

RESOLUTION NO. R-2004- 2253

RESOLUTION APPROVING ZONING PETITION PDD2004-008  
(CONTROL NO. 2004008)  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF EH BUILDING GROUP  
BY JULIAN BRYAN & ASSOCIATES INC, AGENT  
(WYNDAM II 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 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Petition PDD2004-008 was presented to the Board of County Commissioners at a public hearing conducted on October 28, 2004; 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 has considered the findings in the staff report and 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) with approved conditions 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) with approved conditions 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) with approved conditions 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) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 2.K.3.b (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 PDD2004-008, the petition of EH Building Group by Julian Bryan & Associates Inc, agent, for an Official Zoning Map Amendment from the Single Family Residential Zoning District to the Residential Planned Unit Development 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 October 28, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	- Aye
Tony Masilotti, Vice Chairman	- Aye
Jeff Koons	- Aye
Warren H. Newell	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye
Addie L. Greene	- Aye

The Chair thereupon declared that the resolution was duly passed and adopted on October 28, 2004.


Filed with the Clerk of the Board of County Commissioners on 15 day of November, 2004.

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

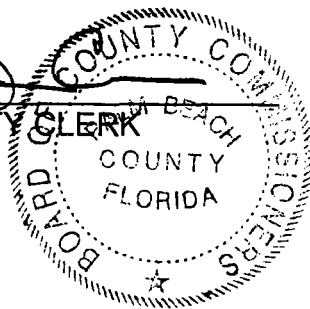


EXHIBIT A

LEGAL DESCRIPTION

The West 135 feet of the East 269 feet of the North 153 feet of the South 208 feet of Tract 23, Model Land Company Subdivision of Section 2, Township 44 South, Range 42 East, according to the plat thereof, recorded in Plat Book 5, Page 80, Public Records of Palm Beach County, Florida; and

The East 330 feet of Tract 23, less the West 135 feet of the East 269 feet of the North 153 feet of the South 208 feet and less the South 55 feet for Summit Boulevard right of way; and the East 330 feet of Tract 24, Model Land Company Subdivision of Section 2, Township 44 South, Range 42 East, according to the plat thereof, recorded in Plat Book 5, Page 80, Public Records of Palm Beach County, Florida.

