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RESOLUTION 7, 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING A DEVELOPMENT ORDER AMENDMENT TO ALLOW FOR AN ALTERNATIVE STREET TREE REPLACEMENT PLAN AND THE ELIMINATION OF A CONDITION OF APPROVAL PERTAINING TO STREET TREE INSTALLATION REQUIREMENTS FOR THE SANCTUARY PLANNED UNIT DEVELOPMENT (PUD), LOCATED ON THE NORTH SIDE OF HOOD ROAD APPROXIMATELY 1,500 FEET WEST OF PROSPERITY FARMS ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING WAIVERS; PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, on November 4, 1993, the City Council approved Ordinance 22, 1993, thereby creating the Sanctuary PUD consisting of 184 single-family detached and zero lot-line units on 82 acres; and

WHEREAS, on July 21, 1994, the City Council approved Resolution 89, 1994, approving a minor amendment to the model home elevations and floor plan; and

WHEREAS, on November 3, 1994, the City Council approved Resolution 132, 1994, approving a minor amendment to the east and west entrances to incorporate a security gate associated entry design; and

WHEREAS, on April 18, 1996, the City Council approved Resolution 66, 1996, approving the addition of a utility easement and landscape tract to the northwest corner, adding an easement to access the northern wetland drainage structure, and approving a mitigation and restoration plan for the areas within the upland preserves along the western and northern sections of the project; and

WHEREAS, on April 7, 2005, the City Council approved Ordinance 35, 2004, approving the transfer of the master plan approval and related conditions to a separate resolution; and

WHEREAS, on April 7, 2005, the City Council approved Resolution 47, 2005, approving an amendment to the PUD to allow a fifteen- (15) foot open space tract through an upland preserve know as "Tract U-3" of The Sanctuary PUD Plat No.2; and

1 **WHEREAS**, the City has received a request (Petition No. MISC-10-07-000074)
2 from the homeowner's association, The Sanctuary HOA, Inc., for approval of a street
3 tree replacement plan and to eliminate Condition No. 4 of Resolution 47, 2005
4 pertaining to street tree installation requirements; and
5

6 **WHEREAS**, the subject parcel has a zoning designation of Planned Unit
7 Development (PUD) Overlay with an underlying zoning of Residential Low 2 (RL-2); and
8

9 **WHEREAS**, the Planning and Zoning Department has reviewed the application,
10 has determined that as conditioned it is sufficient and consistent with the City's Land
11 Development Regulations and the City's Comprehensive Plan, and has recommended
12 approval thereof; and
13

14 **WHEREAS**, the Planning, Zoning, and Appeals Board reviewed the application
15 at a public hearing at its December 13, 2011, meeting and voted 5-2 to recommend
16 approval to the City Council; and
17

18 **WHEREAS**, the City Council has considered the evidence and testimony
19 presented by the Applicant and other interested parties and the recommendations of the
20 various City of Palm Beach Gardens review agencies and staff; and
21

22 **WHEREAS**, the City Council deems approval of this Resolution to be in the best
23 interests of the health, safety, and welfare of the residents and citizens of the City of
24 Palm Beach Gardens and the public at large.
25
26

27 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY**
28 **OF PALM BEACH GARDENS, FLORIDA** that:
29

30 **SECTION 1.** The foregoing recitals are hereby affirmed and ratified.
31

32 **SECTION 2.** The request by The Sanctuary HOA, Inc. for approval of a street
33 tree replacement plan and to eliminate Condition No. 4 of Resolution 47, 2005
34 pertaining to street tree installation requirements is hereby APPROVED on the following
35 described real property, subject to the conditions of approval provided herein, which are
36 in addition to the general requirements otherwise provided by resolution:
37

38 **LEGAL DESCRIPTION**
39

40 THE SANCTUARY PLAT NO.1, AS RECORDED IN PLAT BOOK 73, PAGES 78
41 THROUGH 82, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
42

