

RESOLUTION NO. R-91- 249

RESOLUTION APPROVING ZONING PETITION NO. 85-86(A)
SPECIAL EXCEPTION PETITION OF QUAIL WOODS ASSOCIATION
BY DENNIS P. KOEHLER, AGENT

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, Petition No. 85-86(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 26, 1990; and

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

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 85-86(A) the petition of QUAIL WOODS ASSOCIATION, BY DENNIS P. KOEHLER, AGENT, FOR A SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR QUAIL WOODS PLANNED UNIT DEVELOPMENT; INCREASE THE DENSITY, on a parcel of land lying in the West 1/2 of the Southwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East, Less and excepting the Westerly 20.00 feet thereof; Together with, the East 1/2 of the Southwest 1/4 of the Southeast 1/4 of the Northeast 1/4 (Less the East 15.00 feet of the North 355.00 feet) of Section 25, Township 43 South, Range 42 East; Together with, the South 2.00 acres of the East 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4, Less the right-of-way of Quail Drive, Section 25, Township 43 South, Range 42 East, and being bound on the south by Lake Worth Drainage District Canal No. 2, approximately .2 mile east of Military Trail in a RH-Multiple Family Residential Zoning District (High Density), was approved on July 26, 1990, as advertised, subject to the following conditions:

STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.

2. Prior to Site Plan Review Committee, the petitioner shall demonstrate legal access to the adjacent five (5) acre parcel to the west.
3. Prior to Site Plan Certification, the petitioner shall present documentation to the Zoning Division that the facility does not violate FAA Regulations or Palm Beach County Airport Zoning Regulations. This documentation shall be approved by the Palm Beach County Department of Airports.

AFFORDABLE HOUSING

4. The provision of low income housing shall be described in appropriate restrictive covenants, shall be noted on the Master Plan and shall be subject to the approval of the County Attorney, Planning Department and Department of Housing and Community Development prior to Master Plan Certification. One Hundred percent (100%) of the total affordable housing units (37 affordable housing units) shall be designated and reserved for eight (8) years (with a provision for a two (2) year extension) as low income units.

The 1989 Comprehensive Plan defines Low Income affordable housing as a family of four that earns between 50% and 80% of the County's median income \$18,800 to \$30,800 in 1988. (Page 2-H 1989 Comprehensive Plan) Low Income Housing units shall be provided and made an integral part of this overall development of this project. One (1) affordable housing unit shall be provided for each five (5) typical units throughout the development process (up to 37 Units). Density shall be limited to a maximum 18 units per acre.

CRA CONDITIONS:

5. Prior to Site Plan Review Committee submittal, the site plan shall be amended to indicate the following Westgate/Belvedere Homes CRA conditions:
 - a. Outdoor speaker or public address systems shall not be permitted which are audible outside of the property boundaries.
 - b. Security lighting shall be low intensity and directed away from surrounding residences through the use of house side shields. Lighting fixtures shall not exceed twelve (12) feet in height; and
 - c. No advertising flags, foreign flags, pennants, banners, streamers or balloons shall be permitted on site. No gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors or upon any building? vehicle or wall, other than inside a window as may be permitted by the Sign Code. Also, flashing signs, electronic message boards, etc., shall not be permitted on-site.

ENGINEERING

6. The Developer shall provide discharge control and

treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, **Land Development Division**. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

7. The Property owner shall construct:
 - a. at the project's entrance road and Quail Road, a right turn lane, north approach, and
 - b. at Quail Road and Westgate Avenue, a left turn lane, south approach and a right turn lane, west approach.

All concurrent with on site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.

8. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or **as** it may from time to time be amended. The Fair Share Fee for this project presently is **\$1,155.00** per approved multi-family dwelling unit (7 trips X **\$165.00** per trip).
9. Prior to November 1, 1990, the property owner shall convey to the Lake Worth Drainage District the South **28** feet of the Southwest **1/4** of the Southeast **1/4** of the Northeast **1/4** of Section **25**, Township **43**, Range **42** for the required right-of-way for Lateral Canal **No. 2**, by Quit Claim Deed or an Easement Deed in the form provided by said District.
10. The Developer shall install signalization if warranted as determined by the County Engineer at Quail Road and Westgate Avenue. Should signalization not be warranted, after **12** months of the final Certificate of Occupancy, this property owner shall be relieved from this condition.
11. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance **73-4 as** amended.

