

RESOLUTION NO. R-2005- 1784

RESOLUTION APPROVING ZONING APPLICATION PDD2005-866
(CONTROL NO. 2005-103)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
APPLICATION OF OK VENTURES LLC
BY JEFF H. IRAVANI, INC., AGENT
(HAVERHILL ACRES)

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 PDD2005-866 was presented to the Board of County Commissioners at a public hearing conducted on September 22, 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 2.F, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067; 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 PDD2005-866, the application of OK Ventures LLC by Jeff H. Irvani, Inc., agent, for an Official Zoning Map Amendment to a Planned Development District from the Residential High Density 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 September 22, 2005, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chairman thereupon declared that the resolution was duly passed and adopted on September 22, 2005.

Filed with the Clerk of the Board of County Commissioners on 22nd day of September, 2005.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

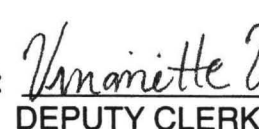
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

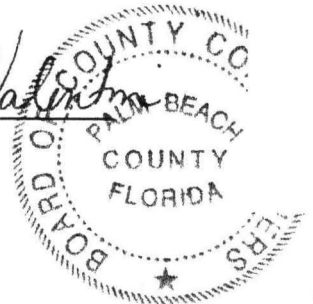


EXHIBIT A
LEGAL DESCRIPTION

Lots 21 through 26, less the West 2.47 feet thereof, and all of Lot 20, according to the Plat of HAVERHILL ACRES, as recorded in Plat Book 20, Page 75, in and for the Public Records of Palm Beach County, Florida.

Together with a portion of Stacy Road to be abandoned.

Commencing at the Northwest corner of Lot 20, according to the Plat of HAVERHILL ACRES, as recorded in Plat Book 20, Page 75, Public Records of Palm Beach County, Florida; thence, Southerly along the Westerly line of Lot 20, a distance of 25.70 feet to the POINT OF BEGINNING; thence, continuing along the Westerly line of Lot 20, a distance of 549.01 feet to a point; thence, turning an angle to the right, (clockwise) of 269°11'18" and going Westerly a distance of 50.00', to a point; thence, turning an angle to the right, (clockwise) of 270°48'42" and going Northerly along the Easterly line of Lots 22, 23, 24, and portions of Lots 21 and 25 a distance of 549.71 feet, to a point; thence, turning an angle to the right, (clockwise) of 270°00'00" and going Easterly 50.00 Feet, to the POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