43 THE SANCTUARY PLAT NO.2, AS RECORDED IN PLAT BOOK 73, PAGES 83
44 THROUGH 86, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
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1 **SECTION 3.** The Development Order Amendment to The Sanctuary PUD is
2 approved subject to the following conditions, which shall be the responsibility of the
3 Applicant, its successors, or assigns:

4
5 Planning & Zoning

- 6
7 1. The Property Owner's Association (POA) shall submit an annual report to the City
8 prior to January 31 of every year. The annual report shall evaluate the progress of
9 the Laurel Oak street tree replacement plan. There shall be a total of 187 Laurel
10 Oak street trees or their replacements within two (2) years of City Council
11 approval. However, the annual report shall include a photographic record of all
12 street tree replacements approved by the POA per address or open space
13 location. (Planning & Zoning)
14
15 2. Prior to each street tree being removed, a tree removal permit shall be obtained
16 from the City. (Planning & Zoning)
17

18 **SECTION 4.** The following condition contained in Resolution 47, 2005 shall be
19 eliminated as follows (for purposes of clarity, the below condition is numbered to
20 correspond to those contained in Resolution 47, 2005): (language to be deleted is
21 stricken)

- 22
23 ~~4. The trunks of all new laurel oaks shall be positioned at least twelve (12) feet from~~
24 ~~any Seacoast Utility Authority (SUA) water and wastewater lines.~~

25
26 **SECTION 5.** All previous waivers and conditions granted with Resolution 47,
27 2005 shall remain in full force and effect, except as modified in Section 4 of this
28 Resolution.
29

30 **SECTION 6.** This amendment to The Sanctuary PUD is hereby approved subject
31 to strict compliance with the Exhibits attached hereto and made a part hereof as follows:

- 32
33 Exhibit 1. Street Tree Replacement Plan, 1 Sheet, submitted by *Cotleur & Hearing*,
34 and dated September 2, 2011.
35
36 Exhibit 2. The Sanctuary Preferred Street Tree List, 1 Sheet, prepared by *Cotleur &*
37 *Hearing*.
38
39 Exhibit 3. Typical Canopy Tree, Large or Exotic Palm Tree with Root Barrier, 1
40 Sheet, prepared by *Cotleur & Hearing*.
41

42 **SECTION 7.** This Resolution shall become effective immediately upon adoption.
43
44
45
46

PASSED AND ADOPTED this 5th day of January, 2012.

CITY OF PALM BEACH GARDENS, FLORIDA

BY: [Signature]
David Levy, Mayor

ATTEST

BY: [Signature]
Patricia Snider, CMC, City Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: [Signature]
R. Max Lohman, City Attorney

VOTE:

AYE NAY ABSENT

MAYOR LEVY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VICE MAYOR PREMURROSO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMEMBER RUSSO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMEMBER JABLIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMEMBER TINSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[Signature]

Exhibit 1

The Sanctuary Planned Unit Development (PUD) Street Tree Replacement Plan September 2, 2011

The following criteria shall direct the removal and replacement of any street tree located on a private lot within the Sanctuary PUD:

