

RESOLUTION APPROVING ZONING APPLICATION PDD2006-948  
(CONTROL NUMBER 2003-058)  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
APPLICATION OF CORAL LAKES APARTMENTS, INC., DANIEL PEREZ  
BY COTLEUR & HEARING, INC., AGENT  
(CORAL LAKES 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 applications relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), as amended, is authorized and empowered to consider, approve, approve with conditions or deny Requested Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application was presented on March 22, 2007; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (MONITORING) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; 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 stated purpose and intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations;
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment;
5. This official zoning map amendment (rezoning) 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;

6. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern; and,
7. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY - Adequate Public Facilities Standards) of the Palm Beach County Unified Land Development Code.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 PDD2006-948, the application of Coral Lakes Apartments, Inc., Daniel Perez, by Daniel Perez, agent, for an Official Zoning Map Amendment to a Planned Development District from the Multiple Use Planned Development 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 shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on March 22, 2007, 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:

Addie L. Greene, Chairperson	- Aye
John F. Koons, Vice Chair	- aye
Karen T. Marcus	- Aye
Warren H. Newell	- Aye
Mary McCarty	- Absent
Burt Aaronson	- Aye
Jess R. Santamaria	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on March 22, 2007.

Filed with the Clerk of the Board of County Commissioners on 22nd day of March 2007.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY

SHARON R. BOCK,  
CLERK & COMPTROLLER


BY:   
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

All of Lot C, and the North 19 feet of Lot D, Tract 64, Palm Beach Farms Co. Plat No. 7, Section 30, Township 44 South, Range 43 East, according to the Plat thereof, as recorded in Plat Book 5 at Page 72, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH, the following:

Lot E, Block 33, Lot E, Block 34; Lots A, B and C, Block 63; Lots A and B, Block 64; Lots A, B, C, D and E, Block 61; Lots A, B, C, D and E, Block 62; Palm Beach Farms Co. Plat No. 7, Section 30, Township 44 South, Range 43 East, according to the Plat thereof, as recorded in Plat Book 72, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH, the following:

The 30 foot Road Right-of-Way lying between Lots A, B & C, Block 63 and Lots A, B & C, Block 62, of said Plat of Palm Beach Farms Co. Plat No. 7, Section 30, Township 44 South, Range 43 East.

TOGETHER WITH, the following:

The East 15 foot of the 30 foot Road Right-of-Way lying contiguous to Lots A, B, C, D & E Block 61 of said Plat of Palm Beach Farms Co. Plat No. 7, Section 30, Township 44 South, Range 43 East.

TOGETHER WITH, the following:

The East 15 foot of the 30 foot Road Right-of-Way lying contiguous to Lot E Block 34 of said Plat of Palm Beach Farms Co. Plat No. 7, Section 30, Township 44 South, Range 43 East.

LESS AND EXCEPTING, the following:

