

RESOLUTION NO. R-2002- 0837

RESOLUTION APPROVING ZONING PETITION PDD2002-001  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF ENGLE HOMES/PALM BEACH, INC.  
BY KIERAN J. KILDAY  
(GRAND HAVEN 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 PDD2002-001 was presented to the Board of County Commissioners at a public hearing conducted on May 23, 2002; 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 PDD2002-001, the petition of Engle Homes/Palm Beach, Inc. by Kieran J. Kilday, agent, for an Official Zoning Map Amendment to a Planned Development District for a rezoning from Agricultural Residential to Residential Planned Unit Development 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, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti 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:

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
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 May 23, 2002.

Filed with the Clerk of the Board of County Commissioners on 10 day of June, 2002.

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

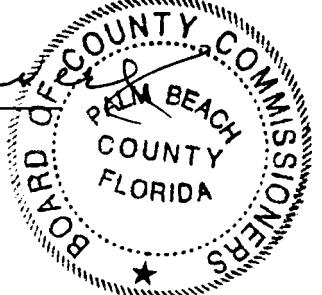


EXHIBIT A

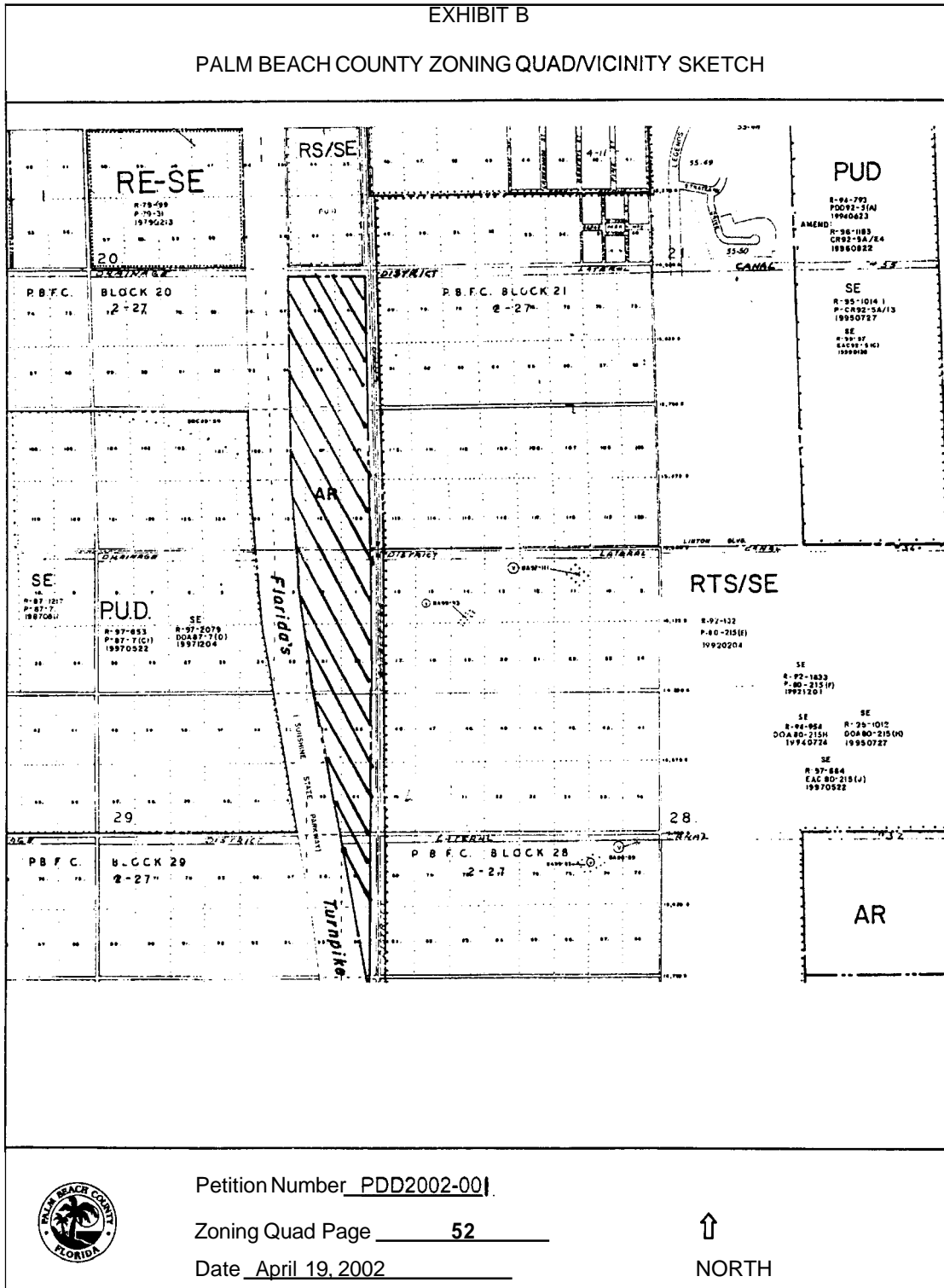
LEGAL DESCRIPTION

A PIECE OR PARCEL OF LAND SITUATED LYING AND BEING IN SECTIONS 20 AND 29, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; SAID PROPERTY ALSO BEING TRACTS 65, 66, 95, 96, 97, 98, 127, AND 128, AND ALSO A PART OF TRACTS 67, 94, 99, AND 126, SECTION 20; AND TRACTS 1, 2, 32, 33 AND 64, AND PARTS OF TRACTS 3, 31, 34, 63, 65, AND 96, SECTION 29 AND A PORTION OF 30 FOOT ROAD RIGHTS-OF-WAY, OF A PLAT OF SUBDIVISION ENTITLED "THE PALM BEACH FARMS CO PLAT NO. 1," AS RECORDED AMONG THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, AT PAGE 27, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A CONCRETE MONUMENT FOUND, SAID MONUMENT LYING AT THE NORTHERLY MOST CORNER OF LINTON BOULEVARD, TRACT L, AS DELINEATED ON A PLAT OF SUBDIVISION ENTITLED "ADDISON RESERVE