

RESOLUTION NO. R-2005-0816

RESOLUTION APPROVING ZONING APPLICATION PDD2003-061
(CONTROL NO. 2003-061)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
APPLICATION OF KIRK & SUSAN ANGELOCCI
BY LAND DESIGN SOUTH, AGENT
(ANGELOCCI PROPERTY 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 Application PDD2003-061 was presented to the Board of County Commissioners at a public hearing conducted on April 28, 2005; 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 Application PDD2003-061, the application of Kirk & Susan Angelocci by Land Design South, agent, for an Official Zoning Map Amendment to a Planned Development District from the Multifamily Residential Zoning District to the Residential Planned Unit Development 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 28, 2005, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

The motion was seconded by Commissioner Koons and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 28, 2005.

Filed with the Clerk of the Board of County Commissioners on 31 day of May, 2005.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY



BY: 
DEPUTY CLERK 

EXHIBIT A

LEGAL DESCRIPTION

PARCEL I:

The West One-Half of the East one-half of the East one-half of the Southwest quarter of the Northeast quarter, Section 14, Township 44 South, Range 42 East, being a part of Lots 21 to 24 inclusive of **MODEL LAND COMPANY SUBDIVISION**, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 5, Page 78, **LESS** right-of-way for Purdy Lane as now laid out in use.

AND

PARCEL II:

The North 500 feet of the East 138 feet of the West 1/2 of the East 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 44 South, Range 42 East, Palm Beach County, Florida, **LESS** right-of-way for Purdy Lane as now laid out in use.

AND

PARCEL III:

The South 36 feet of the North 170 feet of the East 138 feet of the West 1/2 of the East 1/2 of Tract 22, **MODEL LAND CO. SUBDIVISION**, Section 14, Township 44 South, Range 42 East, Palm Beach County, Florida, according to the Plat recorded in Plat Book 5, Page 78, as recorded in the Public Records of Palm Beach County, Florida; said land situate, lying and being in Palm Beach County, Florida.

AND

PARCEL IV:

The West 1/2 of the East 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 44 South, Range 42 East, Palm Beach County, Florida. Less the North 500.00 feet of the East 138.0 feet, thereof, subject to the rights of way for Purdy Land and Lake Worth Drainage District Canal L-9. And less the following portions of said described lands; the South 110.0 feet of the North 335.0 feet of the West 82.0 feet and the less the South 355.0 feet of the North 460.0 feet of lands lying East of the 30.0 foot right of way of Westwood Drive.

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 March 22, 2005. 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. Prior to the final site plan approval by the Development Review Officer (DRO), the master/site plans shall be revised to include a breakdown of the PUD land use mix. (DRO:ZONING-Zoning)

B. ARCHITECTURAL REVIEW

1. The proposed multi-family buildings shall be designed and constructed to be generally consistent with the facade elevations prepared by Tseng Consulting Group, Inc., and dated July 7, 2004. Deviations are permitted with the approval of the Zoning Division and subject to architectural review and approval in accordance with Article 5.C. of the ULDC. (DRO: ZONING – Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All existing native vegetation, including understory, depicted on the site plan 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. (ONGOING:ERM-Erm)
2. A 25% upland set-aside equal to or greater than 1.77 acres shall be depicted on the site plan in a location that contains the highest quality native vegetation and is approved by ERM. (ONGOING:ERM-Erm)
3. A Preserve Management Plan and form of recordation such as Conservation Easement, Restrictive Covenant or Plat, shall be approved by ERM and recorded by the applicant prior to final site plan approval. (DRO:ERM-Erm)

D. LANDSCAPING - STANDARD

1. A minimum of fifty (50) percent of all trees to be planted in the perimeter landscape buffers shall be native species, and shall meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: Three and one-half (3.5) inches measured at four and one-half (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 three and one-half (3.5) feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: ZONING- Landscape)

2. All palms required to be planted on the property 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. (BLDG PERMIT: ZONING- Landscape)
3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: ZONING - Landscape)
4. Prior to final site plan approval by the Development Review Officer (DRO), the property owner(s) or the developer/property owner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: ZONING - Landscape)