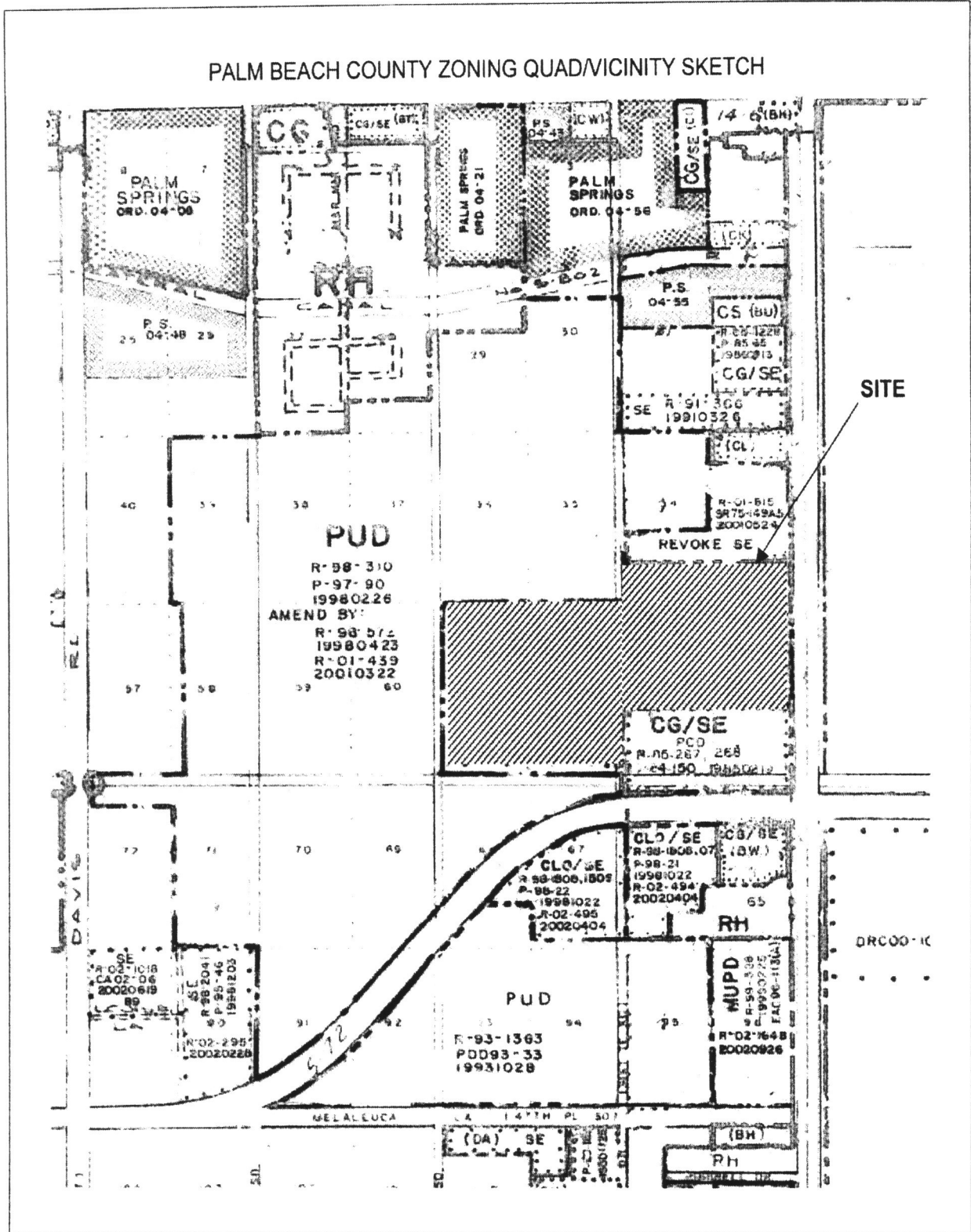
A certain TRACT of Land in Section 30, Township 44 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

The East 10.00 feet of Lot E, Block 33; the East 10.00 feet of Lots A, B, C and the East 10.00 feet of the North 19.00 feet of Lot D, Block 64, Palm Beach Farms Co. Plat No. 7, Section 30, Township 44 South, Range 43 East, according to the plat thereof, as recorded in Plat Book 5 at Page 72, of the Public Records of Palm Beach County, Florida.

Area = 18.163 Acres, more or less.

EXHIBIT B  
VICINITY SKETCH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. 2006-948  
Zoning Quad 18  
Date February 1, 2007



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved Preliminary Site plan is dated February 12, 2007. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

#### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after January 2, 2011. 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 provide a temporary roadway construction easement along Congress Avenue to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners entrance road right of way. Construction within this easement shall conform to Palm Beach County Standards. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT:MONITORING-Eng)
3. Prior to the issuance of a building permit the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Congress Avenue at the project's south entrance. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. 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. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT: MONITORING-Eng)
4. The Property owner shall construct:
  - A. Right turn lane north approach on Congress Avenue at the project's south entrance.
  - B. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

- C) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
- D) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

