

RESOLUTION NO. R-99- 526

RESOLUTION APPROVING ZONING PETITION PDD98-070
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF LARRY AND YVONNE CAMPBELL
BY KILDAY & ASSOCIATES
WILLIAM BOOSE, AGENT
(CARLETON OAKS PUD)

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 PDD98-070 was presented to the Board of County Commissioners at a public hearing conducted on March 29, 1999; 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) with approved conditions 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) with approved conditions 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) with approved conditions 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) with approved conditions 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 PDD98-070, the petition of Larry and Yvonne Campbell by Kilday & Associates and William Boose, agent, for an Official Zoning Map Amendment (Z) to a Planned Development District (PDD) to rezone from Light Industrial (IL) to Residential Planned Unit Development (PUD) with a Native Ecosystem Overlay (NE-0) 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 March 29, 1999, 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 McCarty and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on March 29, 1999.

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

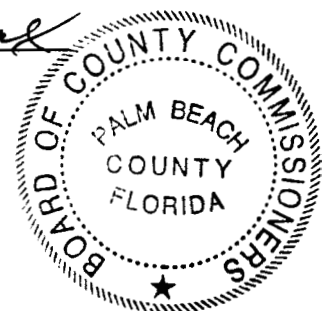


EXHIBIT A
LEGAL DESCRIPTION

THE WEST ONE QUARTER (1/4) OF SECTION 13, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA. LESS THE SOUTH 587.82 FEET OF THE WEST ONE QUARTER (W 1/4) OF SECTION 13, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND LESS THE ROAD RIGHT-OF-WAY FOR LAKE PARK ROAD WEST AS RECORDED IN OFFICIAL RECORD BOOK 1241, PAGE 198 AND OFFICIAL RECORD BOOK 6927, PAGE 370 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 142.02 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON PALM BEACH COUNTY SECTIONAL DATA, THE WEST LINE OF SECTION 13, TOWNSHIP 42 SOUTH, RANGE 41 EAST, BEARING NORTH 01°28'43" EAST.

