

RESOLUTION NO. R-94-109

RESOLUTION APPROVING ZONING PETITION EAC88-139(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF ORIOLE HOMES CORPORATION

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 5 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition **EAC88-139(B)** was presented to the Board of County Commissioners at a public hearing conducted on January 27, 1994; and

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

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach county Comprehensive Plan.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 6, supplementary **Use** Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable **local** land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency exemption and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County 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 Petition **EAC88-139(B)**, the petition of Oriole Homes Corporation, for a DEVELOPMENT ORDER AMENDMENT in the Single Family Residential (RS/PUD) Zoning District, to amend master plan to redesignate unit type (Parcels A & B) (detached single family to attached multi-family) and to modify Condition I.2 of R-93-348 (installation of landscaping), previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on January 27, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Aye
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Warren Newell	--	Absent
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of January, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

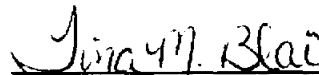
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

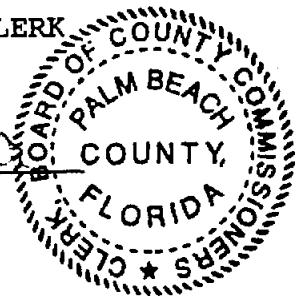


EXHIBIT A
LEGAL DESCRIPTION

**The Southwest One-quarter of Section 26, Township 45 South,
Range 42 East, Less the North 1089.00 Feet of the West
1600.00 feet thereof, of Palm Beach County, Florida.**

