

RESOLUTION NO. R-2004-0730

RESOLUTION APPROVING ZONING PETITION PDD2003-059
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF GAHM FAMILY PARTNERSHIP
BY LAND DESIGN SOUTH, AGENT
(ROYAL WOODS PUD (AKA VETERANS PARK 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 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Petition PDD2003-059 was presented to the Board of County Commissioners at a public hearing conducted on April 22, 2004; 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 has considered the findings in the staff report and 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 2.K.3.b (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 PDD2003-059, the petition of The Gahm Family Partnership, by Land Design South, agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from the Agricultural Residential Zoning District to the Residential Planned Unit Development 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 April 22, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell 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:

Karen T. Marcus, Chair	-	Aye
Tony Masilotti, Vice Chairman	-	Absent
Jeff Koons	-	Absent
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on April 22, 2004.

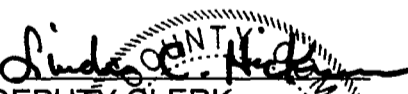
Filed with the Clerk of the Board of County Commissioners on 17 day of May, 2004.

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

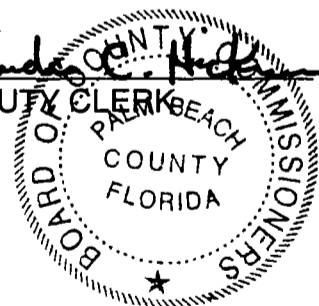


EXHIBIT A
LEGAL DESCRIPTION

Tracts 3 and 4, Block 81 of "**Palm Beach Farms Company Plat No. 3**", according to the Plat thereof, as recorded in Plat Book 2 at pages 45 through 54 of the Public Records of Palm Beach County, Florida.

Less and except the North 26.40 feet thereof, according to Chancery Case 407, as recorded in Official Records Book 6495 at Page 761 of said Public Records.

Said lands situate in Palm Beach County, Florida, and contain 9.588 acres, more or less.