ENVIRONMENTAL RESOURCES MANAGEMENT

12. Lakes shall be designed and planted with littoral zones. Plans for the lake design shall be submitted to the Department of Environmental Resources Management for approval prior to site plan certification.

GENERAL

13. The petitioner shall institute and maintain a program which guarantees that all buildings, grounds, vegetation, landscaping and all other amenities on the subject property will be maintained in a satisfactory condition which will not detract from the external aesthetic appearance of the subject property or adjacent properties. This maintenance program shall include, at a minimum, doors, screens, painting and exterior finishes; and all other architectural treatments. These items shall be maintained in a clean, painted and operable condition, as required by Condition Number 15.
14. The petitioner shall include in all lease and promotional literature and agreements to rent information that the property abuts the Kings Academy School on the south side and that activities which may create negative noise and light impacts may occur during and after school hours.
15. The special exception on this property is granted concurrently with a rezoning. Any other use other than a residential planned unit development shall be subject to a subsequent special exception.

HEALTH

16. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
17. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

LANDSCAPING

18. The petitioner shall install twelve foot tall (12') native canopy trees placed twenty-five feet (25') on center, and a 42" continuous native opaque hedge (which shall be maintained at seventy-two inches (72") in height), and appropriate ground cover(s) along the southern property line. Landscaping shall be selected, installed and maintained according to Xeriscape Principles with appropriate irrigation.

MASS TRANSIT

19. The petitioner shall construct a bus pull off and shelter in accordance with Palm Beach County Engineering Department and Co-Tran requirements along Westgate Avenue. Improvements shall be constructed prior to December 1, 1990. All permitting shall be the responsibility of the owner.

OPEN SPACE

20. Forty-five (45%) of the site shall be indicated as open space; 60% of the open space shall be usable as open space. Usable open space shall be defined as all areas within the boundaries of the proposal not covered by buildings, parking areas and drives. Usable open space includes club houses, swimming pools, tennis or other courts, ponds or water areas developed as amenities and located as to be physically and visually integrated into the development and accessible from the residential units. Landscaped areas with a minimum dimension of 12 feet in width may be used for passive or active recreational activities. Usable open space must be evenly distributed throughout the site and integrated into the pedestrian system.
21. The following shall not be included as usable open space:
 - a. parking lot landscaped areas;
 - b. parking lot to building in front separation, unless such areas are over 15 feet minimum width or 18 feet if they include a sidewalk and are defined 19 feet if they include a sidewalk and are defined with landscaping, building walls or fencing;
 - c. retention/detention pond with slopes steeper than 4 to 1; and
 - d. left over land "scraps".

Compliance with this condition shall be demonstrated prior to Site Plan Approval.

22. Harmful exotics such as melaleuca, Australian pines and Brazilian peppers shall be removed from site.

PARK SITE

23. Prior to Site Plan Review Committee certification, the Master Plan shall be amended to indicate the following:
 - a. Delineation of park site boundaries subject to approval by the Parks and Recreation Department.
 - b. A minimum of 1.3 acres for park site(s) which shall not include the proposed lake tract.
 - c. A list of recreational facilities which shall include: pool, tot lot, clubhouse, half basketball court, tennis court, shuffleboard court, volleyball and picnic area.

VEGETATION PRESERVATION

24. Prior to Site Plan Review Committee application the petitioner shall:
 - a. Designate preserve areas which incorporate a minimum of 25% of all native vegetation on site. These areas may include the PUD buffer where significant native vegetation exists. No trenching, grade changes or other development activity shall take place in the preserve area

except as approved by the Zoning Division staff. This provision shall not restrict selective clearing, additional planting of new or relocated material, pruning or eradication of prohibited species within the preserve.