88-139B

EXHIBIT B
VICINITY SKETCH

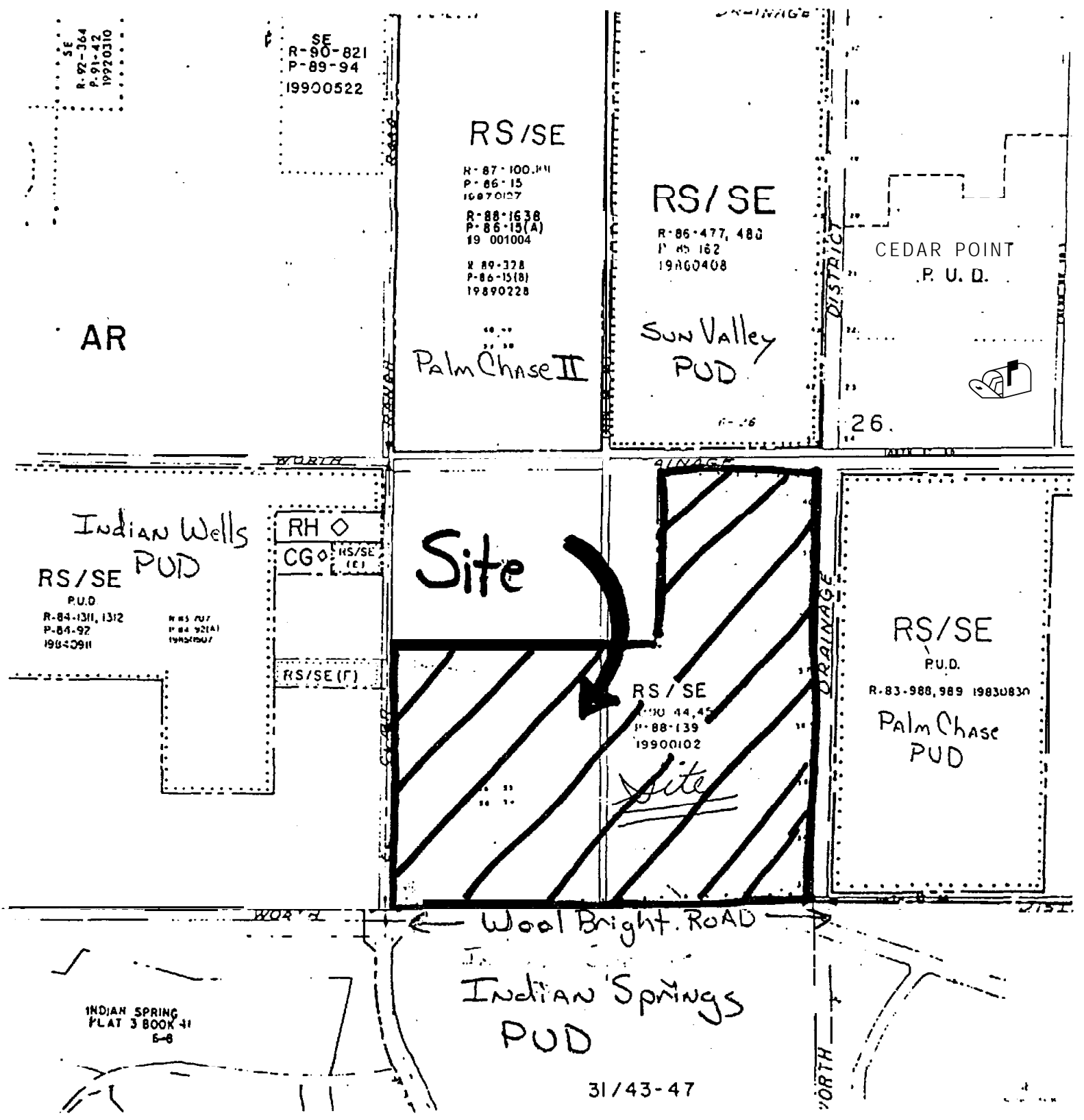


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions (shown in BOLD) have been consolidated as indicated below.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for ~~Zoning Code Section 402.9~~ **ULDC** compliance, as amended, unless expressly modified. (Previously Condition No. A.1 of **Resolution R-93-348**, Petition 88-139(A). (MONITORING)

2. Condition A.2. of Resolution R-93-348, Petition 88-139 (A), which states:

The petitioner shall receive certification of the master plan approved by the Board of County Commissioners for the subject property, as amended as required by the conditions of approval, on or before January 31, 1993.

Is hereby deleted. (REASON: Condition previously satisfied.)

3. To ensure the petitioner provides adequate assurances to control particulate created during development of the site, prior to certification of the Preliminary Development Plan (master plan) by the DRC, the petitioner shall submit for approval, in a form and manner acceptable to the Zoning Division and the Palm Beach County Health Unit, a particulate control plan. (ZONING/HEALTH)

B. BUILDING AND SITE DESIGN

1. Condition No. B.1 of Resolution R-93-348, Petition **88-139(A)**, which states:

Prior to certification, the master plan shall be amended to indicate the following:

- a. **Open** space tabular computation in accordance with Section **500.21.J** of the **Zoning** Code.
- b. Delete from the tabular data reference **to** plus Or minus.

Is hereby deleted. (REASON: Condition previously satisfied.)

C. CIVIC SITE

1. **Prior to July 1, 1993**, the petitioner shall:

- a. Convey unencumbered fee simple title to the civic site by Statutory Warranty Deed to Palm Beach County, comprising 2% of the gross area of the planned unit development (2.2 acres) according to the Unified Lane Development Code Article **6.8-B6a(2)** (a) (i).

- b. The petitioner may exchange the required on-site dedication of land for civic uses **either for a** parcel of land off-site equal in acreage or cash of equal value. In the event that the off-site land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications. The value of the on-site land dedication shall be **based** upon its value as a civic site. This contribution shall be used to offset the identifiable impacts directly attributable to this project. If an off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of Zoning Code Section 500.21.H. (Previously Condition No. C.1 of Resolution R-93-348, Petition 88-139(A). (PREM))

D. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (Previously Condition No. D.1 of Resolution R-93-348, Petition 88-139(A). (HEALTH))
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previously Condition No. D.2 of Resolution R-93-348, Petition 88-139(A). (HEALTH))

E. ENGINEERING

1. 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. (Previously Condition No. E.1 of Resolution R-93-348, Petition 88-139(A). (ENGINEERING))
2. At the time of recording the first plat or within twelve (12) months of the Resolution approving this project or when requested **by** the county Engineer (whichever shall first occur), the property owner shall convey to Palm Beach county Land Development Division by road **right-of-way** warranty deed for El Clair Ranch Road, **55 feet from** centerline free of all encumbrances and encroachments. 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 **"Safe Sight Corners"** where appropriate at intersections as determined **by** the County Engineer. (Previously Condition No. E.2 of Resolution R-93-348, Petition 88-139(A). (ENGINEERING/MONITORING))

