

RESOLUTION NO. R-96-811

RESOLUTION APPROVING ZONING PETITION Z96-08
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF DANIEL & RUTH PETRILLO,
EDWARD & PATRICIA BROIDY, AND
BURL & GWYNETH GEORGE
BY MICHAEL B. SCHORAH, AGENT
VINEYARDS

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 public hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended), have been satisfied; and

WHEREAS Zoning Petition Z96-08 was presented to the Board of County Commissioners at a public hearing conducted on May 23, 1996; 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 Standards) of the Palm Beach County Unified Land Development Code; 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 296-08, the petition of Daniel & Ruth Petrillo; Edward & Patricia Broidy; and Burl & Gwyneth George, by Michael B. Schorah, Agent, for an Official Zoning Map Amendment (Rezoning) from the Residential Estate (RE) and Agriculture Residential (AR) Zoning District to the Residential Single Family (RS) 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 23, 1996 subject to the voluntary commitments 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 Newell and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on June 24, 1996.

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

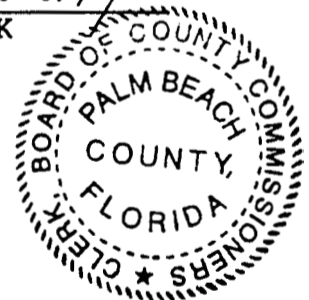


EXHIBIT A
LEGAL DESCRIPTION

THE VINEYARD
LEGAL DESCRIPTION

TRACTS 11, 12 AND 13, BLOCK 81, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC-RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THE NORTH 28.00 FEET THEREOF FOR LAKE WORTH DRAINAGE DISTRICT L-48 CANAL RIGHT OF WAY, AND LESS THE SOUTH 7.00 FEET OF THE NORTH 35.00 FEET OF TRACT 13 FOR LAKE WORTH DRAINAGE DISTRICT CANAL RIGHT-OF-WAY PER O.R.B. 3068, PAGE 1707.