PLAT THREE", RECORDED AMONG THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 78, AT PAGE 8, AND RUNNING THENCE WITH THE WESTERLY LINE OF SAID TRACT L SOUTH 01E52'06" EAST, A DISTANCE OF 118.47 FEET TO A POINT; THENCE SOUTH 88E39'05" WEST, 55.03 FEET TO THE NORTHEAST CORNER OF SECTION 29, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE RUNNING WITH THE EASTERLY LINE OF SAID SECTION 29, SOUTH 00E53'08" EAST, A DISTANCE OF 40.92 FEET TO A POINT; THENCE SOUTH 89E24'52" WEST A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00E53'08" EAST, A DISTANCE OF 633.92 FEET TO A POINT ON THE NORTH LINE OF TRACT 32, SECTION 29, OF THE AFORMENTIONED PALM BEACH FARMS CO PLAT NO. 1; THENCE SOUTH 89E24'52" WEST, A DISTANCE OF 35.00 FEET TO A POINT; THENCE SOUTH 00E53'08" EAST, A DISTANCE OF 659.84 FEET TO A POINT; THENCE NORTH 89E24'52" EAST, A DISTANCE OF 35.00 FEET TO A POINT; THENCE SOUTH 00E53'08" EAST, A DISTANCE OF 30.00 FEET TO A POINT; THENCE SOUTH 89E24'52" WEST A DISTANCE OF 35.00 FEET TO A POINT; THENCE SOUTH 00E53'08" EAST A DISTANCE OF 659.84 FEET TO A POINT; THENCE SOUTH 89E24'52" WEST , A DISTANCE OF 10.00 FEET TO A POINT; THENCE SOUTH 00E53'08" EAST, A DISTANCE OF 674.84 FEET TO A POINT; THENCE SOUTH 89E24'52" WEST, A DISTANCE OF 10.00 FEET TO A POINT; THENCE SOUTH 00E53'07" EAST, A DISTANCE OF 1,225.46 FEET TO A POINT; THENCE NORTH 11E26'12" WEST, A DISTANCE OF 2,853.92 FEET TO A POINT; THENCE ALONG THE ARC OF A CURVE CONCAVE EASTERLY, HAVING A CHORD BEARING OF NORTH 06E25'00" WEST, 1,970.45 FEET, THENCE NORTHERLY ALONG SAID CURVE, HAVING A RADIUS OF 11,259.16 FEET, THROUGH A CENTRAL ANGLE OF 10E02'24", AN ARC DISTANCE OF 1,972.97 FEET TO A POINT; THENCE NORTH 01E23'48" WEST, A DISTANCE OF 1,780.08 FEET TO A POINT; THENCE NORTH 89E24'03" EAST, A DISTANCE OF 738.48 FEET TO A POINT; THENCE SOUTH 01E52'06" EAST, A DISTANCE OF 2,619.32 FEET, TO A POINT; THENCE SOUTH 00E53'08" EAST, A DISTANCE OF 40.71 FEET TO THE POINT OF BEGINNING;

