

RESOLUTION NO. R-2002-1253

RESOLUTION APPROVING ZONING PETITION Z2002-010  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
PETITION OF HERBERT KAHLERT & HEINZ KAHLERT  
BY CANDY ANDERSON, AGENT  
(MADISON ESTATES)

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 22002-010 was presented to the Board of County Commissioners at a public hearing conducted on July 25, 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, as amended; 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 Z2002-010, the petition of Herbert Kahlert & Heinz Kahlert by Candy Anderson, agent, for an Official Zoning Map Amendment rezoning from Agricultural Residential to Residential Transitional Suburban Zoning District with a CONDITIONAL OVERLAY ZONE 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 July 25, 2002, subject to the conditions of the CONDITIONAL OVERLAY ZONE (COZ) 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 Greene 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	-	Absent
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on July 25, 2002.

Filed with the Clerk of the Board of County Commissioners on 21 day of August, 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

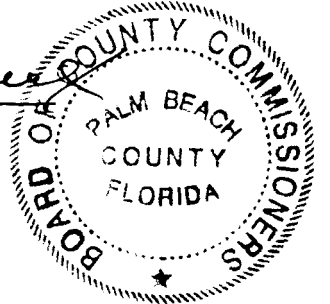
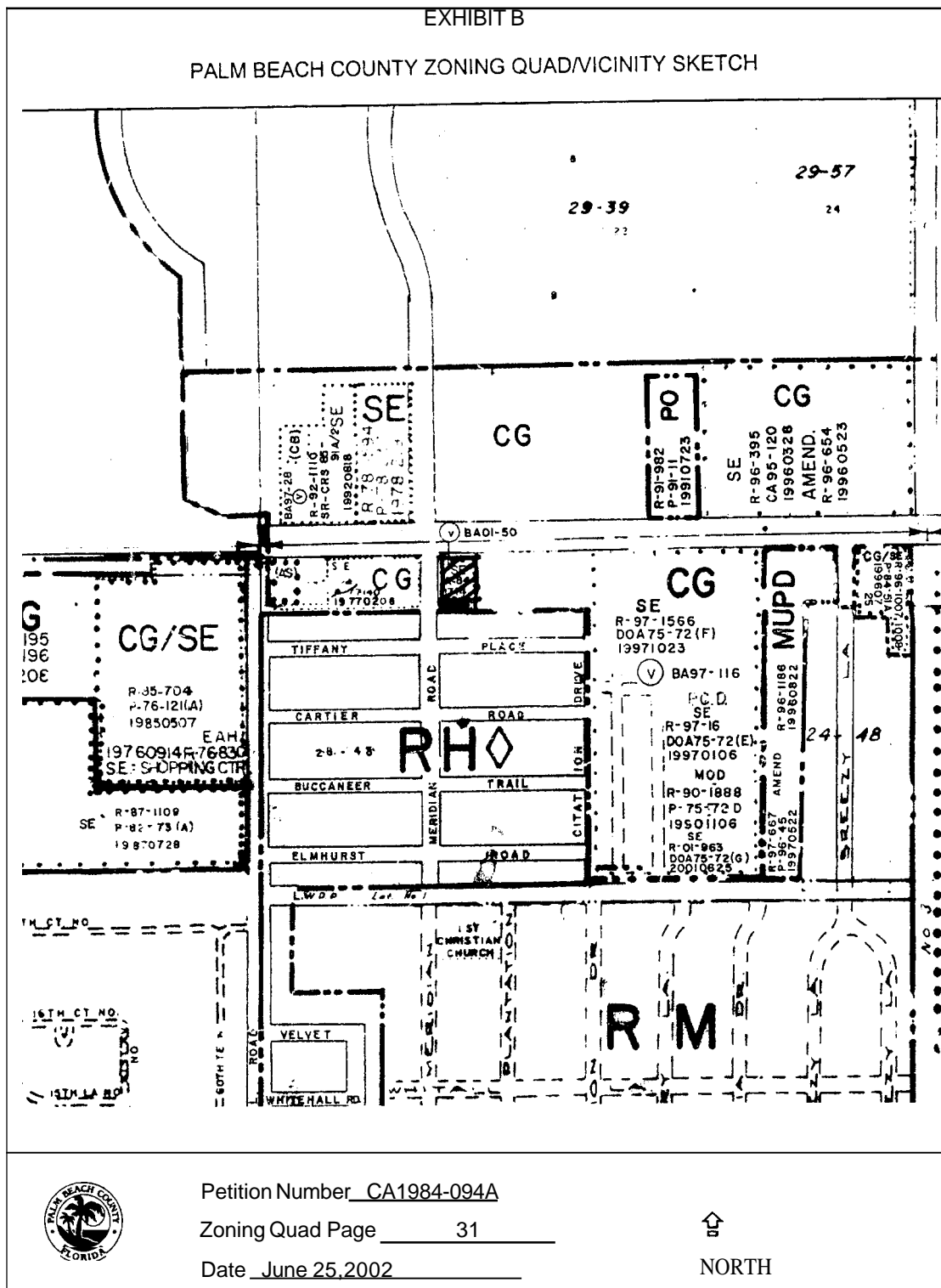