3. The Property owner shall construct:
 - a. left turn lane, west approach and a right turn lane, east approach on **S.W.** 15th Avenue at the project's entrance road; and
 - b. left turn lane, north approach and a right turn lane, south approach on El Clair Ranch Road at the project's entrance onto El Clair Ranch concurrent with **onsite** paving and drainage improvements. Construction shall be completed prior to **the** issuance of a Building Permit, except **for models**. (Previously Condition No. E.3 of Resolution R-93-348, Petition 88-139(A). (ENGINEERING/BUILDING))
4. The Property owner shall convey to Palm Beach County, at the time of recording the first plat or **within** twelve (12) months of the Resolution approving this project or **when** requested by the County Engineer (whichever shall first occur), adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall **for all** runoff from those segments of El Clair Ranch Road and S.W. 15th Avenue along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along El Clair Ranch Road and S.W. 15th Avenue. Said easements shall be no less than 20 feet in width. The drainage system within the project **shall** have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) the included segment. (Previously Condition No. E.4 of Resolution R-93-348, Petition 88-139(A). (ENGINEERING))
5. The Developer shall install signalization if warranted as determined by the County Engineer:
 - a. El Clair Ranch Road and **S.W.** 15th Avenue:
 - b. Project's entrance road and S.W. 15th Avenue: and,
 - c. Project's entrance and El **Clair** Ranch Road.Should signalization not be warranted after 12 months of the final Certificate of occupancy this property owner shall be relieved from this condition. (Previously Condition No. E.5 of Resolution R-93-348, Petition 88-139(A). (ENGINEERING))
6. The Developer shall plat the subject property in accordance **with** provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended. (Previously Condition No. E.6 of Resolution R-93-348, Petition 88-139(A). (ENGINEERING))
7. Palm Beach County **shall** construct at the intersection of **S.W.** 15th Avenue and Military Trail:
 - a. Dual left turn lane, east and west approach;
 - b. 2 through lanes, east approach:
 - c.** A separate right turn lane, east approach;
 - d.** Separate right turn lane, north and south approaches; and,
 - e. Dual left turn lanes, north and south approaches.

All **construction** on the east and west approaches shall be concurrent with the **S.W.** 15th Avenue construction while construction on the north and south approaches shall be concurrent with the Military Trail construction. (Previously Condition No. E.7 of Resolution R-93-348, Petition 88-139(A). (ENGINEERING)

8. The property owner shall provide all necessary **right-of-way** acquisition documents including but not limited to surveys, property owner's map, legal descriptions for acquisitions, and parcelled right-of-way maps required for the construction of S.W. 15th Avenue as referenced above and subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. The right-of-way documents shall be provided by January 1, 1990. (Previously Condition No. E.11 of Resolution R-93-348, Petition 88-139 (A). (MONITORING-Engineering)
9. The project's main entrance onto El Clair Ranch Road shall be relocated a minimum distance of 660 feet north of **S.W.** 15th Avenue. (Previously Condition No. E.21 of Resolution R-93-348, Petition 88-139(A). (ENGINEERING)
10. The property owner shall construct the existing bike path along **S.W.** 15th Avenue to the minimum distance as defined by the Florida Department of Transportation Green Book standards relative to the distance of the bike path to the existing travel lanes of S.W. 15th Avenue. (Previously Condition No. E.22 of Resolution R-93-348, Petition 88-139(A). (ENGINEERING)
11. New phasing conditions based upon the project's approved Traffic Impact Analysis are as follows:
 - Phase I: Limited to a maximum of 131 single-family units, until construction commences for the widening of Military Trail between Woolbright Road (**S.W.** 15th Avenue) and Golf Road from a four-lane divided roadway to a six-lane divided roadway by Palm Beach County. Scheduled for FY 1992-93.
 - Phase II: Limited to a maximum of 137 single family units, until construction commences for the widening of Military Trail between Golf Road and Steiner Road, from a four lane divided roadway to six-lane divided roadway by Palm Beach County. scheduled for **FY** 1992-93.
 - Phase III: Limited to a maximum of 251 Single family units until construction commences for the widening of Military Trail between Boynton Beach Boulevard and Woolbright Road (S.W. 15th Avenue) from a four-lane divided roadway to six-lane divided by Palm Beach County. Scheduled **for FY** 1992-93. (Previously Condition No. E.23 of Resolution R-93-348, Petition 88-139(A). (BUILDING - Engineering)
12. **No building** permits for the site shall be issued after **January 1, 1997.** (Previously Condition No. E.24 of Resolution R-93-348, Petition 88-139(A). (BUILDING/ENGINEERING)

13. The property owner shall pay a Fair **Share** Fee in the amount of **\$742,500.00** (4,500 x \$165.00 per trip) toward the construction of Military Trail from Steiner Road to Boynton **Beach Boulevard**. Credit for the cost of plan preparation and construction or any work performed as listed in conditions No. 11, 12, 13, 14, 15 of resolution No. 90-1672, Petition 88-139, with approval by the County Engineer, shall be given against the aforementioned traffic impact fee. These funds shall be deposited with Palm Beach County prior to July 1, 1993. (**Previously Condition No. E.25 of Resolution R-93-348, Petition 88-139(A). (MONITORING - Engineering)**)
14. No interior roadways shall be located adjacent to the **east** PUD ^{property} line. (**Previously Condition No. E.26 of Resolution R-93-348, Petition 88-139(A).**)

F. **IRRIGATION QUALITY WATER**

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (**Previously Condition No. F.1 of Resolution R-93-348, Petition 88-139(A). (UTILITIES)**)