EXHIBIT B
VICINITY SKETCH

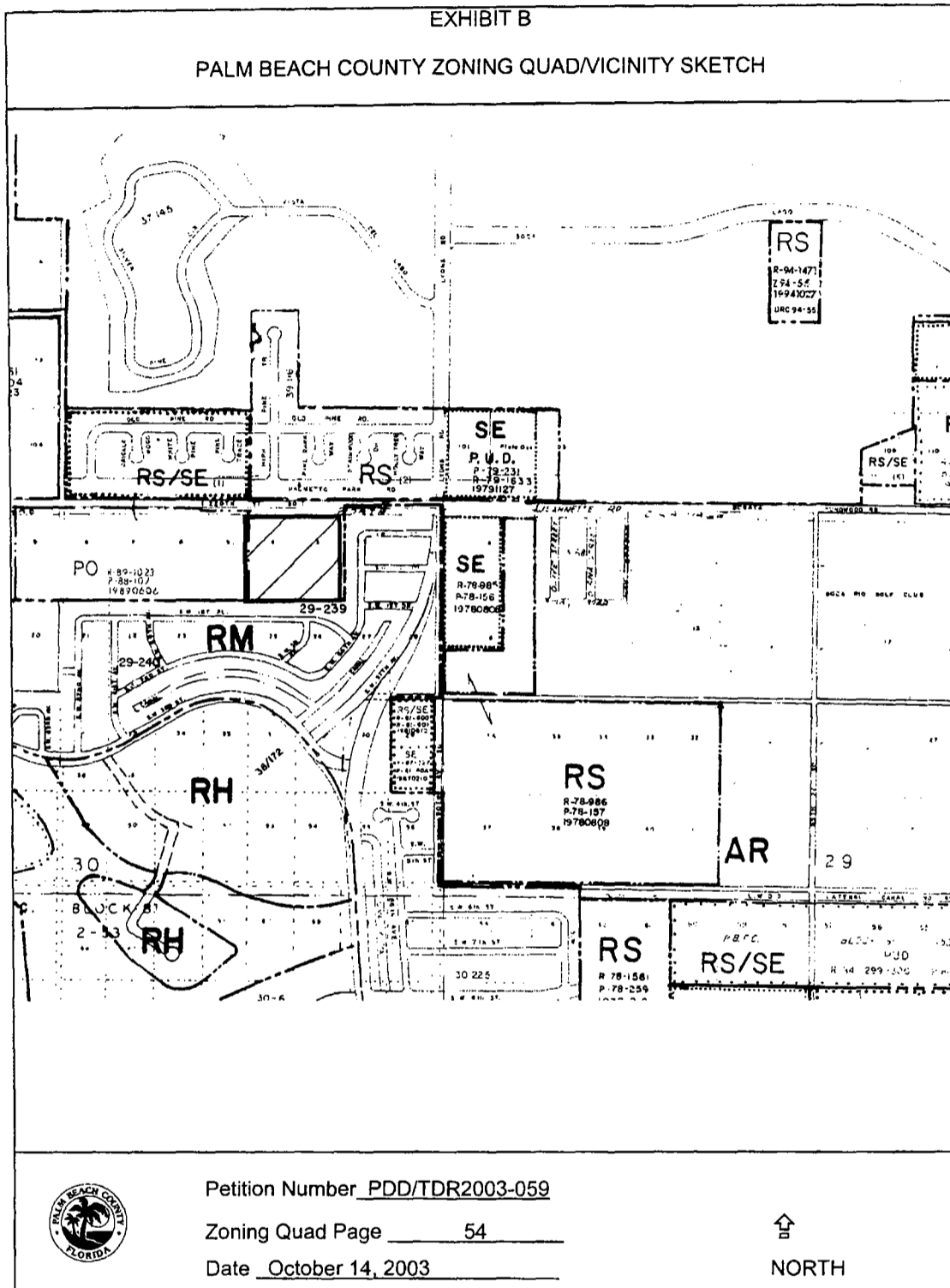


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses as approved by the Board of County Commissioners. The approved preliminary development plan is dated January 27, 2004. 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)
2. If the Road right-of-way dedication for Palmetto Park Road pursuant to Condition E.3 has been determined by the County Engineer as being unwarranted. This additional right-of-way shall be incorporated as a usable open space for the residential development. No additional units shall be allowed. The property owner is required to amend the site plan to indicate the requirements of this condition. (DRO:DRO-Zoning/Eng)

B. ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations shall be submitted simultaneously with the site plan for final architectural review and approval for the residential structures. Elevations shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations. (DRO: ARCH REVIEW – Zoning)
2. All residential structures shall be limited to a maximum of two (2) stories, and shall not exceed thirty (30) feet in height. Height shall be measured from the highest point to the finished grade. (DRO/BLDG. PERMIT: ARCH REVIEW-Zoning)

C. ENVIRONMENTAL

1. Prior to final DRO of the site plan, all the existing native vegetation, including understory, shall be depicted on the site plan. The existing vegetation which is required to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (DRO/ONGOING:ERM-ERM)

D. LANDSCAPE-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 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 be continuously maintained to 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;
 - c. Forty-eight (48) to seventy-two (72) inches: large shrub; and,
 - d. This condition does not apply where a single row of hedge is required on one or both sides of the wall; and
 - e. Seventy (70%) of the shrub materials shall be native species. (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 a canopy tree in that location, unless specified herein. (BLDG. PERMIT: LANDSCAPE - Zoning)

6. Field adjustment of plant materials and berm location may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE - Zoning)

7. Prior to final approval of the PDP/site plans, an Alternative Landscape Plan shall be submitted for landscaping along any portion of the property where existing vegetation may affect the proposed landscaping. (DRO: LANDSCAPE - Zoning)

8. Prior to final DRO approval, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: 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:

No Building Permits for the site may be issued after January 1, 2006. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Chapter E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Palmetto Park Road 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. (BLDG. PERMIT: MONITORING-Eng)

3. The property owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed to provide for 100 feet from centerline for Palmetto Park Road. Additional right of way to provide for the 100 feet from center line shall be south of the ultimate south right of way line of the Lake Worth Drainage District L-48 Canal. Right of way shall be conveyed on or before September 1, 2004, 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. The 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. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." If County Engineer determines some or all of the additional right of way for Palmetto Park is not required to be dedicated prior to platting the subject property, the developer may revise the final site plan and incorporate this area south of the LWDD L-48 canal into the overall development in accordance with Condition A.2 above. (DATE/BLDG. PERMIT: MONITORING-Eng)
4. LANDSCAPE WITHIN THE MEDIAN OF PALMETTO PARK ROAD
 - a. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Palmetto Park Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph D.
 - b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
 - c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
 - d. At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that

- complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner.
- e. Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Palmetto Park Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended.
- f. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING:ENG-Eng)

F. LANDSCAPING ALONG THE NORTH PROPERTY LINE (PALMETTO PARK ROAD FRONTAGE)

- 1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No width reductions shall be permitted. A maximum of five (5) foot easement encroachment may be permitted;
 - b. a minimum two (2) to three (3) 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 planted for each twenty (20) linear 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 two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - 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; and
 - g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (BLDG. PERMIT:LANDSCAPE-Zoning)

G. LANDSCAPING ALONG THE EAST AND SOUTH PROPERTY LINES (ABUTTING RESIDENTIAL – SANDALFOOT COVE)

- 1. Landscaping and buffering along the east and south property lines shall be upgraded to include:
 - a. a minimum thirty-five (35) foot wide landscape buffer strip and pursuant to the location indicated on the preliminary development plan dated January 27, 2004. No width reduction shall be permitted.