- b. Submit a tree survey drawn at the same scale as the site plan. This survey shall number, size and identify all trees in a tabular data form.
 - c. Submit a preservation, relocation and removal program which corresponds to the tree survey. This program shall demonstrate how significant native vegetation is to be incorporated into the site design. At a minimum, this program shall specify:
 - 1) The preservation or relocation of **75%** of all oak trees greater than twenty-four inches (**24"**) in diameter. Relocation or removal of oak trees greater than twenty-four inches (**24"**) in diameter shall only be allowed upon presentation to the Zoning Division that relocation or preservation is not feasible.
 - 2) The preservation or relocation of **50%** of all oak trees less than twenty-four inches (**24"**) in diameter unless the condition of the tree is determined by the Zoning Division to be poor.
 - 3) The preservation within the buffer areas of all healthy native plant material (oaks, pines, sabal palms and cypress).
 - 4) The preservation or relocation of native plant material (oaks, pines, sabal palms and cypress, if any) into the designated preserve and/or buffer areas and/or the installation of new native plant material into such areas **so** as to create a density of one tree per two hundred fifty (**250**) square feet throughout the buffer.
25. Prior to the issuance of a Vegetation Removal Permit, the following shall be achieved:
- a. All trees to be relocated, preserved or removed shall be identified in the field and tagged and numbered according to the tree survey.
 - b. Trees to be preserved shall receive appropriate protection during site development. Protection devices shall be in place and approved by the Zoning Division prior to commencing any clearing activity.
 - c. Tree relocation shall occur prior to construction activity except as approved by the Zoning Division upon submission of a development phasing plan.
26. **No** removal of native plant material shall be permitted until Site Plan Review Committee approval.
27. The Master Plan shall be revised to redistribute the density throughout the site. **No** Pod density shall exceed

any other Pod density by more than twenty-five percent (25%).

SCHOOL BOARD

28. The petitioner shall include in all sales and promotional literature and agreements for purchase information that children in the development may be bused because of School Board policies regarding overcrowding, racial imbalancing or other policy matters.

This documentation shall be updated on an annual basis.

SITE DESIGN

29. Building height be limited to a maximum height of three (3) stories for the entire development.

A minimum 90 foot setback shall be maintained from the southern property line to any base building line and a minimum 55 foot setback shall be maintained from the eastern property line to any base building line.

30. The architectural design of buildings should provide variety and visual interest and create an overall unified image through the following and other appropriate means:
- a. Large concentrations of repetitive building types should be avoided.
 - b. When there are several buildings within a development, the exterior of the unit should be varied by horizontally off setting units in a building by 1) varying the roof and floor elevations within the same building, 2) varying the window treatments, 3) using contrasting shapes and forms, 4) creating points of interest on the exterior of the buildings and 5) designing overhangs and architectural projections to create shadows on the buildings exterior.
 - c. An overall unified image should be created by the use of common elements such as consistent forms, colors, architectural details and landscape materials.
 - d. Similar architectural character and treatment should be provided for all sides of the building.
 - e. Details on all sides of the building should be repeated and should be made to appear functional and real.
 - f. Roof and or trim color should be coordinated with base colors and when used, gutters and downspouts should be integrated into the architectural design of the building.
 - g. Unit and building entries should be easily identifiable and entries should be integrated into the building architecture. Entries in exterior stairs should be designed to provide shelter from inclement weather.

- h. Durable exterior materials which give high quality appearance which will reduce maintenance should be used.
- i. All roof top mechanical and electrical equipment should be screened **so** as not to be visible from any point **10** feet above the ground from any point within a **200** foot radius of the building on which it is mounted.
- j. Interior and exterior storage areas should be integrated into the building design **to** make it compatible with the building architecture.

All other development regulations and codes, including but not limited to the Zoning Ordinance, shall be met.

SOLID WASTE MANAGEMENT

- 31. Petitioner shall encourage homeowners to participate in a recycling program for paper, plastic, metal and **glass** products.

WETLANDS

- 32. The petitioner shall supply to the Department of Environmental Resources Management an environmental wetlands determination for approval prior to Site Plan Review Application.

COMPLIANCE

- 33. As provided in the Palm Beach County Zoning Code, Sections **400.2** and 402.6, failure to comply with any of these conditions **of** approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform **with** updated standards of development, applicable 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.

Appeals of any **departmental-administrative** actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Phillips moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of February, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, ..CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