G. **LAKE WORTH DRAINAGE DISTRICT**

1. The property owner shall convey to the Lake Worth Drainage District the south 35 feet of the north 55 feet of the southwest **1/4** of Section 26, Township 45 South, Range 42 East less the west 1,600 feet thereof for the **required** right-of-way for Equalizing canal No. 25 and the west 35 feet of the east 75 feet of the southwest **1/4** of said Section 26 for the required right-of-way for Equalizing Canal No. 3, by Quit Claim Deed or an Easement Deed in the form provided by said District, at the time of recording of the first plat or within twelve (12) months, of the approval of the Resolution approving this project (whichever shall first occur). (**Previously Condition No. G.1 of Resolution R-93-348, Petition 88-139(A). (ENGINEERING/MONITORING - LWDD)**)

H. **LANDSCAPING - GENERAL**

1. Prior to master plan certification, the petitioner shall revise the landscape tabular data on the master plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval. (**Previously Condition No. H.1 of Resolution R-93-348, Petition 88-139(A). (ZONING)**)
2. The petitioner shall **sod**, irrigate and perpetually maintain all pervious areas abutting El Clair Ranch Road and Woodbright Road from pavement's edge to the subject **property**, subject to approval by the County Engineer. (**Previously Condition No. H.2 of Resolution R-93-348, Petition 88-139(A).**)

I. **LANDSCAPING WITHIN TWENTY-FIVE FOOT PUD BUFFER**

1. Landscaping within the required twenty-five (25) foot Planned Unit Development (PUD) buffer shall be upgraded to include:
 - a. One (1) native canopy tree a minimum of twelve (12) feet in height at installation, planted every twenty (20) feet on center.

b. A six **(6)** foot wall, hedge, fence, berm or combination thereof. (Previously Condition No. I.1 of Resolution R-93-348, Petition 88-139 (A). (ZONING)

2. Condition No. I.2 of Resolution R-93-348, which currently states:

A minimum six (6) foot high hedge at installation, required trees within the PUD buffer and irrigation shall be installed along the entire east property line prior to commencement of site development.

Is hereby amended to state:

A minimum eight (8) foot high temporary opaque wooden fence within the PUD buffer shall be installed along the entire east property line prior to commencement of site development. (ZONING)

J. RECYCLE SOLID WASTE

1. All property owners and/or lessees shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (Previously Condition No. J.1 of Resolution R-93-348, Petition 88-139(A). (SOLID WASTE AUTHORITY)
2. The petitioner shall encourage homeowners to participate in a recycling program for paper, plastic, metal and glass products. (Previously Condition No. J.2 of Resolution R-93-348, Petition 88-139(A). (SOLID WASTE AUTHORITY)

K. PLANNED UNIT DEVELOPMENT

1. Each primary structure within the PUD shall clearly display a street address number on the facade of the building which is legible from the street. (Previously Condition No. K.1 of Resolution R-93-348, Petition 88-139(A). (BUILDING/ CODE ENFORCEMENT)

L. SCHOOL BOARD

1. All sales and notice literature and purchase agreements for all property within the development shall include a statement/notice that students may not be assigned to the nearest school and that all prospective buyers are encouraged to contact the Palm Beach County School Board to determine which school assignment will apply to their children. (Previously Condition No. L.1 of Resolution R-93-348, Petition 88-139(A). (SCHOOL BOARD)
2. Prior to master plan certification, the petitioner shall demonstrate that they have met with the School Board and discussed the potential of entering into an agreement to help achieve racial balance and allow the children who reside within the development to attend the nearest available schools. (Previously Condition No. L.2 of Resolution R-93-348, Petition 88-139(A). (SCHOOL BOARD)

M. VEGETATION PRESERVATION

1. The native slash pine identified in the northeast portion of the property and along the northern property line shall be preserved and incorporated into the site design to the greatest extent possible. (Previously Condition M.1 of Resolution R-93-348, Petition 88-139(A). (ZONING)

N. COMPLIANCE

1. As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions **of** approval at any time *may* result in one or more of the following:
 - a. The denial or suspension of a building permit or certificate of occupancy and use; the issuance of a stop work order; the denial or suspension of any permit or approval for any developer, owner, contractor, agent, tenant, lessee, or user of the subject property;
 - b. The revocation of any 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;
 - c. Rezoning of the property;
 - d. The addition or modification of conditions, including a requirement that the development conform with updated standards of development applicable at the time of the finding of non-compliance;
 - e. Citation of the property owner for violation of the Zoning Code. (Previously Condition No. N.1 of Resolution R-93-348, Petition 88-139(A).
2. 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 Commissioners decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (Previously Condition No. N.2 of Resolution R-93-348, Petition 88-139(A). (MONITORING)
3. The approval of this petition shall not affect any **Zoning** Code Section 402.9 (Mandatory Review of Development Approval) review date established as the result of a previous approval for this property. (Previously Condition No. N.3 of Resolution R-93-348, Petition 88-139(A). (MONITORING)