

RESOLUTION NO. R-2001- 0433

RESOLUTION APPROVING ZONING PETITION PDD2000-080
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT(PDD)
PETITION OF TUTTLE LAND HOLDING CORP
BY LAND DESIGN SOUTH, AGENT
(SOUTH ROAD 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 PDD2000-080 was presented to the Board of County Commissioners at a public hearing conducted on March 22, 2001; 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 PDD2000-080, the petition of Tuttle Land Holding Corp by Land Design South, agent, for an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Planned Unit Development (PUD) on a parcel of land legally described in EXHIBITA, 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 22, 2001, 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 Masilotti and, upon being put to a vote, the vote was as follows:

Warren H. Newell, Chair	—	Absent
Carol A. Roberts, Vice Chair	—	Aye
Karen T. Marcus	—	Aye
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti	—	Aye
Addie L. Greene		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on March 22, 2001.

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

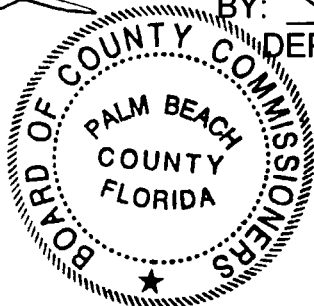


EXHIBIT A
LEGAL DESCRIPTION

Lots 1, 2, 3, 4, 6, 7, & 8 Block 35, Palm Beach County Farms Company Plat No. 3, according to the plat thereof recorded in Plat Book 2, page 45-54, Public Records of Palm Beach County, Florida; less road right of way for State Road 7 per ORB 10051, Page 1356, ORB 10036, Page 1655 and ORB 10559, Page 1373; and less the North 208.72 feet of the East 247.32 feet of Lot 8; and less the North 29.99 feet of Tract 1, the north 29.70 feet of Tracts 2 & 3, the north 29.70 feet and the West 30.18 feet of Tract 4, Block 35.