EXHIBIT B
VICINITY SKETCH

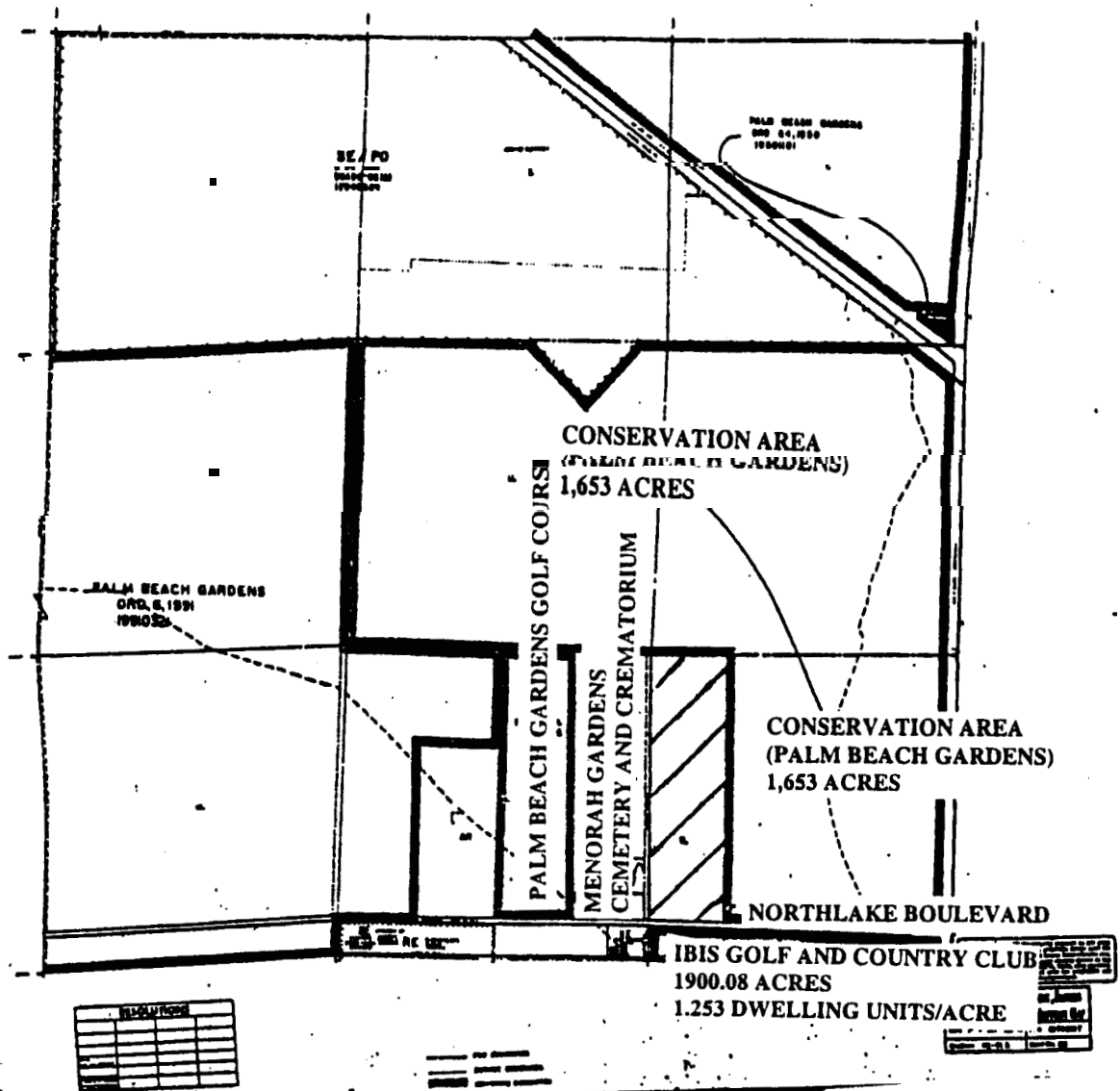


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated January 28, 1999. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A tree survey of existing native specimen sized trees, located in the southern 64 acre development area, shall be completed and submitted to ERM prior to DRC site plan submittal. (DRC: ERM)
2. Future residents of the residential parcels shall be noticed in sales literature of the location of adjacent publically owned preserve property and that the management of which shall include periodic prescribed burns. (DRC: ERM)
3. The conservation easement for the 78.2 acre conservation tract shall be recorded prior to DRC master Plan certification. (DRC: ERM)

C. HEALTH

1. Prior to final site plan approval, the petitioner shall provide the Palm Beach County Health Department a copy of the executed service agreement between the Seacoast Utility Authority and the City of West Palm Beach as to the provision of potable water and sanitary sewer services to the subject property. (DRC: HEALTH)

D. MASS TRANSIT

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)

Masstransit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (Co-Eng)

E. ENGINEERING

1. Prior to the recordation of the first plat the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Northlake Boulevard Road at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. 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. (PLAT:ENGINEERING-Eng)
2. Prior to technical compliance the property owner shall convey a temporary roadway construction easement to Palm Beach County at the Projects Entrance Road(s). This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (T.C. - ENGINEERING)
3. Prior to October 1, 1999 the property owner shall convey a temporary roadway construction easement along Northlake Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE: MONITORING-Eng)
4. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Northlake Boulevard, 90 Feet from centerline or as adjusted by future amendments to the thoroughfare plan on or before **October 1, 1999** or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer 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 as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)
5. The Property owners shall fund, including but not limited to design changes and administrative design costs for the following roadway improvements on Northlake Boulevard at the projects entrance road:
 - a) Right turn lane east approach;
 - b) Left turn lane west approach.

Funding for these turn lanes shall be completed prior to September 1, 2000 based on a cost estimate from the Roadway Production Division of the Office of the County Engineer and approved by the County Engineer. Palm Beach County will then install these turn lanes concurrent with the road widening of Northlake Boulevard adjacent to the site. (DATE: MONITORING - Eng)

6. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a) Building Permits for more than 15 dwelling units shall not be issued until the contract has been let for the construction of Northlake Boulevard as a 4 lane section from Coconut Boulevard to Ibis Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)

7. **LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROAD**

A. Prior to January 1, 2001, the property owner shall apply to the Land Development Division, Permit Section, of the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Northlake Boulevard road rights-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the 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. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. 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. (DATE: MONITORING)

B. All required median landscaping, including an irrigation system if required, shall be installed at the property owner's expense. All existing 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' Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. The maintenance responsibility of any existing trees within the median shall also become the responsibility of this property owner. All landscape material shall be installed prior to January 1, 2002. (DATE: MONITORING/ENG)

C. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to recording the first plat. (DATE: MONITORING/ENG)

F. **LANDSCAPING- STANDARDS**

1. Fifty percent (50%) of all canopy trees required to be planted along the Northlake Boulevard frontage 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; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. A group of three or more pine trees may not supersede the requirement for a canopy tree along the Northlake Boulevard frontage. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG SOUTH PROPERTY LINE (NORTHLAKE BOULEVARD FRONTAGE)

1. Landscaping and buffering along the south property line shall include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. A minimum two to three foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
- c. One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
- d. One (1) pine for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet between clusters; and
- e. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

H. PLANNING

1. Prior to final master plan certification by the Development Review Committee (DRC), in order to comply with Recommendation #4 from page 52 from the Western Northlake Corridor Land Use Study, the applicant shall provide street cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation along Northlake Boulevard subject to approval of the County Engineer. Palm trees shall be excluded from these street cross sections along Northlake Boulevard with the exception of the entrance to the proposed development. (DRC: PLANNING)

I. PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by **April 1, 2000** for a **2.84** acre Public civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O). Developer to Plat and dedicate the Civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.
- a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis. The appraisal to be obtained by the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the P.U.D., as it would apply to the civic site.

- b. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.
 - c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.
 - d. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:
 - 1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.
 - 2) As easement across Developer's property from the proposed civic site to the retention basins, if required.
 - e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
 - f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
 - g. Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING - PREM)
2. The property owner shall provide the County with a certified survey of the proposed civic site by **February 1, 2000**. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
- a) The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
 - b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
 - c) The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING - PREM)

3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by **February 1, 2000**. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

- a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.

- b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
 - 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
 - 3) Hazardous Waste Data Management System List (HWDIMS).
- c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
 - d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.
 - e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - PREM)
4. Prior to **February 1, 2000**, the Petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land of equal acreage, however, this option shall be used only upon County approval. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner or if the petitioner is a contract purchaser the per acre value used for the entire FUD may be used to determine the civic site value. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2). (DATE: MONITORING - PREM)

J. SCHOOL BOARD

- 1. A notice of annual boundary school assignments for students from this development, provided by the School District on an 11" X 17" sign, shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO HOME BUYERS/TENANTS"

"School age children may not be assigned to the public school closest to their residents. School Board policies regarding overcrowding, racial balance or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s)."

The School District will continue to actively pursue a policy of providing adequate school facilities for all children of Palm Beach County. (ONGOING: SCHOOL BOARD)

K. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as a part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. 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; revocation of any concurrency; 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.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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)