EXHIBIT A  
LEGAL DESCRIPTION

THE WEST 10 FEET OF THE NORTH 375 FEET OF TRACT 51, AND THE WEST 92 FEET OF THE SOUTH 284 FEET OF TRACT 51, AND ALL OF TRACT 52, AND THE WEST 440 FEET OF TRACT 61, ALL LYING IN BLOCK 56, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT **BOOK** 2, PAGES 45 TO 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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 April 12, 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)

#### B. LANDSCAPING - STANDARD

1. Fifty-percent (50%) 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 shrub or hedge materials 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 continually achieve the following heights and hierarchical effect:
  - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
  - b. twenty-four (24) to thirty-six (36) inches – medium shrub; and
  - c. forty-eight (48) to seventy-two (72) inches – large shrub, unless specified herein. (CO: LANDSCAPE - Zoning)
4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)

C. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF WOOLBRIGHT ROAD)

1. Landscaping and buffering along the south property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip, width reduction may be permitted subject to ULDC requirements;
  - b. one (1) mature canopy tree to be planted every twenty (20) feet on center; or to comply with the Boynton Beach Turnpike Interchange Corridor Design Guidelines for tree planting;
  - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters.
  - d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
  - e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty four (24) inches at installation. (CO: LANDSCAPE-Zoning)

D. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING SHOPPES OF MADISON)

1. Landscaping and buffering along the east property line shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip; and
  - b. one (1) canopy tree to be planted every twenty (20) feet on center;
  - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - d. one (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
  - e. one (1) large shrub for each four (2) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, to be maintained at a minimum height of seventy-two (72) inches at maturity. (CO: LANDSCAPE-Zoning)

E. ENGINEERING

1. Prior to July 1, 2003 or prior to the issuance of a 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 120 feet of right of way for Woolbright Road on an alignment approved by the County Engineer. The 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. (DATE/BLDG PERMIT: MONITORING-Eng)
2. Prior to DRC approval of the Final Subdivision Plan of the residential tract, the right-of-way for Woolbright Road from the project's west property line to Jog Road shall be conveyed to Palm Beach County. (DRC: ENGINEERING)
3. The Developer shall be restricted to the following phasing schedule:
  - a. No Certificates of Occupancy shall be issued until the construction has been completed for Woolbright Road as a two 2-lane section from Jog Road to the projects entrance road. (CO: MONITORING-Eng)
4. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. No Building Permits shall be issued until the contract is awarded for the 4 lane widening of Woolbright Road from Jog Road to Military Trail plus the appropriate paved tapers.
  - b. No building permits shall be issued until the contract is awarded for the 4 lane widening of Boynton Beach Boulevard from Lyons Road to the Florida Turnpike plus the appropriate paved tapers.
  - c. No Building Permits shall be issued until the contract is awarded for the 6 lane widening of Jog Road from Lake Ida Road to West Atlantic Avenue plus the appropriate paved tapers.
5. The replat of the residential tract shall not be recorded and no building permits shall be issued until the permit for construction of Woolbright Road from the project's entrance to Jog Road is issued and surety is posted to guarantee construction of the road. (BLDG PERMIT: MONITORING - Eng)

F. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING VACANT AGRICULTURAL LAND)

1. Landscaping and buffering along the west property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip;
  - b. a continuous two and one-half (2.5) foot high berm measured from top of curb;
  - c. one (1) native canopy tree for each twenty (20) feet of the property line;
  - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
  - e. one (1) small shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
  - f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty four (24) inches at installation.
  - g. one (1) large shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation, to be maintained at a minimum height of seventy-two (72) inches at maturity. (CO: LANDSCAPE-Zoning)

G. PLANNING

1. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall include cross section details of a landscaped pathway/sidewalk along the Lake Worth Drainage District L-26 Canal that borders Woolbright Road in order to provide shade/canopy for the pedestrian walkway. (DRC: LANDSCAPE-Planning)
2. Prior to final site plan certification by the Development Review Committee (DRC), the Planning Division shall ensure that this site plan conforms with the plan presented to the BCC including those recommendations of the West Boynton Area Community Plan incorporated onto the master plan dated April 12, 2002 (Rec.# 35 and 47). In addition, the indication of a cross access point to the parcel to the west of the site on the master plan shall be amended to read "potential vehicular and pedestrian cross access to be paved to the property line". (DRC: PLANNING- Planning)
3. Prior to final site plan certification by the Development Review Committee (DRC), in order to comply with Recommendation 35 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting landscaped and shaded sidewalks for pedestrian and bicycle circulation for all streets in this residential development. (DRC: PLANNING- Planning)

4. Prior to the issuance of a certificate of occupancy, the petitioner shall pave a vehicular and pedestrian cross access point to include shade trees to the edge of the western property line at the location shown on the final certified site plan that will read "potential vehicular and pedestrian cross access to be paved to the property line." (CO: MONITORING-Planning)
5. Prior to the issuance of a certificate of occupancy, the petitioner shall pave vehicular and pedestrian cross access points to include shade trees to the edge of the eastern property line at the locations shown on the final certified site plan that read "proposed vehicular cross access to shopping center" and "proposed pedestrian cross access to shopping center." These cross access points shall align with, and be connected to, the cross access point of the shopping center. (CO: MONITORING-Planning)

H. 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. (MONITORING)