

RESOLUTION NO. R-2009-1353

RESOLUTION APPROVING ZONING APPLICATION Z/DOA-2009-01524
(CONTROL NO. 1997-00058)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
APPLICATION OF INDIAN TRAIL IMPROVEMENT DISTRICT
BY WAYNE VILLAVASO LANDSCAPE ARCHITECTURE INC., AGENT
(HAMLIN EQUESTRIAN PARK)

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 public 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 Z/DOA-2009-01524 was presented to the Board of County Commissioners at a public hearing conducted on August 27, 2009; 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 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.
7. This official zoning map amendment is consistent with applicable Neighborhood Plans.
8. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY) 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 Z/DOA-2009-01524, the application of Indian Trail Improvement District, by Wayne Villavaso Landscape Architecture Inc., agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the AR, PO Zoning District to the PO 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 August 27, 2009.

Commissioner Marcus moved for the approval of the Resolution.

Burt Aaronson

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

| | | |
|-------------------------------------------|---|-----|
| Commissioner John F. Koons, Chairman | - | Aye |
| Commissioner Burt Aaronson, Vice Chairman | - | Aye |
| Commissioner Karen T. Marcus | - | Aye |
| Commissioner Shelley Vana | - | Aye |
| Commissioner Steven L. Abrams | - | Aye |
| Commissioner Jess R. Santamaria | - | Aye |
| District 7 | - | Aye |

The Chairperson thereupon declared that the resolution was duly passed and adopted on August 27, 2009.

Filed with the Clerk of the Board of County Commissioners on September 4, 2009

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

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:

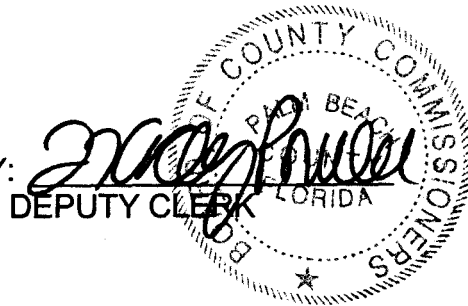


DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

TRACT NO. AE-98, SECTION 20, TOWNSHIP 42 SOUTH, RANGE 41 EAST, ALSO DESCRIBED AS: THE EAST 239 FEET OF THE WEST 1324 FEET LESS THE SOUTH 4930 FEET OF THE WEST ½ OF SECTION 20 TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO INDIAN TRAIL WATER CONTROL DISTRICT OVER THE NORTH 40 FEET AND THE SOUTH 30 FEET AND EAST 30 FEET.

TOGETHER WITH:

TRACT NO. AE-97, SECTION 20, TOWNSHIP 42 SOUTH, RANGE 41 EAST, ALSO DESCRIBED AS: THE EAST 209 FEET OF THE WEST 1085 FEET LESS THE SOUTH 4930 FEET OF THE WEST ½ OF SECTION 20, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO INDIAN TRAIL WATER CONTROL DISTRICT OVER THE NORTH 40 FEET AND THE SOUTH 30 FEET.

TOGETHER WITH:

TRACT NO. AE-58, SECTION 20, TOWNSHIP 42 SOUTH, RANGE 41 EAST, ALSO DESCRIBED AS: THE EAST 209 FEET OF THE WEST 876 FEET LESS THE SOUTH 4930 FEET OF THE WEST ½ OF SECTION 20, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO INDIAN TRAIL WATER CONTROL DISTRICT OVER THE SOUTH 30 FEET AND THE NORTH 40 FEET.

TOGETHER WITH

TRACT NO. AE-139, SECTION 20, TOWNSHIP 42 SOUTH, RANGE 41 EAST, ALSO DESCRIBED AS; THE EAST 239 FEET OF THE WEST 1563 FEET LESS THE SOUTH 4930 FEET OF THE WEST ½ OF SECTION 20, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SUBJECT TO AN EASEMENT TO INDIAN TRAIL WATER CONTROL DISTRICT FOR ROAD AND DRAINAGE PURPOSES OVER THE NORTH 40 FEET, THE WEST 30 FEET AND THE SOUTH 30 FEET THEREOF

TOTAL AREA=9.57 ACRES

EXHIBIT B

VICINITY SKETCH

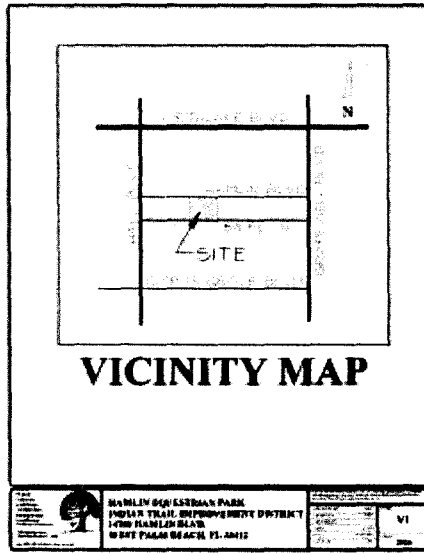


EXHIBIT C

VOLUNATARY COMMITMENTS

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-1584, (Petition 97-58) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