EXHIBIT B
VICINITY SKETCH

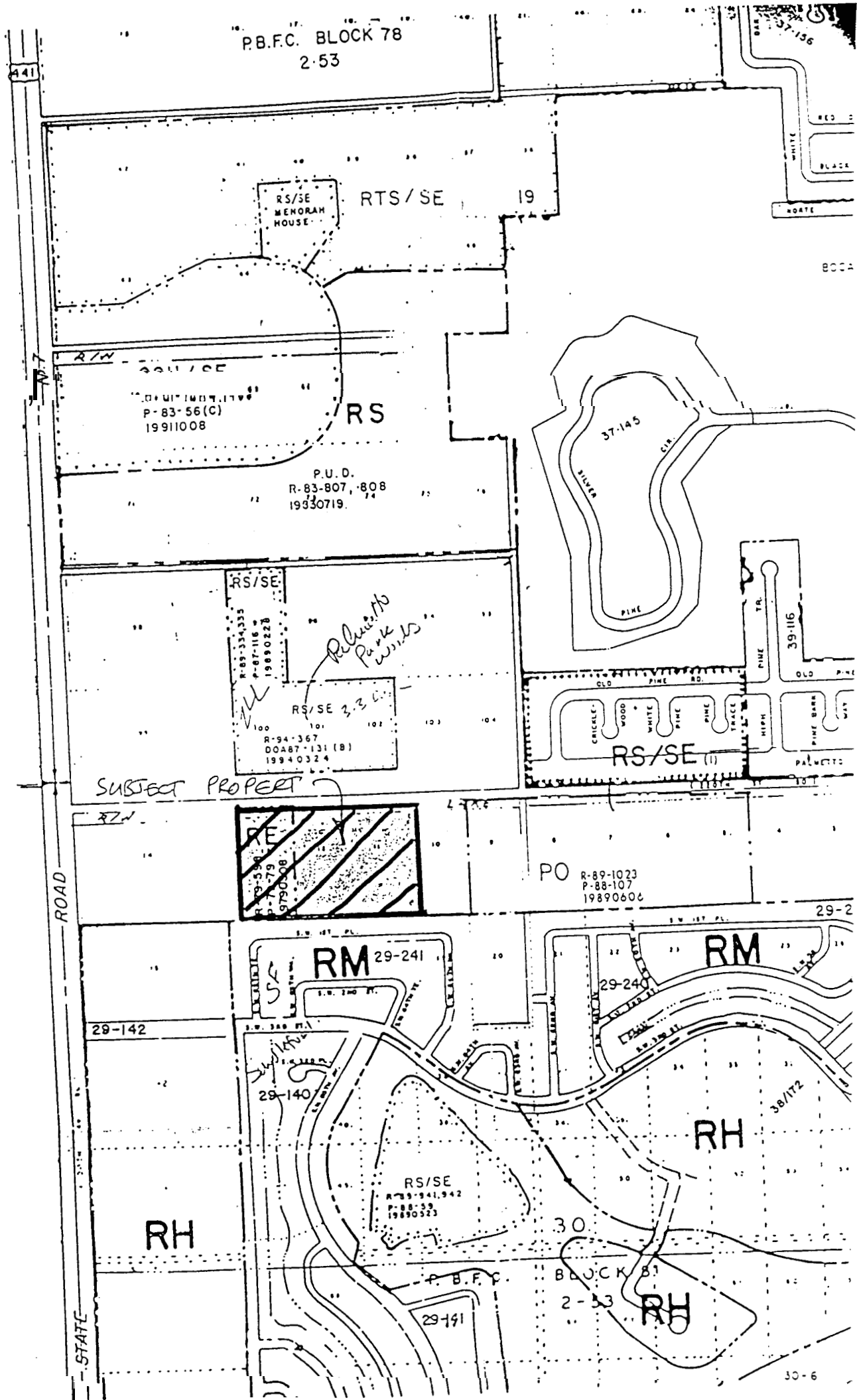


EXHIBIT C

VOLUNTARY COMMITMENTS

A. GENERAL

1. Prior to certification of a final subdivision plan, the petitioner shall record, in the public records of Palm Beach County, a conservation easement over the required preserve area in a manner and form acceptable to the Department of Environmental Resource Management (ERM) and the County Attorney. (DRC: ERM / COUNTY ATTORNEY)
2. All utilities shall be underground pursuant to Section 6.8.A.23.d(5) of the ULDC. (CO: ENG)
3. Street bike lanes shall be provided in or adjacent to all rights-of-way over fifty (50) feet in width, pursuant to Section 6.8.A.23.d(4) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
4. Lots 38, 39, and 40 shall be limited to a maximum of one story. (DRC: BLDG/CO)

B. MASS TRANSIT

1. Prior to final certification of the subdivision plan by the Development Review Committee, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer.

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack. (DRC: ZONING - School Board / Eng / Planning)

2. The property owner shall negotiate, in good faith, a contract for a proportionate share of the cost of operation and maintenance of mass transit generated by this projects identifiable impacts. This condition shall remain in effect until May 23, 1997. (DATE: MONITORING - Eng)

C. LANDSCAPING - GENERAL

1. All trees required to be planted within the perimeter landscape buffers 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. (CO: BLDG)

D. HEALTH

1. Reasonable precautions shall be taken during development to insure that unconfined particulates (dust particles) from the property do not become a nuisance to neighboring properties. (ONGOING: HEALTH/CODE ENF)

E. ENGINEERING

1. Prior to technical compliance for the first plat the property owner shall convey a roadway construction easement to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (TC: ENG)

2. LANDSCAPE WITHIN MEDIAN

Prior to issuance of a building permit, the property owner shall contribute 50% of the landscaping costs required to plant the adjacent median of Palmetto Park Road. Monies shall be deposited with the Land Development Division which shall then make these funds available to Parkview Estates of Boca Raton, zoning petition number 95-104. This funding shall be based upon a certified cost estimate from the Developers Landscape Architect. These landscaping costs 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, and shall be consistent with the landscaping theme adopted for this roadway. All landscape material, and installation costs, shall be subject to the standards set forth by the Streetscape Standards. (BLDG PERMIT: ENG)

3. No building permits for the site may be issued after January 1, 1998 unless a Traffic Impact Analysis is submitted and approved to the Office of the County Engineer which complies with the Mandatory Traffic Performance Standards in place at the time of the request. (BLDG PERMIT: BLDG - Eng)

F. LANDSCAPING ALONG SOUTH, EAST AND WEST PROPERTY LINES

1. The property owner shall install a six (6) foot high opaque wall along the east property line. All required landscape material shall be planted on the exterior side of the wall prior to issuance of the first Certificate of Occupancy. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with the abutting development. (CO: LANDSCAPE - Zoning)
2. A minimum five (5) foot wide landscape buffer shall be installed along the south, east and west property lines and meet the following minimum standards at installation:
 - a. One (1) canopy tree planted every twenty five (25) feet on center. A group of three or more palm trees may supersede the requirement for a canopy tree; and
 - b. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: BLDG - Zoning)

3. The perimeter landscape buffer along the south, east and west property lines shall be platted and maintained by the Homeowners Association/Property Owners Association as a landscape easement. (PLAT: ZONING)

G. LANDSCAPING ALONG NORTH PROPERTY LINE

1. Landscaping and buffering along Palmetto Park Road shall be upgraded to include:
 - a. A minimum seven and one half (7.5) foot wide landscape buffer strip.
 - b. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with the abutting development. (CO: LANDSCAPE - Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. One (1) canopy tree planted every thirty (30) feet on center.
 - b. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location.
 - c. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)

H. SCHOOL BOARD

1. The petitioner shall post in a clear and visible location in all sales offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies. (ONGOING: SCHOOL BOARD)

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)