- A maximum of five (5) foot easement encroachment may be permitted;
- b. a continuous four (4) foot high berm measured from top of curb;
- c. a six (6) foot high opaque concrete wall to be located on the plateau of the berm. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
- d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
- e. 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, alternating on both sides of the wall;
- f. one (1) climbing vine supported by decorative trellis shall be installed at a maximum of twenty (20) feet on center at both sides of the required wall. Decorative trellis shall be strategically located between pilasters of wall, on center. Prior to final DRO approval of the site, design details of the decorative trellis shall be submitted to the Landscape Section for approval;
- g. 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 to be planted on both sides of the wall;
- h. one (1) medium shrub (Saw Palmetto) for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation, and to be planted on both sides of the wall; and,
- i. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, and to be planted on both sides of the wall.
- j. The existing chain-link fence, which is located at the property line, shall remain. If this chain-link fence is damaged during the development stages, the property owner shall replace this fence with a minimum six (6) foot high vinyl-coated chain link fence along the entire south and east property lines. (BLDG. PERMIT: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING PARK)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction shall be permitted. A maximum of five (5) foot easement encroachment may be permitted;
 - b. a six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
 - c. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
 - 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, alternating on both sides of the wall;
 - e. one (1) climbing vine supported by decorative trellis shall be installed at a maximum of twenty (20) feet on center at both sides of the required wall. Decorative trellis shall be strategically located between pilasters of wall, on center. Prior to final DRO approval of the site, design details of the decorative trellis shall be submitted to the Landscape Section for approval;
 - f. 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 to be planted on both sides of the wall; and,

- g. One (1) medium shrub (Saw Palmetto) for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation, and to be planted on both sides of the wall.
(BLDG.PERMIT: LANDSCAPE - Zoning)

I. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)
2. All outdoor, freestanding lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
3. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

J. PLANNED UNIT DEVELOPMENT

1. Decorative light fixtures shall be provided similar to those required under Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (DRO/BLDG PERMIT: BLDG - Eng)
2. Prior to final Development Review Officer (DRO) site plan approval, the Preliminary Development Plan/conceptual site plan shall be amended to show a focal point at the roundabout located adjacent to the main entryway. The focal point shall be in the form of an architectural element, including but not limited to a fountain, pergola. The detail/layout of this focal point shall be subject to the approval by Architectural Review Section. (DRO: ARCH. REVIEW - Zoning)
3. Prior to final DRO site plan approval, the PDP/conceptual site plan shall be revised to indicate the following:
 - a. a walkway around the lake with a minimum width of five (5) feet. The walkway shall be paved and have accent areas consisting of decorative brick pavers; each accent area shall be a minimum of 30 square feet throughout and be spaced no more than twenty (20) feet apart. The walkway shall lay out in a meandering and naturalistic manner.
 - b. a minimum of three (3) gazebo or shade structure/trellis, and to be located along the walkway along the lake. These shade structures shall be a minimum of 120 square feet each and shall include bench(es) and trash receptacle(s).
 - c. provide additional guest parking closer to the homes and adjacent to the civic area. (DRO/BLDG PERMIT: DRO/BLDG - Zoning)
4. Prior to the final DRO approval of the PDP/Conceptual site plans, the petitioner shall revise the plans to show decorative pavement (stamped concrete or paving blocks) along the following areas:
 - a. main entryway (a minimum of 16,000 square feet);
 - b. access parking tract/driveway area adjacent to Buildings 1 and 2 (a minimum of 3,000 square feet); Buildings 7 and 9 (a minimum of 3,600 square feet); Buildings 10 and 11 (a minimum of 3,600 square feet); Buildings 12 and civic area (a minimum of 3,600 square feet)
(DRO: DRO/ENG-Zoning)

5. Prior to the recordation of the first plat, 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 include the following:
 - a. 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;
 - b. all recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents; and,
 - c. the property shall not be subject 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 when additional units are added to the PUD. (PLAT: ENG/COUNTY ATTY - Zoning)

K. 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 PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service 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 (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and the County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO:MONITORING– School Board/Eng.)

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)