ENGINEERING

1. Prior to the issuance of any Building Permits for the sites, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Seminole Pratt-Whitney Road, 60 feet from centerline, along the project's entire frontage, free of all encumbrances and encroachments. The property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Comer Clips" where appropriate at intersections as determined by the County Engineer. (BLDG PERMIT: MONITORING-Eng)

(Previous Engineering Condition 1 of Resolution R-1997-1584, Control No. 1997-058)
[Note: Completed]

2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Seminole Pratt-Whitney 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)

(Previous Engineering Condition 2 of Resolution R-1997-1584, Control No. 1997-058)
[Note: Completed]

3. Prior to building permit for Park 1 (Kidscape) and Park 4 (Multi-Purpose Park), the property owner shall provide for pavement markings (cross walk) and warning signs on Seminole Pratt Whitney Road adjacent to the park subject to the approval of the County Engineer. (BLDG PERMIT: MONITORING- Eng)

(Previous Engineering Condition 3 of Resolution R-1997-1584, Control No. 1997-058)
[Note: Completed]

4. Prior to August 27, 2010, the property owner shall combine the Hamlin Park property, as shown on the site plan for Application Z/DOA-2009-1524, into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (DATE: MONITORING-Eng)

HEALTH

1. Application and engineering plans to construct for each park an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 10D-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Department prior to issuance of a building permit. (BLDG PERMIT: HEALTH)

Is COMPLETE

2. Application to construct at each park a registered limited use commercial well in accordance with Rule 10D-4 FAC must be submitted to the Palm Beach County Health Department prior to the issuance of a building permit. (BLDG PERMIT: HEALTH)

Is COMPLETE

LANDSCAPE - PERIMETER-LANDSCAPING ALONG RESIDENTIAL PROPERTY LINES

1.Landscaping and buffering along all property lines along residential and adjacent to vehicular use areas shall include:

- a. A minimum five (5) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every thirty (30)feet on center; and
- c. A minimum thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation. (CO: LANDSCAPE-Zoning) (Previous Landscape Condition C1 of Resolution R-97-1584 (Petition 97-58))

LANDSCAPE - PERIMETER-LANDSCAPING ABUTTING RIGHT-OF-WAYS

2.Landscaping and buffering along the property lines abuttlng 0 to 99 foot right-of-ways shall include:

- a. A minimum ten (10) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every thirty (30)feet on center, and,
- c. The (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE-Zoning) (Previous Landscape Condition D1 of Resolution R-97-1584 (Petition 97-58))

LANDSCAPE - PERIMETER

3.Landscaping and buffering along the property lines abutting 100+ foot right-of-ways shall include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every thirty (30)feet on center, and,
- c. The (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE-Zoning) (Previous Landscape Condition D2 of Resolution R-97-1584 (Petition 97-58))

LIGHTING

1.All outdoor lighting shall be of low intensity, shielded and directed down and away from adjacent properties and streets. All lighting fixtures, except sports lighting, shall not exceed twenty five (25) feet in height, measured from finished grade to highest point (CO/ONGOING: BLDG/CODE ENF- Zoning) (CO: LANDSCAPE-Zoning) (Previous Lighting Condition F1 of Resolution R-97-1584 (Petition 97-58))

2.All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF-Zoning) (Previous Lighting Condition F2 of Resolution R-97-1584 (Petition 97-58))

SITE DESIGN

1.The minimum setback for all roofed structures shall be twenty (20) feet. (DRC: ZONING-Zoning) (Previous Building And Site Design Condition A1 of Resolution R-97-1584 (Petition 97-58))

USE LIMITATIONS

1.The four parcels shall be limited to use as public parks providing passive and/or active recreational activities for the general public. (DRO: ZONING-Zoning) (Previous Use Limit Condition H1 of Resolution R-97-1584 (Petition 97-58))

2.Storage or placement of any mobile homes or heavy equipment shall not be permitted on the facilities except for temporary park construction or recreational related equipment subject to approval by the Indian Trail Improvement District (ITID) Board of Supervisors in accordance with Building Division permits. (ONGOING: CODE ENF- Zoning) (Previous Use Limit Condition H2 of Resolution R-97-1584 (Petition 97-58))

3. Following approval by the Palm Beach County Board of County Commissioners, the Indian Trail Improvement District (ITID) Board of supervisors shall notify adjacent property owners, the District Commissioner, the Zoning Division of any proposed changes to the layout, program, or other elements within the neighborhood parks. The proposed changes shall be reviewed and adopted at a publicly advertised ITID Board of Supervisors meeting. (ONGOING: CODE ENF- Zoning) (Previous Use Limit Condition H3 of Resolution R-97-1584 (Petition 97-58))

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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)