

RESOLUTION NO. R-95- 1734

RESOLUTION APPROVING ZONING PETITION PDD95-71
OFFICIAL ZONING MAP AMENDMENT (REZONING)
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF ARON S. LAMPERT
BY ROBERT BENTZ, AGENT
ROYAL LAKES PUD

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 PDD95-71 was presented to the Board of County Commissioners at a public hearing conducted on December 4, 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 PDD95-71, the petition of Aron S. Lampert/Ariel Homes by Robert Bentz, Land Design South, agent, for an Official Zoning Map Amendment from the Agricultural Residential (AR) 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 December 4, 1995, 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 McCarty 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	--	ABSENT
Mary McCarty	--	AYE
Warren Newell	--	AYE
Carol A. Roberts	--	AYE

The Chair thereupon declared that the resolution was duly passed and adopted December 4, 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

DEC 6 1995

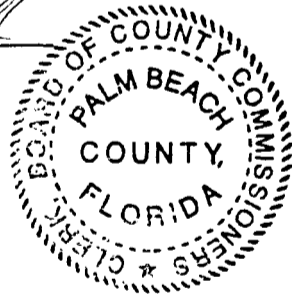


EXHIBIT A

LEGAL DESCRIPTION

That **part** of Tracts 37, 38, 39, 40, 51, 52, 57 and **58** of the Subdivision of Section 26 in Township 45 South, Range 42 East, according to the Plat thereof, as recorded in Plat Book 6. Page 26 of the Public Records of Palm Beach County, Florida, lying within the North 1089 feet of the West 1600 feet of the Southwest 1/4 of Section 26, Township 45 South, Range 42 East, Palm Beach County, Florida; less right of way of El Clair Ranch Road, conveyed to Palm Beach County by deed recorded in Official Records Book 53 19, Page 813, of the Public Records of Palm Beach County, Florida.