EXHIBIT B

VICINITY SKETCH

EXHIBIT B

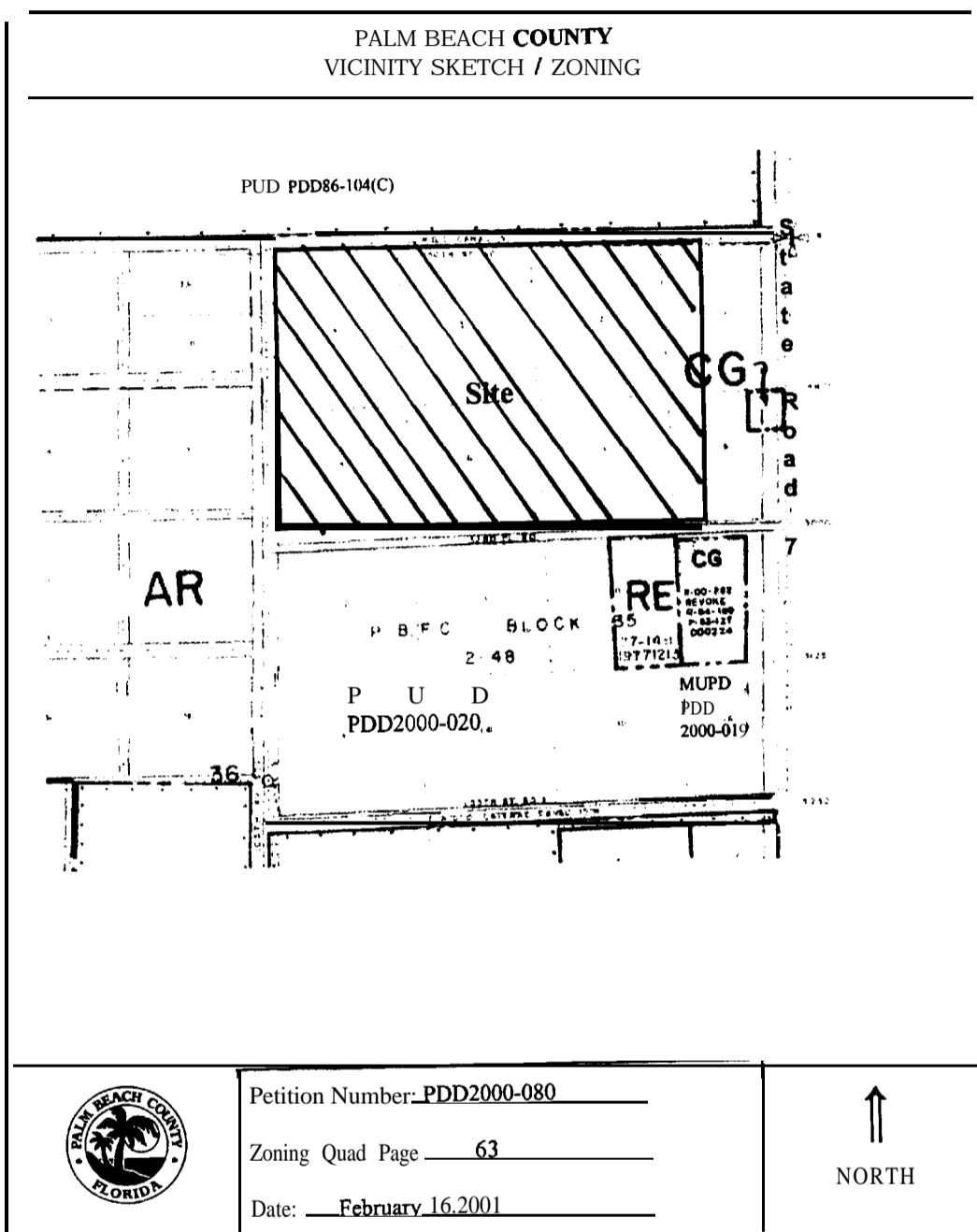


EXHIBIT C

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 Preliminary Development Plan, Regulating Plan and Focal Point Plan are dated December 11, 2000. 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. LANDSCAPING - STANDARD

1. Fifty (50%) percent of all perimeter canopy trees required to be planted on the 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; and,
 - d. credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. palm heights: twelve (12) feet clear trunk;
 - b. clusters: staggered heights twelve (12) to eighteen (18) feet; and
 - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

C. LANDSCAPING ALONG THE NORTH AND THE WEST PROPERTY LINES ABUTTING THE S-7 CANAL

1. Landscaping and buffering along the north and west perimeter property lines abutting the S-7 Canal shall be upgraded to include:
 - a. An overall twenty (20) foot wide landscape buffer strip. Ten (10) feet of which, can be a landscape easement located along the rear of the residential lots to accommodate the backslope of the berm;
 - b. **A two** (2) to three (3) foot high undulating berm with an average height of two and one half feet measured from the top of the curb;
 - c. One (1) canopy tree planted every thirty (30) linear feet on center;
 - d. One (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms or pines may not supersede the requirement for canopy tree in that location;
 - e. Twenty-four (24) inch high shrub or hedge material, spaced no more than twenty-four (24) inches on center at installation. Fifty (50%) percent of the shrub or hedge material shall be located on the plateau of the **berm** and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

D. LANDSCAPING ALONG THE SOUTH PROPERTY LINE ABUTTING 52ND PLACE SOUTH

1. Landscaping and buffering along the south property line abutting 52nd Place South shall be upgraded to include:
 - a. An overall twenty (20) foot wide landscape buffer strip. Five (5) feet of which, can be a landscape easement located along the rear of the residential lots to accommodate the backslope of the berm. The buffer may overlap the ten (10) foot utility easement by a maximum of five (5) feet;
 - b. **A two (2) to three (3) foot high undulating berm with an average height of two and one half feet measured from the top of the curb;**
 - c. One (1) canopy tree planted every thirty (30) linear feet on center;
 - d. One (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms or pines may not supersede the requirement for canopy tree in that location;
 - e. Twenty-four (24) inch high shrub or hedge material, spaced no more than twenty-four (24) inches on center at installation. Fifty (50%) percent of the shrub or hedge material shall be located on the plateau of the berm and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

E. ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for:
 - a) 52nd Place South, 40 feet from centerline
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. (BLDG PERMIT: MONITORING-Eng)
2. The Property owner shall construct:
 - I) Left turn lane west approach on 50th Street at S.R. 7;
 - II) Left turn lane east approach on 50th Street at the project entrance road.
 - A) 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 are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

3. 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 54 dwelling units shall not be issued until the contract has been let for the widening of Lantana Road from Lyons Road to S.R. 7 as a 4 lane section plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
4. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at 50th Street and S.R. 7. Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING: MONITORING-Eng)

F. LANDSCAPING ALONG THE EAST PROPERTY LINE AND SOUTHWEST OUTPARCEL PROPERTY LINES

1. Landscaping and buffering along the east and southwest perimeter property lines shall be upgraded to include:
 - a. An overall twenty (20) foot wide landscape buffer strip.
 - b. A two (2) to three (3) foot high undulating berm with an average height of two and one half feet measured from the top of the curb;
 - c. One (1) canopy tree planted every thirty (30) linear feet on center;
 - d. One (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet on center between clusters. **A group** of three (3) palms or pines may not supersede the requirement for canopy tree in that location;
 - e. Twenty-four (24) inch high shrub or hedge material, spaced no more than twenty-four (24) inches on center at installation. Fifty (50%) percent of the shrub or hedge material shall be located on the plateau of the berm and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

G. PLANNED UNIT DEVELOPMENT

1. Decorative street lights shall be provided pursuant to Section 6.8.A of the ULDC, subject to approval by the County or City Engineer. (CO: BLDG - Eng)
2. Street trees shall be planted within or adjacent to internal streets fifty (50) feet in width or greater, pursuant to Section 6.8.A. **16.c(3)** of the ULDC and subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
3. All utilities shall be underground, pursuant to Section 6.8.A. **16.c(5)** of the ULDC. (PLAT: ENG - Zoning)
4. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: Formation of a **single "master"** property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended if additional units are added to the PUD. (PLAT: ENG - Co Att)

5. No flexible regulations, administrative deviations, or setback reductions shall be permitted except for rear setback reduction if adjacent to open space and in accordance with the ULDC. (DRC: ZONING)
6. Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) of the ULDC shall be located on a minimum of 0.1 acre and shall be located as shown on the Conceptual Site Plan dated July 14, 2000. Such recreation uses shall have a direct connection to the pedestrian system within the project and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRC/PLAT: ZONING)

H. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the notation at the eastern property line where the cul-de-sac is shown which reads "50' access easement if out parcel is residential" shall be amended to read "proposed vehicular and pedestrian cross access to be paved to the eastern property line for future access to adjacent 9.32 acre residual parcel". (DRC: PLANNING)
2. Prior to the issuance of the certificate of occupancy, the petitioner shall pave the property to the edge of the eastern property line at the location shown on the site plan which reads "proposed vehicular and pedestrian cross access...". (CO/BLDG PERMIT: MONITORING-BUILDING)

I. SCHOOL BOARD

1. The property Owner shall post a notice of annual boundary school assignments for students from this development. The District will provide an 11" X 17" sign to 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 residence. School Board policies regarding overcrowding, 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). (ONGOING: SCHOOL BOARD)

2. Prior to the issuance of the first certificate of occupancy, the petitioner shall provide a bus shelter and turnaround to accommodate a school bus at a minimum 55' radius. The bus turnaround and shelter shall be located before the entry gate. (CO/BLDG PERMIT: MONITORING- SCHOOL BOARD)

J. 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 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)