5. Landscape Within the Median of Congress Avenue

- A. The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Congress Avenue. 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 Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph D below.
- 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 Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner 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 Property Owner. The Property Owner 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 Property Owner. (ONGOING: ENG-Eng)
- E. Alternately, at the option of the Property Owner, and prior to the issuance of a Building Permit, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification 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 Congress Avenue. 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. (ONGOING: ENG-Eng)

ZONING - LANDSCAPING

- 1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)
- 2. A minimum of fifty (50) percent of all canopy trees to be planted in the landscape buffers shall be native and 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 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. 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: LANDSCAPE - Zoning)
  5. 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)

**ZONING - LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF CONGRESS AVENUE)**

6. In addition to code requirements, landscaping along the east property line shall be upgraded to include:
  - a. a continuous two and one half (2.5) foot high continuous berm
  - 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 ALONG THE NORTH, SOUTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL AND COMMERCIAL PROPERTIES)**

7. In addition to code requirements landscaping along the north, south and west property lines shall be upgraded to include:
  - a. 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)

**MASS TRANSIT**

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 Plan and/or site plan 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 Plat Recordation, 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. (PLATMONITORING –Palm Tran/Eng)

## PLANNED UNIT DEVELOPMENT

1. Prior to recordation of the first plat, all properties included in the legal description of this application 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-Eng/Cty Atty)
2. The property owner shall pave and maintain the access easement (from subject property to Melaleuca Lane) including the security gates in perpetuity. The ongoing maintenance commitment shall also be recorded in the Homeowners Association documents pursuant to PUD Condition 1. (ONGOING:CODE ENF-Zoning)
3. 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 lake tract. The location of the fountain shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning)(adjust number of fountains accordingly)

## PREM

1. Prior to final approval by the Development Review Officer, the developer/property owner shall cash out the civic site in a manner approved by Property Real Estate Management Division. (DRO:PREM-Prem)

## 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. 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. (ONGOING:SCHOOL BOARD-School Board)



## UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING:WUD-WUD)
2. If any relocation/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING:WUD-WUD)

## WORKFORCE HOUSING

1. Prior to final 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 includes the following:
  - a. Guarantees the affordability of the minimum twelve (12) designated workforce housing dwelling units for a period of twenty five years (recurring) to the moderate 1 category (>80% - 100% AMI), moderate 2 category (>100% - 120% AMI), and middle category (>120% - 150% AMI), with the number of units to be equally distributed among the categories, and with the unit sales/rental prices determined by Palm Beach County's Housing and Community Development Department; and
  - b. Guarantees that these units shall not be further restricted beyond the requirement that the occupants qualify for the income limits. (DRO: PLANNING/COUNTY ATTY- Planning)
2. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall indicate the following information on the site plan:
  - a. The minimum required twelve (12) WHP units shall be equitably distributed through the development area, no concentration of units in one building or area shall occur; and
  - b. The minimum required twelve (12) WHP units shall include similar variation in bedroom and floor area options as the market rate units. (DRO: PLANNING - Planning)
3. The property owner shall include in Master Plans and related Site Plans a statement that the project has a minimum of twelve (12) workforce housing dwelling units and any residents wishing to reside in a unit that has been earmarked as a workforce housing unit shall qualify for eligibility. Every deed of sale for each of the workforce units shall contain a restriction guaranteeing the property is for sale to and/or occupancy by a qualified income household only, for a period of twenty-five years recurring. Should a workforce unit be sold before the 25-year term is expired, the deed restriction shall be re-recorded and a new 25-year term shall begin anew with the sale of the unit. The property owner is responsible for disclosure of the location of the minimum twelve (12) workforce units prior to the sale of any units. Beginning on March 1, 2008, the property owner/homeowner association shall submit an annual report to the Planning Division documenting compliance with the Workforce Housing declaration of restrictive covenants, and the deed of sale restriction. (DATE:MONITORING - Planning)

## COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the applicant 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.

Departmental administrative actions made pursuant to this condition may be appealed as 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)