

RESOLUTION NO. R-95- 856

RESOLUTION APPROVING ZONING PETITION PDD95-18  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
PETITION OF VANGUARD REALTY & DEV. 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 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD95-18 was presented to the Board of County Commissioners at a public hearing conducted on June 22, 1995; 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 made 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 requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. 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;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3 .D.9 (Action by Board of County Commissioners) 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 Petition PDD95-18, the petition of Vanguard Realty & Dev. Corporation, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential (AR) ZONING DISTRICT to the Residential Planned Unit Development (PUD) 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 June 22, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 22nd day of June, 1995.

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

EXHIBIT "A"  
LEGAL DESCRIPTION  
MADISON LAKES

The West 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Southeast 1/4, Less the West 40 feet for Jog Road Right-of-way in Section 27, Township 45 South, Range 42 East, Palm Beach County, Florida.

AND

The West 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 27, Township 45 South, Range 42 East, Palm Beach County, Florida.

AND

The East 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 27, Township 45 South, Range 42 East, Palm Beach County, Florida.

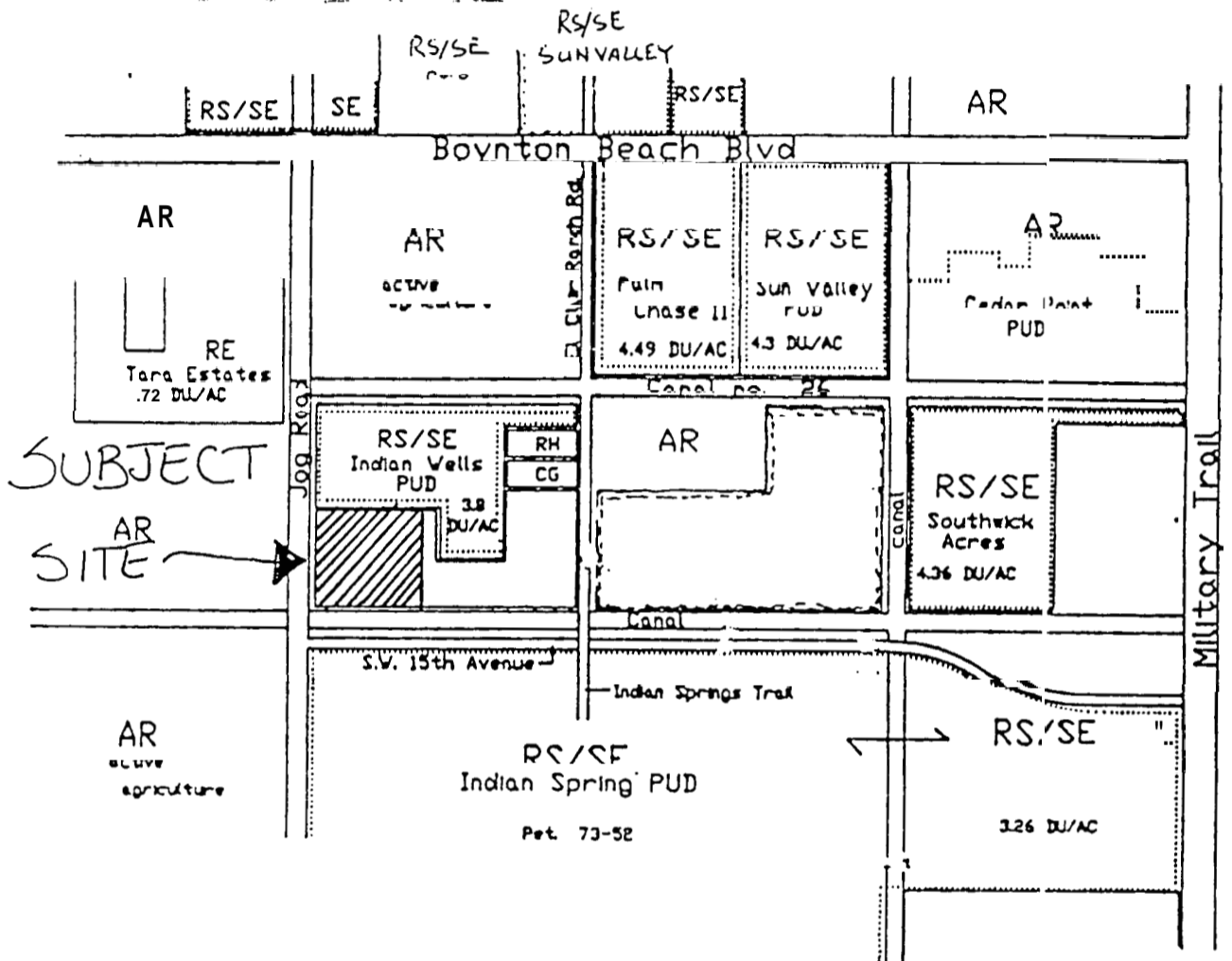
AND

The West 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 27, Township 45 South, Range 42 East, Palm Beach County, Florida.

AND

The Southwest 1/4 of the Southwest 1/4 of the Southeast 1/4 Less the West 40 feet for Jog Road Right-of-way in Section 27, Township 45 South, Range 42 East, Palm Beach County, Florida.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. CONCURRENCY

1. Prior to certification of the preliminary development plan by the Development Review Committee, approval a Concurrency Reservation is required. (ZONING)

#### B. LANDSCAPING - STANDARDS

1. All trees within the landscape buffers along the north and east property lines, shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet.
  - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
  - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (BUILDING-Zoning)
2. The width of perimeter landscape buffers along the north, east and west property lines shall not be reduced by the Development Review Committee (DRC). (ZONING)

#### C. PLANNED DEVELOPMENT

1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer. (ENGINEERING)
2. Street trees shall be planted within or adjacent to all rights-of-way pursuant to Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (ENGINEERING-Zoning)
3. All utilities shall be underground pursuant to Section 6.8.A.23.d(5) of the ULDC. (ENGINEERING)

#### D. PLANNING

1. This site is located within the Turnpike Aquifer Protection Overlay zone. A letter of identification and dedication from Palm Beach County Water Utilities Department of water supply sites shall be submitted to the Planning Division prior to certification of the preliminary development plan by the Development Review Committee. (PLANNING)