1. Any street tree located on a private lot may be changed to another species of typical street tree species, as shown on Exhibit 2, *Sanctuary HOA Preferred Tree List and Plant Schedule*.
2. Street trees to be removed shall meet at least one of the following criteria:
 - a. Street tree to be removed is interfering with the ability to repair utility lines, street light, sidewalk, or other community infrastructure
 - b. Street tree to be removed is not healthy as determined by a ISA certified arborist.
3. Replacement street trees shall be one of nine (9) typical street trees identified on "species list" attached as Exhibit 2 and shall be the species best suited to the replanting area. Replacement trees shall meet the minimum size and quality specification for the type of tree as identified on plant schedule shown in Exhibit 2.
4. Prior to removal of a street tree, lot owner of record or their designee, and the Sanctuary Homeowners Association (HOA), Inc., shall coordinate to determine the most appropriate location for the replacement tree. In cases of disagreement, the City Forester will be consulted and will have the final authority on whether or not to approve a tree removal permit. Unless otherwise approved by Seacoast Utility Authority or the City Forester, tree placement shall conform to the minimum setback criteria established on the Street Tree Plans prepared by Cotleur & Hearing dated 7.22.2011.
5. A replacement street tree shall be located as near as possible to the site from which the tree is to be removed. When the proximity of utilities or other site constraints restrict replacement of a street tree in the same vicinity, the replacement street tree shall be located on the same lot, if possible. If location along the same street is not possible as determined by the Sanctuary HOA, the replacement street tree shall be located elsewhere in the community's common area as determined by the HOA. Street trees planted within common area shall be within 15 feet of the street and identified within the HOA's inventory.
6. The HOA shall maintain an updated inventory of the cumulative street trees replaced with street trees of another species.
7. Any lot not containing a street tree species, as listed in Exhibit 2, shall be required to comply with providing said street tree within six months of the final approval of this petition by the City.
8. There shall be no net loss of street trees below the 187 street trees approved within the Sanctuary PUD as a result of tree removal.

EXHIBIT 2

EXHIBIT 2: THE SANCTUARY HOA PREFERRED TREE LIST & PLANT SCHEDULE

TREE ID	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
LARGE TREES				
L-1	BURSERIA SIMARUBA	GUMBO LIMBO	12-14' O.A. X 6-7' SPRD. B&B OR CONT. GROWN; 4" CAL.	FULL CANOPY, FL FANCY
L-2	QUERCUS VIRGINIANA	LIVE OAK	12-14' O.A. X 6.5' SPRD. #65 - #100 GAL CONT.; 3" CAL	FULL CANOPY, 5' C.T. MIN., FL FANCY
MEDIUM TREES				
M-1	COCCOLOBA DIVERSIFOLIA	PIGEON PLUM	12' O.A X 5' SPRD.	FULL CANOPY, FL FANCY
M-2	CLUSIA GUTTIFERA SINGLE STEM STANDARD	SMALL LEAF CLUSIA	#65 CONT.; 2.5" CAL. 8-10' O.A. X 5' SPRD. #65 CONT.; 2.5" CAL.	FULL CANOPY, FL FANCY
M-3	CORDIA SEBESTENA	ORANGE GEIGER TREE	8-10'O.A. X 5' SPRD. #45 - #60 GAL CONT.; 2.25" CAL.	FULL CANOPY, FL FANCY
M-4	BULNESIA ARBOREA	FLOWERING VERAWOOD	8 - 10' O.A. X 5' SPRD. #45 CONT.; 2" CAL.	FULL CANOPY, FL FANCY
P-1	VEITCHIA MERRILLII-ADONIDIA	CHRISTMAS PALM	10' O.A.; TRIPLE STEM	FULL CANOPY, FL FANCY
SMALL TREES				
S-1A	LAGERSTROEMIA INDICA 'NATCHEZ' SINGLE STEM STANDARD	CRAPE MYRTLE 'WHITE'.	8' O.A. X 5' SPRD. #30 CONT.; 2" CAL.	FULL CANOPY, FL FANCY
S1-B	LAGERSTROEMIA INDICA 'MUSKOGEE' SINGLE STEM STANDARD	CRAPE MYRTLE 'PURPLE'	8' O.A. X 5' SPRD. #30 CONT.; 2" CAL.	FULL CANOPY, FL FANCY
S1-C	LAGERSTROEMIA INDICA 'TUSKEGEE' SINGLE STEM STANDARD	CRAPE MYRTLE 'MELON RED'	8' O.A. X 5' SPRD. #30 CONT.; 2" CAL.	FULL CANOPY, FL FANCY
S-2	CONOCARPUS ERECTUS VAR. SERICEUS	SILVER BUTTONWOOD	8-10' X 6' SPRD #45 CONT.; 2" CAL.	FULL CANOPY, FL FANCY
S-3	BULNESIA ARBOREA	FLOWERING VERAWOOD	8 - 10' O.A. X 5' SPRD. #45 CONT.; 2" CAL.	FULL CANOPY, FL FANCY