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, 2007. 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 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)
2. Prior to issuance of the first Building Permit the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Purdy Lane along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County, which at its discretion may use this fill material. (BLDG PERMIT:MONITORING-Eng)
3. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Purdy Lane 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)

F. LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF PURDY LANE)

1. In addition to the proposed planting program and code requirements, the buffer along the north property line shall be upgraded to include:
 - a. a minimum of one (1) native palm for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: ZONING - Landscape)

G. LANDSCAPING ALONG THE SOUTH, EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL USES)

1. In addition to the proposed planting program and code requirements, the buffers along the south, east and west property lines shall be upgraded to include:
 - a. a six (6) foot high black, vinyl coated chain linked fence;
 - b. a minimum of one (1) native palm for each twenty (20) linear feet of the property line;
 - c. a six (6) foot high hedge; and,
 - d. fence, palm and hedge locations may be adjusted on site to accommodate existing trees within the buffers. (BLDG PERMIT: ZONING - Landscape)

H. PLANNING

1. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall record in the public records of Palm Beach County a restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which indicates that the project will be an ownership project. (DRO: PLANNING/CTY ATTY – Planning)
2. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall record in the public records of Palm Beach County a restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which indicates that the unit designated on the site plan, dated March 22, 2005, to be “dedicated as an office meeting area” shall remain solely for that use. (DRO: PLANNING – Planning)
3. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall include all mulch pathways, benches, gazebo, fishing pier, tot lot, pedestrian pathways, pedestrian connection to Purdy Lane sidewalk, and pedestrian access to the upland preserve, private civic area, and recreation area generally consistent with the certified site plan dated March 22, 2005. (DRO:PLANNING-Planning)
4. Prior to final site plan approval by the Development Review Officer (DRO), the notation on both the master/site plans, dated March 22, 2005, that reads four (4) foot paved pedestrian connection” shall be revised to read “proposed pedestrian cross access to be paved to the property line.” This access point may be controlled by a gate or other security device that can be controlled by the residents of the PUD. (DRO: PLANNING-Planning)
5. Prior to the issuance of the first certificate of occupancy (CO), the property owner shall pave the property to the edge of the west portion of the site with a break in any buffering or walls/fence at the location shown on the master/site plans that will read “proposed pedestrian cross access.” This access point may be controlled by a gate or other security device that can be controlled by the residents of the PUD.(CO:MONITORING -Planning)

I. PALM TRAN

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the master/site plans prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN - Palm Tran)
2. Prior to issuance of the first Building Permit or recordation of the plat, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (BLDG PERMIT/PLAT: MONITORING - Eng)

J. SITE DESIGN

1. Pedestrian walkways within the recreation area shall be paved in concrete. The walkway shall consist of a 5-foot wide band, each band shall be installed at a maximum interval of thirty (30) feet, and shall be paved with decorative pavers or stamped concrete. Prior to final approval of the site plan by the Development Review Officer (DRO), details of this walkway shall be submitted to the Architectural Review Section for review and approval. (DRO:ZONING-Zoning)
2. Decorative paving treatment (pre-cast concrete paver blocks or stamped concrete) shall be provided at the following locations:
 - a. round-about located at the northwest corner of the upland preserve for a minimum of 5,000 square feet.
 - b. drive aisle area between Buildings 3 and 4, for a minimum of 4,000 square feet. (DRO: ZONING - Zoning)
3. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be revised to indicate an architectural focal point in the landscape median located at the turn-around area fronting Purdy Lane. This focal point shall consist of, but not limited to, an architectural fountain, a loggia, or similar architectural feature. Details of this focal point shall be subject to review and approval by the Architectural Review Section. (DRO: ZONING - Zoning)
4. Trellis or shade structure shall be provided at each of the parking areas as shown on the site plan dated March 22, 2005. Prior to final approval of the site plan by the Development Review Officer (DRO), details of the trellis or shade structure shall be submitted to the Architectural Review Section for review and approval. (DRO:ZONING-Zoning)

K. SCHOOL

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-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 Article 2.E 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)