per trip) (IMPACT FEE COORDINATOR).
4. In order to comply with the mandatory traffic performance standards, no building permits for the site shall be issued until West Atlantic Avenue is under construction from Jog Road to Congress Avenue as a six lane median divided roadway.
5. The Developer shall install signalization if warranted as determined by the County Engineer at West Atlantic Avenue and project entrance. Appropriate surety shall be posted with the Office of the County Engineer concurrent with the final plat. Should signalization not be warranted after 5 years (60 months) of the final Certificate of Occupancy this property owner shall be relieved from this condition. Surety for this signalization shall be posted concurrent with filing of the final plat. (ENGINEERING - Building)

F. LANDSCAPE WITHIN MEDIAN

1. The petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of West Atlantic Avenue concurrent with the required improvements for the first plat. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of appropriate ground cover. Funds equal to a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median shall be used in the installation of upgraded ground cover. 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 for the following list:

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:

- a) All plants **shall** be container grown or field collected and transplanted from the project site.
  - b) 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. (BUILDING/ENGINEERING)
2. All required median landscaping, **including** watering, shall be installed prior to July 1, 1995 and 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's Association. (BUILDING/ENGINEER - Zoning)
  3. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to the filing of the first plat to reflect this obligation. Maintenance shall be in accordance with the issued permits. If West Atlantic Avenue six laning has not been completed prior to the filing of the first plat, then these documents shall be recorded prior to the finaling of the landscape permit. (BUILDING/ENGINEERING - **County** Attorney)

**G. . LANDSCAPING - GENERAL**

1. To insure adequate buffering with adjacent single family residences, 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: 3.5 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. (BUILDING)

**H. LANDSCAPING ALONG ALL PROPERTY LINES**

1. To insure adequate buffering for adjacent property, landscaping along all property lines abutting residential uses shall be upgraded to include:
  - a. One (1) native canopy tree planted every twenty (20) feet on center;
  - b. 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

- c. 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. (ZONING)

I. SIGNS

- 1. To ensure compliance with the regulating plan submitted by the petitioner, entry or project identification sign fronting on West Atlantic Avenue shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
  - b. Maximum sign face area per side - 100 square feet;
  - c. Maximum number of signs - one (1) on West Atlantic Ave.
  - d. Type - monument style only. (BUILDING)

J. VEGETATION PRESERVATION

- 1. The petitioner shall preserve or relocate existing native sabal palms on site and shall incorporate them into the project design. (ZONING)
- 2. Prior to issuance of a Vegetation Removal Permit, the petitioner shall complete the following:
  - a. All sabal palms to be relocated or preserved shall be identified in the field, tagged and numbered.
  - b. The sabal palms shall receive appropriate protection during site development. No clearing shall commence until all protection devices are installed by the petitioner, and inspected and approved by the Zoning Division. (ZONING)
- 3. All prohibited species shall be removed from the property prior to the issuance of the first Certificate of Occupancy (C.O.). (BUILDING)

K. SCHOOL BOARD

- 1. All sales and notice literature and purchase agreements for the within development shall include a statement/notice that 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 master plan certification, petitioner(s) shall demonstrate that they have met with the School Board 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 schools. (ZONING-School Board)