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND CONTAINING 3,439,257 SQUARE FEET (78.9545 ACRES) MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

- I. 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 February 19, 2002. 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 – Zoning)

#### B. ACCESS

1. Vehicular access to the site shall be limited to Linton Boulevard. (DRC: PLANNING - Planning)

#### C. LANDSCAPING STANDARD

1. Fifty-percent of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
  - a. Tree height: Fourteen (14) feet;
  - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
  - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and
  - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted on site by this approval, except on individual residential lots, 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)
3. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning)
4. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE – Zoning)
5. All shrub or hedge material shall be planted in continuous masses and in a meandering and naturalistic pattern consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchal effect:
  - i. eighteen (18) to twenty-four (24) inches – small shrub;
  - ii. twenty-four (24) to thirty-six (36) inches – medium shrub; and
  - iii. forty-eight (48) to seventy-two (72) inches – large shrub.

#### D. LANDSCAPING ALONG WEST PROPERTY LINE (FLORIDA'S TURNPIKE FRONTAGE)

1. Landscaping along the west property line shall be upgraded to include:

- a. A minimum twenty (20) to twenty-five (25) foot wide buffer strip as shown on the site plan referenced in Condition A.1. No easement encroachment or width reduction shall be permitted with exception to the southernmost eight-hundred (800) feet of the property line;
  - b. A continuous two (2) foot berm measured from finished grade to top of berm. Field adjustment for location of berm may be permitted for preservation of existing vegetation;
  - c. A minimum six (6) foot high opaque screen panel wall. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the overall development;
  - d. One (1) native canopy tree for each twenty (20) linear feet of property line, to be planted in a staggered manner on both sides of the wall;
  - e. One (1) flowering tree for each fifty (50) linear feet of property line; and
  - f. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, to be planted in a staggered manner on both sides of the wall. (CO: LANDSCAPE – Zoning)
2. The following landscaping shall be required along both sides of the required wall:
- a. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
  - b. One (1) medium shrub for each six (6) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
  - c. One (1) large shrub for each eight (8) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)

#### E. ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:  
  
Building Permits for more than 135 Single Family dwelling units shall not be issued until the contract has been awarded for the construction of the six-lane widening of Linton Blvd from Congress Avenue to Military Trail plus the appropriate paved tapers. (BLDG PERMIT: MONITORING – Eng)
2. Prior to DRC certification of the Preliminary Development Plan, the property owner shall submit to the Palm Beach County Engineering Department and Zoning Division a detailed noise analysis acceptable to the Florida Department of Transportation. This noise study shall be in accordance with Florida State Statutes Chapter 335 as outlined in the FDOT Project Development and Environmental Manual, Chapter 17. Any required mitigation as a result of the anticipated noise such as a sound wall and landscape buffer, shall be shown on the Preliminary Development Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRC APPROVAL: ZONING/ENG – Eng)
3. Construction of any required sound walls and landscape buffers as outlined in the Noise Analysis, shall be completed prior to the issuance of the first certificate of occupancy. Phasing of the required sound walls and landscape buffers if approved by the DRC shall be clearly labeled on the Final Subdivision Plan. Construction may then be phased in accordance with the approved plan. (CO: MONITORING – Eng)
4. The petitioner shall notify future home buyers by providing that all homeowners documents, sales contracts, as well as all sales brochures, Master Plans and related Site Plans contain a disclosure statement identifying that this site is adjacent to the Florida Turnpike and the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to the Florida Turnpike. Also, there shall be a statement

included in the sales contracts and homeowner documents what noise level's residents may expect after any noise mitigation improvements are completed by the Developer. If the State of Florida guidelines does not require any noise mitigation improvements, all sales contracts and homeowner documents shall include a statement of the noise levels residents may expect, that noise mitigation was not required under the State of Florida Guidelines at the time of the approval of the Development, and that any noise mitigation measures requested in the future will not be funded by Palm Beach County or the Florida Department of Transportation.

