

RESOLUTION NO. R-95- 1480

RESOLUTION APPROVING ZONING PETITION PDD95-64
OFFICIAL ZONING MAP AMENDMENT (REZONING)
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF CORNERSTONE GROUP
BY ANNA S. COTTRELL, AGENT

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 PDD95-64 was presented to the Board of County Commissioners at a public hearing conducted on October 26, 1995; 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) 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) 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 Unified 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 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, that Zoning Petition PDD95-64, the petition of Cornerstone Group, by Anna S. Cottrell, agent, for an Official Zoning Map Amendment from the General Commercial (CG) & Multifamily Residential Medium Density (RM) Zoning Districts to the Residential Planned Unit Development (PUD), 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 26, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 26th day of October, 1995.

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

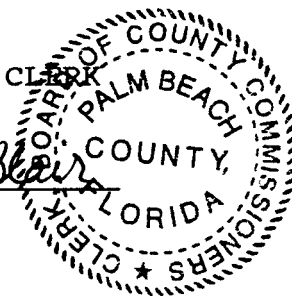


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

Parcel **A**: All of Lot C and the North 19 feet of Lot D, Tract 64, Palm Beach Farms Company Plat No. 7, Section 30, Township **44** South, Range **33** East, according to the Plat thereof, as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, Florida.

Parcel B: Lot E, Block 33, Lot E, Block **34**, Lots A, B, and C, Block 63, Lots A & B, Block 64, Lots **A**, B, C, D and E, Block 61, Lots **A**, B, C, D and E, Block 62, Palm Beach Farms Company Plat No. 7, Section 30, Township 44 South, Range 33 East, according to the Plat thereof, as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, Florida.

Less the following:

A certain parcel of land in Section 30, Township 44 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

The East 10.00 feet of Lot E, Block 33, the East 10.00 feet of Lots **A**, B, C and the East 10.00 feet of the North 19 feet of Lot D, Block **64**, of the Palm Beach Farms Company Plat No 7, according to the Plat thereof, as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