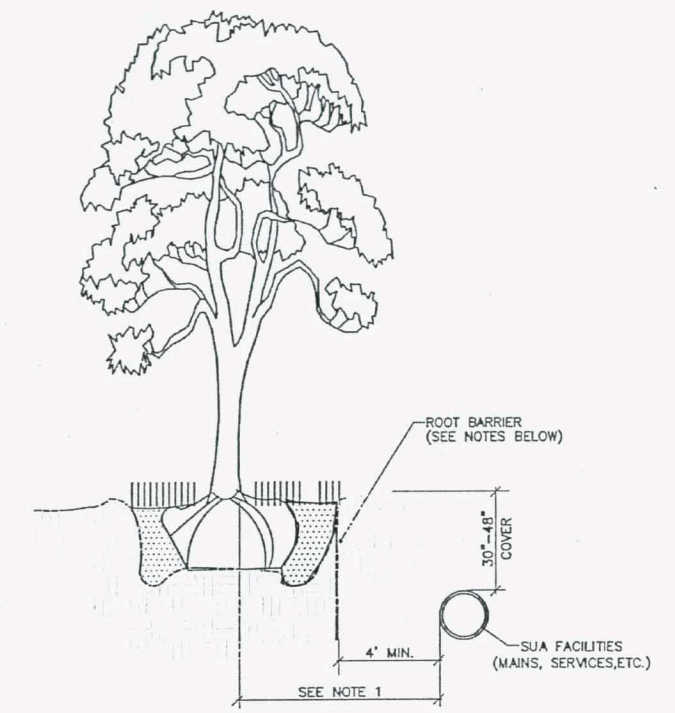
NOTE: ASTERISK (*) INDICATES FLORIDA NATIVE PLANT MATERIAL



EXHIBIT 3



Typical Canopy Tree, Large or Exotic Palm Tree with Root Barrier
NTS



- NOTES: (PLEASE REFER TO WRITTEN SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS)
1. THIS DISTANCE SHALL BE 10' MINIMUM WITH ROOT BARRIER AND 15' MINIMUM IF NO ROOT BARRIER IS USED.
 2. ALL ROOT BARRIERS SHALL BE 4" MINIMUM FROM ALL SEACOAST FACILITIES.
 3. THE INSTALLATION OF ROOT BARRIERS SHALL BE COORDINATED WITH SEACOAST AND INSPECTED BY SEACOAST PRIOR TO BACKFILLING. ALL ROOT BARRIERS SHALL EXTEND UP TO FINISHED GRADE.
 4. ROOT BARRIERS SHALL BE MINIMUM 36" DEEP. APPROVED PRODUCTS INCLUDE "DEEP ROOT" AND "ROOT SOLUTIONS". FLEXIBLE BARRIERS SHALL BE 36" PANELS MANUFACTURED BY BIOBARRIER.
 5. ALL ROOT BARRIERS SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS WRITTEN INSTRUCTIONS.
 6. LARGE PALM TREES INCLUDE ROYAL, WASHINGTONIAN, BISMARCK AND SIMILAR SIZED SPECIES.
 7. ROOT BARRIER INSTALLATION MAY PREVENT FUTURE LIABILITY & COST AS A RESULT OF THE TREE ROOTS DAMAGING UTILITIES
 8. ROOT BARRIER SHALL ONLY BE REQUIRED FOR LARGE CANOPY & LARGE PALM TREES
 9. ROOT BARRIER SHALL NOT BE REQUIRED FOR SMALL & MEDIUM SIZED TREES & PALMS UNLESS PLANTED CLOSER THAN 10' FROM UTILITIES & APPROVED BY SUA.

CALL 2 FULL BUSINESS DAYS BEFORE YOU DIG IN FLORIDA

IT'S THE LAW!
811
SUNSHINE STATE ONE CALL OF FLORIDA, INC.

NOTE: HOMEOWNERS & CONTRACTORS MUST CALL