The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before January 15, 2003 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowner's association. (DATE: MONITORING – Eng)

5. Density for this site as shown on the Preliminary Development Plan is for illustrative purposes only and represents an acceptable density in accordance with the ULDC. The Developer acknowledges that if there is an increase to the proposed Landscape Buffer adjacent or in close proximity to the Florida Turnpike a reduction in the number of dwelling units may be required. If such a reduction is required, the Preliminary Development Plan shall be adjusted by the Property Owner prior to final approval of the Preliminary Development Plan subject to the approval of the County Engineer and Zoning Division. (DRC APPROVAL: ZONING/ENG – Eng)
6. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Linton Boulevard and the entrance to Glen Eagles and Addison Country Club. 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 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

Building Permits for more than 164 dwelling units shall not be issued until the developer provides acceptable surety to the County Engineer for the installation of this signal. If the concurrency for this project is revised to reflect fewer units for this site then the required surety for this signalization shall also be revised to reflect the new total dwelling units. (BLDG PERMIT: MONITORING – Eng).

F. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping along the north and east property lines shall be upgraded to include:
  - a. A minimum twenty-five (25) foot wide buffer strip. No easement encroachment or width reduction shall be permitted;
  - b. A six (6) foot high black vinyl coated chain link fence;
  - c. One (1) native canopy tree for each twenty (20) linear feet of property line, to be planted in a staggered manner on both sides of the fence;
  - d. One (1) flowering tree for each fifty (50) linear feet of property line, to be planted in a staggered manner on both sides of the fence; and
  - e. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, to be planted in a staggered manner on both sides of the fence. (CO: LANDSCAPE – Zoning)
2. The following landscaping shall be required along both sides of the required fence:

- a. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- b. One (1) medium shrub for each six (6) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
- c. One (1) large shrub for each eight (8) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)

G. 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 – Zoning)
2. Mass transit 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 a building permit for more than 25% (41 units) of the units. 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. (BLDG PERMIT: MONITORING – Eng)

H. PLANNED UNIT DEVELOPMENT

1. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
2. Street trees shall be planted within or adjacent to streets of 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. Landscaping in corner cul-de-sac focal points and all cul-de-sacs shall be xeriscaped to include the following:
  - a. One (1) native canopy tree or cluster of three (3) palms or pines;
  - b. One (1) twenty-four (24) inch shrub for each ten (10) linear feet of circumference, to be maintained at under thirty (30) inches measured from the pavement surface;
  - c. Appropriate ground cover; and
  - d. The landscaping shall be consistent with County streetscape requirements, and subject to approval by the County Engineer. (CO: LANDSCAPE/ENG – Zoning)
5. The two (2) focal points indicated at the Linton Boulevard entrance shall be upgraded with a specimen tree or a plaza, fountain, arcade or other similar pedestrian oriented public area acceptable to the Zoning Division. (DRC: ZONING/LANDSCAPE – Zoning)
6. 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 PUD. This Declaration shall be amended when additional units are added. (PLAT: ENG – Co Att)

I. PLANNING

1. A portion of the site (64.19 acre, LR-3 designated portion) shall be limited to a maximum of 2.15 units per acre. No more than 170 homes shall be built on the entire 78.95 acre property. (DRC/ONGOING: PLANNING – Planning)
2. Only single-family (detached) units shall be allowed on the property. (DRC/ONGOING: PLANNING/ZONING – Planning)
3. The building height of homes in this development shall be limited to 35 feet maximum from the finished floor elevation. (DRC/BLDG PRMT: PLANNING/BLDG – Planning)

J. SCHOOL BOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" 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 residences. 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)

K. SIGNS

1. Signage shall be limited as follows:
  - a. Maximum sign height: six (6) feet, measured from finished grade to highest point;
  - b. Maximum sign face area: sixty (60) square feet;
  - c. Maximum number of signs: one pair;
  - d. Location: both sides of Linton Boulevard entrance; and
  - e. Style: wall sign only. (CO: BLDG – Zoning)

L. 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 Code Enforcement Special Master 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. (ONGOING: MONITORING – Zoning)