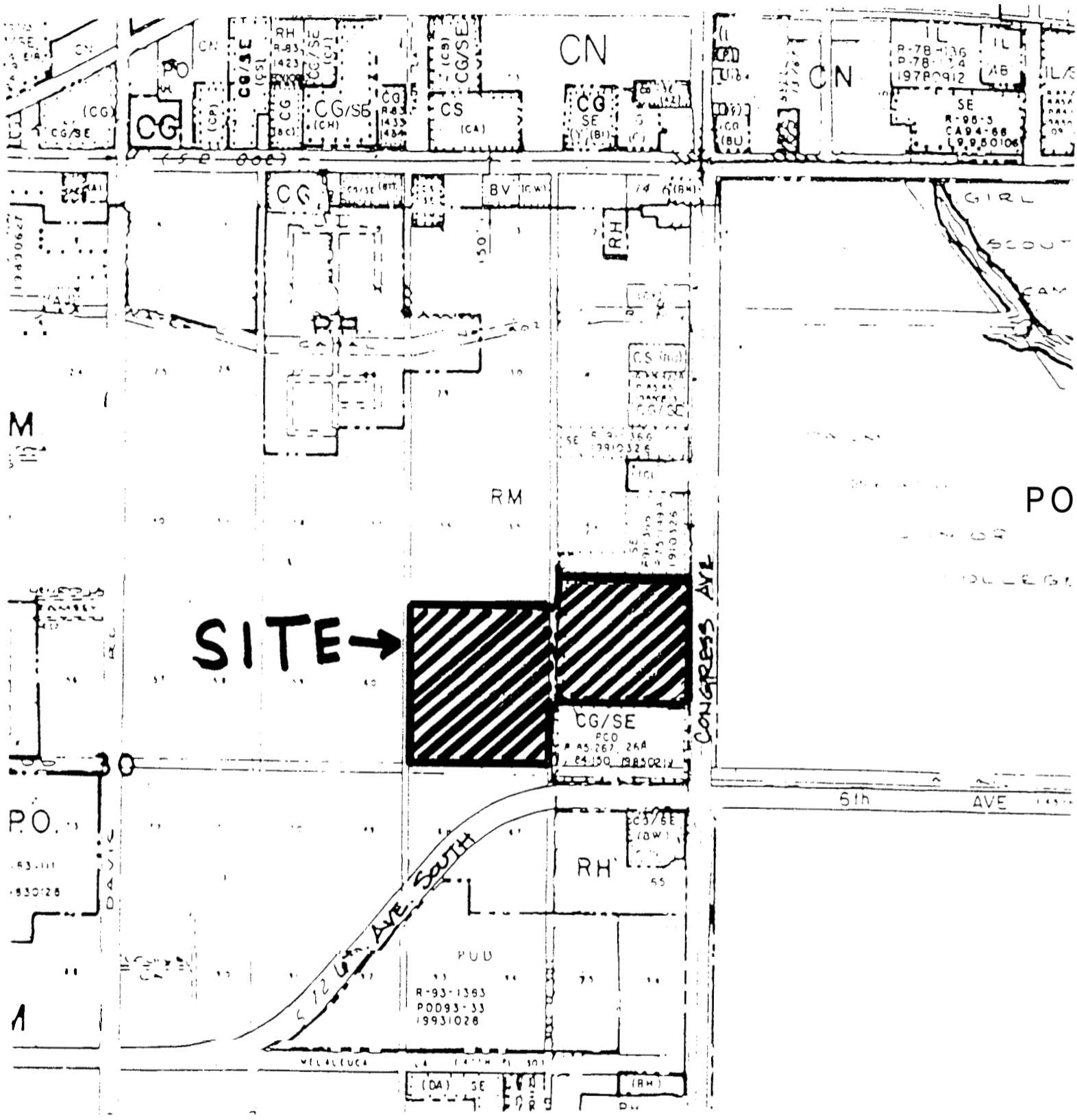


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. Resolution 85-1876P, Zoning Petition 85-92, a special exception for a large scale community shopping center and planned commercial development, is hereby repealed. (ZONING)

B. BUILDING AND SITE DESIGN

1. The petitioner shall provide a continuous interior pedestrian pathway connecting all buildings to Congress Avenue. (BUILDING-Zoning)
2. The petitioner shall provide a card operated gate entry system at the Congress Avenue entrance prior to the issuance of the first Certificate of Occupancy (BUILDING-Zoning).
3. Prior to the issuance of the first residential 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.

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

C. LANDSCAPING

1. Landscaping and buffering along Congress Avenue shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip.
 - b. A minimum three (3) foot high earth berm.
 - c. The berm shall be topped with a minimum four (4) foot high fence.
 - d. On the exterior side of the required fence the petitioner shall install thirty (30) inch high shrub or hedge material spaced twenty four (24) inches on center at installation, to be maintained at a minimum height of forty eight (48) inches.
 - e. One (1) canopy tree planted every twenty (20) feet on center on alternating sides of the required fence. (BUILDING-Zoning)
2. Prior to the issuance of the first Certificate of Occupancy (C.O), a temporary six (6) foot high fence shall be installed between Phase 1 and Phase 2 of the development. The fence shall only be removed after issuance of the first building permit within Phase 2. This requirement shall not apply if the project is developed in one phase. (CODE ENFORCMENT/BUILDING-Zoning)
3. A minimum six (6) foot high fence shall be installed along the north, west and south property lines in addition to the fencing shown on the proposed preliminary development plan dated September 27, 1995. (BUILDING-Zoning)

4. The petitioner shall construct a six (6) foot wall along the southeastern property line adjacent to the existing commercial center. The wall shall prevent pedestrian access to the site by connecting to the existing wall on the north and the required fence on the south. (BUILDING-Zoning)
5. 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. (BUILDING-Zoning)

E. ENGINEERING

1. 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, Zoning Petition 95-64, to be paid at the time of issuance of the Building Permit presently is \$1,155.00 per approved multi-family dwelling unit: (7 trips x \$165.00 per trip). (IMPACT FEE COORDINATOR)
2. LANDSCAPE WITHIN MEDIAN
 - A. Prior to technical compliance by the Land Development Division, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Congress Avenue. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (ENGINEERING - Engineering)
 - B. All required median landscaping including an irrigation system, if required, shall be at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the property owner 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, irrigation, and alternate watering of Xeriscape material during period; of drought in order to maintain healthy plant material. All landscape material shall be installed concurrent with the improvements with the first plat. (ENGINEERING)

- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, **prior** to recordation of the first plat to reflect this obligation. (ENGINEERING - County Attorney)
3. Prior to July 15, 1996 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Congress Avenue, 53 feet from centerline along the project's entire frontage, plus the additional right-of-way for an expanded intersection at Congress Avenue at 6th Avenue South, 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 **"Corner Clips"** where appropriate at intersections as determined by the County Engineer. (MONITORING/BUILDING - Engineering)

F. PLANNED UNIT DEVELOPMENT

1. Street lights shall be provided pursuant to Section **6.8.A.23.d(1)** of the ULDC, subject to approval by the County Engineer. (ENGINEERING)
2. Pedestrian circulation shall be provided pursuant to Section **6.8.A.23.d(4)** of the ULDC, subject to approval by the County Engineer. (ENGINEERING)
3. All utilities shall be underground pursuant to Section **6.8.A.23.d(5)** of the ULDC. (ENGINEERING)

G. RIGHTS-OF-WAY ABANDONMENT

1. Portions of the previously platted thirty (30) foot rights of way and the fifteen (15) foot utility easement located along the north side of the LWDD L-13 Canal shall be abandoned prior to final Development Review Committee approval. (ZONING)

H. UNITY OF CONTROL

1. Prior to October 26, 1996, the petitioner shall record in the public records a unity of control for the entire subject property. The unity shall be in a form acceptable to the County Attorney. (MONITORING-COUNTY ATTORNEY)

I. COMPLIANCE

1. 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; 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.

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)**