· T
i

EXHIBIT B
VICINITY SKETCH

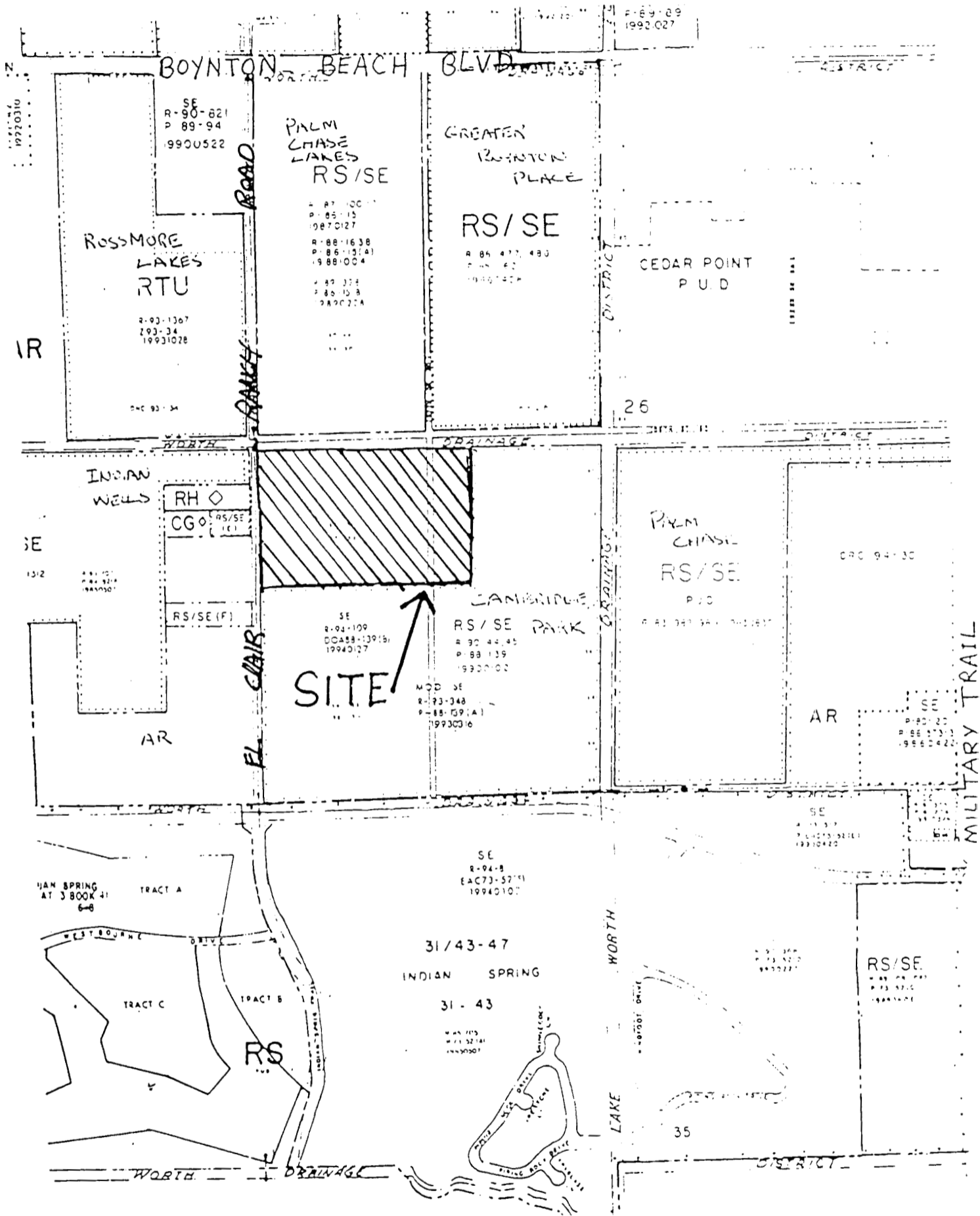


EXHIBIT C

CONDITIONS OF APPROVAL

A. LANDSCAPING ALONG NORTH PROPERTY LINE

1. Landscaping and buffering along the north property line shall **be** upgraded to include one (1) canopy tree twenty-five (25) feet on center. (CO: BUILDING-Zoning)
2. Landscaping and buffering along the north property line, adjacent to the recreation area, shall be upgraded **to** include:
 - a. One (1) canopy tree every fifteen (15) feet on center abutting the recreation area.
 - b. Thirty (30) inch high shrub or hedge material spaced **no** more than twenty four (24) inches on center at installation, to be maintained at a height of six (6) feet. The hedge material shall be installed from **E1** Clair Ranch Road along the entire north and eastern edge of the recreation area. (CO: BUILDING-Zoning)
3. All trees within the landscape buffers along the north and west 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. (CO: BUILDING-Zoning)
4. The width of the west, south and east perimeter landscape buffers shall not be reduced by the Development Review Committee (DRC: ZONING)

B. PLANNED DEVELOPMENT

1. Street lights shall be provided pursuant to Section **6.8.A.23.d(1)** of the ULDC. (CO: BUILDING-Engineering)
2. Street trees shall be planted pursuant to Section **6.8.A.23.d(3)** of the ULDC. (CO: ZONING/Engineering)
3. All utilities shall be underground pursuant to Section **6.8.A.23.d(5)** of the Unified Land Development Code., (CO: ENGINEERING)
4. The forty (40) foot unimproved right-of-way traversing the site, as indicated in Plat Book **6**, Page **26**, shall be abandoned prior to approval of the first plat. (PLAT APPROVAL: ENGINEERING-Zoning)
5. Prior to site plan approval, the petitioner shall amend the Preliminary Development Plan (PDP) to reflect the private civic cash out for residential uses. The cash out shall not cause an increase in overall units **or** density. (DRC: ZONING-Prem)
6. The petitioner shall provide bus access to the site acceptable to the Palm Beach County School Board and Palm Tran. (DRC: ZONING)

C. PLANNING

1. The southern portion of the 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. (DRC: PLANNING)

D. HEALTH

1. Reasonable precautions shall be taken during development to insure that unconfined particulate (dust particles) from the property do not become a nuisance to neighboring properties. (ONGOING: HEALTH/CODE ENF)

E. ENGINEERING

1. The Property owner shall construct a left turn lane, north approach on **E1** Clair Ranch Road 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 relocation; and acquisition **of** any additional required right-of-way. This left turn lane construction shall also include reconstruction of the existing left turn lane on **E1** Clair Ranch Road north and south of this project's entrance road as required by the County Engineer. Palm Beach County shall make available to this property owner any remaining surety from the Indian Wells surety draw. These monies may then be used for the construction of this required left turn lane, subject to the approval of the County Engineer.
 - a) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit.
 - b) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: BUILDING - Engineering)
2. 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 **95-71**, to be paid at the time of issuance of the Building Permit presently is **\$1,650.00** per approved single family dwelling unit. (10 trips X **\$165.00** per trip). (BUILDING PERMIT: IMPACT FEE COORDINATOR)
3. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a) Building Permits for more than **62** single family dwelling units shall not be issue until construction has begun for the construction of west approach dual left turn lanes on Boynton Beach Boulevard at Jog Road, plus the appropriate paved tapers. (BUILDING PERMIT: MONITORING - Engineering)
 - b) Building Permits **for** more than **124** single family dwelling units shall not be issued until construction has begun for the construction of a south approach right turn lane and south approach dual left turn lanes on **E1** Clair Ranch Road and Boynton Beach Boulevard plus the appropriate paved tapers.

In lieu of these turn lane improvements on the northbound approach, the applicant may substitute an eastbound right turn lane if it is determined to be feasible by the Lake Worth Drainage District, the County Engineer and the Florida Department of Transportation. (BLDG. PERMIT: MONITORING-Engineering)

- c) Building Permits for more than 134 single family dwelling units shall not be issued until construction has begun for the widening of Jog Road as a 4 lane facility from Boynton Beach Boulevard to N.W. 22nd Avenue plus the appropriate paved tapers. (BUILDING PERMIT: MONITORING - Engineering)
4. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at 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. (CATE: ENGINEERING - Building)
5. Prior to issuance of a building permit the property owner shall convey a permanent roadway construction easement along El Clair Ranch Road to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. This easement shall then be recorded in the public records. (BLDG. PERMIT: ENGINEERING)
6. Prior to recordation of the first plat, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of El Clair Ranch Road along the property frontage. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and 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 as required by and approved by the County Engineer. Elevation and location of the entire drainage system 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 (ENGINEERING-Engineering).

G. LAKE WORTH DRAINAGE DISTRICT

1. Prior to certification, the master plan shall be amended to indicate the width of the Lake Worth Drainage District Canal L-25 as sixty-three 63 feet. In the event that a portion of this Canal Right-of-way is purchased from the LWDD, then the amended width is to be reflected on the certified site plan. (DRC: ZONING-Lake Worth Drainage District)

H. **COMPLIANCE**

1. 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; 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.

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 an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment 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)