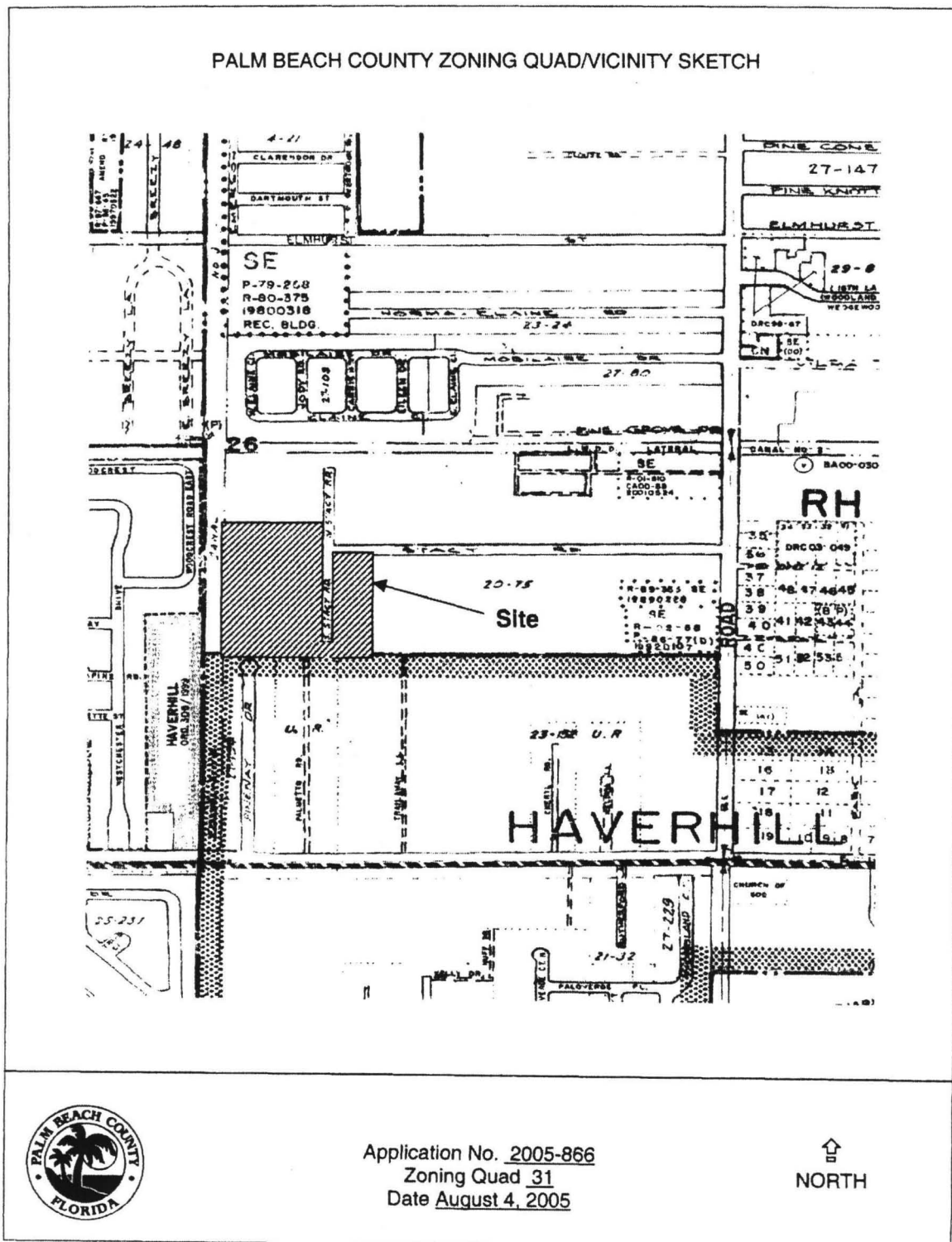


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master plan is dated September 1, 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)

ENGINEERING

1. The property owner shall be restricted to the following phasing schedule:

No Building Permits for the site shall be issued after August 25, 2008. 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.E of the Unified Land Development Code. (DATE: MONITORING- Eng)

ENVIRONMENTAL

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. (DRO: ERM-Erm)

HEALTH

1. The property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF-Health)
2. The property owner shall utilize Best Management Practices to minimize breeding of mosquitoes in the surface water management system. Management of the system shall include control methods that minimize the need for aerial spraying and reduce potential impacts of mosquito control activities on the surrounding natural areas. (ONGOING: HEALTH-Health)
3. Prior to the issuance of the first building permit, the property owner shall submit a detailed written plan acceptable to the Palm Beach County Health Department for the control of fugitive dust particulates on the site during all phases of site development. The property owner or the representative of the property owner shall be available to meet with staff of the Air Pollution Control Section of the Palm Beach County Health Department on request to clarify and discuss the scope and potential effectiveness of the proposed dust control measures. (BLDG PERMIT: MONITORING - Health)

ZONING - LANDSCAPING-STANDARD

1. Prior to the issuance of a first building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan shall be prepared in compliance with the ULDC and Conditions of Approval. (BLDG PERMIT: MONITORING -Landscape)

2. A minimum of fifty (50) percent of all trees to be planted in the landscape buffers 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: LANDSCAPE-Zoning)

3. All palms required to be planted on the property 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. (BLDG PERMIT: LANDSCAPE-Zoning)

4. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE-Zoning)

5. All landscape focal points shall be subject to review and approval by the Landscape Section and reflected on the Regulating Plan prior to final approval by the Development Review Officer (DRO). (DRO: LANDSCAPE-Zoning)

ZONING - LANDSCAPING-ALONG THE NORTH AND SOUTH PROPERTY LINES (ABUTTING SINGLE FAMILY RESIDENCES)

1. In addition to the code requirements, landscaping and buffer width along the north and south property lines shall be upgraded to include:
 - a. a minimum ten (10) foot wide landscape buffer strip and a fifteen (15) foot wide buffer in all buffers adjacent to Stacy Street; and,
 - b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING-INTERIOR

1. Special planting treatment shall be provided within the median at the access point. Planting shall consist of the following:
 - a. a minimum of three (3) specimen palm (Medjool, Canary, Phoenix, or other specimen palm that is acceptable to the Landscape Section; and,
 - b. a continuous shrub or hedge between all palms within the median, where applicable; and,
 - c. appropriate ground cover. (BLDG PERMIT: LANDSCAPE-Zoning)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting or LWDD permits, the property owner shall convey to the District either by warranty deed or easement deed the East 10 feet of the West 12.47 feet Lots 21-26 of HAVERHILL ACRES, as recorded in Plat

Book 20 Page 75 of the Public Records of Palm Beach County for the ultimate right-of-way for the E-3 Canal for a total of 62.47 feet east and adjacent to the West Line of the SE of Sec 26/43/42. (PLAT: MONITORING-LWDD)

PLANNED UNIT DEVELOPMENT

1. Prior to final approval by the Development Review Officer (DRO), the plans shall be revised to indicate a minimum of one (1) water fountain as a focal feature within the wet detention area as indicated on the Master Plan dated September 1, 2005. The location of each fountain shall be subject to review and approval by the Zoning Division. (DRO: DRO- Zoning)
2. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate decorative paving treatment (pre-cast concrete paver blocks, or stamped concrete) for areas and at a minimum dimension:
 - a. within all roundabouts, excluding areas reserved for medians and landscape islands; 13,000 square feet;
 - b. a minimum of four (4) speed tables;
three (3) speed tables at 1,500 square feet;
one (1) speed table at 1,100 square feet.
(DRO: DRO- Zoning)
3. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate the following features to achieve exemplary site design:
 - a. provide lakeside pedestrian pathways and amenities;
 - b. incorporate the typical bench feature, trash receptacles, trees and plantings, into both the bike path and pedestrian path;
 - c. provide guest parking in a proportionate manner throughout the site;
and,
 - d. extend a bike path throughout the site (DRO: ZONING - Zoning)
4. Prior to 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;
 - 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: MONITORING-Cty-Atty)
5. Prior to the issuance of a building permit for the fiftieth (50) unit, a Certificate of Occupancy (CO) shall be issued for a clubhouse or similar common building exceeding 2,500 total square feet on the 0.53-acre recreation parcel. This facility shall be equipped with a generator that complies with the following requirements:

- a. a minimum load capacity of .02 kw per building square foot;
- b. operates essential electrical systems, including A/C systems, for a minimum of thirty percent (30%) of the gross interior floor area of the building;
- c. an aboveground fuel storage system, or an alternative fuel storage system that is acceptable to Palm Beach County, with a minimum capacity that is acceptable to the Building Division shall be located adjacent to the generator;
- d. setback in accordance with the Property Development Regulations for a (Recreation or Civic) Pod in accordance with ULDC Table 3.E.2.D-16;
- e. screened from view on all sides by an opaque barrier constructed of compatible materials, color and character as the building or equivalent landscaping;
- f. subject to review and approval by the Building Division; and,
- g. deviation from these requirements and/or required building size shall be permitted if consistent with future ULDC regulations.
(BLDG PERMIT: MONITORING - Zoning)

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-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.)

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)