#### E. ENGINEERING

1. The Property owner shall construct a left turn lane, west approach on Woolbright at the project's entrance road. 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. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING/ENGINEERING)

2. On or before **December 1, 1995**, the property owner shall convey to Palm Beach County adequate road drainage easement(s) through the project's internal drainage system to provide legal positive outfall for runoff from those segments of Jog Road along the property frontage and for a maximum **400** ft. distance each side of the property boundary lines along Jog Road. 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 Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of **24** inch closed piping system and appropriate wingwall or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (MONITORING - Engineering)
3. The Developer 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, Zoning Petition Number 95-18, to be paid at the time of issuance of the Building Permit presently is \$1,650.00 per approved single family dwelling unit (~~10~~ per dwelling unit trips ~~X~~ \$165.00 per trip). (IMPACT FEE COORDINATOR)
4. Prior to certification of the Master Plan by the DRC:
  - a. The access on Woolbright Road shall be relocated a minimum of **800** feet east of the centerline **of Jog** Road right of way subject to approval by the County Engineer.
  - b. Minimum centerline radii shall be adhered to.
  - c. A detailed drainage study by the Developers Engineer for this site shall be approved by Land Development and Roadway Production Division. This drainage study shall establish the minimum size of the onsite lake system to provide Palm Beach County with the required drainage easements as provided for in the conditions of approval above. This drainage study shall detail flood events for the **5, 10, and 25** year stormwater flood elevations. (ENGINEERING)

G. WATER UTILITIES

1. The developer shall dedicate one (1) 40' X 60' raw water well site and all appropriate utility and access easements as required by the Turnpike Aquifer Protection Overlay District Ordinance. The site selection shall comply with the Wellfield Protection Ordinance and must be approved by Palm Beach County Water Utilities Department prior to certification of the preliminary development plan by the Development Review Committee. (WATER UTILITIES)
2. The sanitary sewer system shall be designed to provide a potential gravity sewer connection and extension to serve the 10 acre parcel located to the east of the subject site. All necessary utility easements shall be indicated on the plat. (WATER UTILITIES)

H. COMPLIANCE

1. 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; cease and desist 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 Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
  - 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;
  - d. Referral to code enforcement; and/or
  - e. Imposition of entitlement density or intensity.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of Conditional Use, 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. (MONITORING)