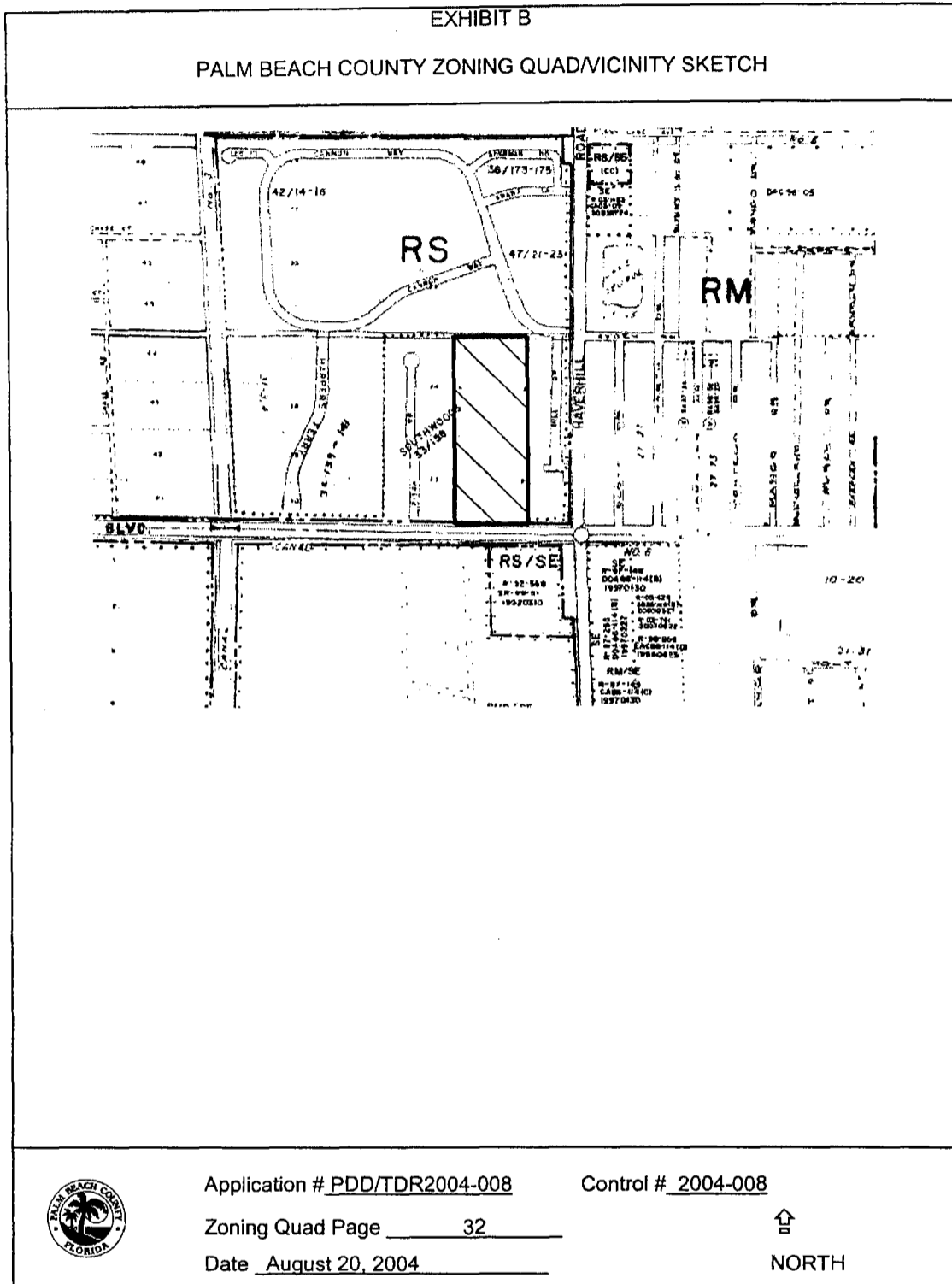
TOGETHER WITH

That portion of Tracts 21 and 22, Model Land Company Subdivision of Section 2, Township 44 South, Range 42 East, according to the plat thereof, recorded in Plat Book 5, Page 80, Public Records of Palm Beach County, Florida, lying west of the West line of that certain parcel of land described in the Final Judgment Quieting Title, recorded in Official Record Book 2449, Page 1442, Public Records of Palm Beach County, Florida, less the South 55 feet of said Tract 22 for right of way for Summit Boulevard.

SUBJECT TO easements, reservations, restrictions and rights of way of record.

Containing: 18.620 Acres, more or less

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved site plan is dated August 25, 2004. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)
2. Prior to final site plan approval by the Development Review Officer (DRO), the property owner is required to:
  - a. revise the site plan to exclude the road right-of-way, and reduce the number of units; or
  - b. exclude the road right-of-way from the site and purchase additional TDR units to make up a total of 177 units; or
  - c. upon the completion of the abandonment of this roadway, include the abandoned road acreage to the project to allow for a total of 177 units. In this option, the property owner is required to submit a revised legal description and survey to reflect the abandonment information, correct acreage and monumentation.  
(DRO:ZONING/ENG/PLANNING-Zoning)

#### B. ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, architectural elevations for the residential buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with all applicable provisions of Section 5.C. of the ULDC. Development shall be consistent with the approved architectural elevations and the DRO approved site plan. (DRO: ARCH REVIEW - Zoning)
2. Each residential unit shall include a garage that exceeds the minimum residential parking dimensions or a separate storage closet for trash receptacles, as deemed acceptable to the Architectural Review Section. (DRO/BLDG PERMIT: ARCH REVIEW/BLDG - Zoning)

#### C. LANDSCAPING - STANDARD

1. A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall meet the following minimum standards at installation:
  - a. Tree height: Fourteen (14) feet;
  - b. Trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
  - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
  - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)

2. Field adjustment of berms and plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)
3. Berm height shall be measured from the nearest top of the curb, the crown of the nearest road, or the nearest adjacent finished floor elevation, whichever is higher. Minor height adjustment may be permitted subject to the approval by the Landscape Section prior to the issuance of a building permit. (BLDG PERMIT: LANDSCAPE - Zoning)

D. ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING:ERM-Erm)

E. ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after January 1, 2007. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING:ENG-Eng)

F. PLANNED UNIT DEVELOPMENT

1. Street trees shall be required within all street tracts and/or right-of-ways of the subject development consistent with the requirements of the Engineering Department, and the following criteria:
  - a. along one side of all internal PUD streets less than fifty (50) feet in width;
  - b. along both sides of all internal PUD streets fifty (50) feet in width or greater; and,
  - c. roadway cross-section sketches showing the required street trees shall be reflected on the approved Regulating Plan, as applicable. (DRO: ZONING/ENG - Zoning)
2. Prior to final approval of the site plan by the Development Review Officer (DRO), the Master/Site Plans shall be amended to indicate the following:
  - a. a mulched pathway around the lake with a minimum width of five (5) feet;
  - b. The pathway shall be laid out in a meandering and naturalistic manner. (DRO/BLDG PERMIT: DRO/BLDG PERMIT- Zoning)
3. Prior to final approval of the site plan by the Development Review Officer (DRO), the Master/Site Plans shall be amended to indicate a minimum of two (2) fountains within the lake tract. These fountains shall be located in such a

manner as to maximize exposure from the adjacent park and (southern area of lake) adjacent to the roundabout. (DRO: ZONING – Zoning)

4. The two (2) parcels located at the south end of the project, and being identified as Open Space on the site plan dated August 25, 2004 shall include the following:
  - a. a five (5) foot wide walkway. Pavement of the walkway shall consist of concrete with accent area. Accent area shall be a minimum of thirty (30) square feet evenly spaced at a maximum distance of twenty (20) feet apart;
  - b. a minimum of two (2) shade structure (trellis) shall be provided along this walkway. Dimensions of the shade structure shall be a minimum of one hundred and twenty (120) square feet each.
  - c. in each shade structure area, a minimum of two (2) benches and one (1) trash receptacle shall be provided;
  - d. one (1) climbing vine shall be installed at each end of the shade structure; and,
  - e. prior to final site plan approval by the Development Review Officer (DRO), details of the shade structure shall be submitted to the Arch Review Section for approval. A Landscape Plan for each of the open space shall also be provided to the Landscape Section for approval.(DRO: DRO/ARCH REVIEW/LANDSCAPE - Zoning)
  
5. The two (2) parcels located at the east and west sides of the center area of the lake, and being identified as a .17-acre open space and .33-acre park on the site plan dated August 25, 2004, shall include the following:
  - a. a five (5) foot wide walkway. Pavement of the walkway shall consist of concrete with accent area. Accent area shall consist of decorative pavement (precast concrete or stamped concrete) and shall be a minimum of thirty (30) square feet evenly spaced at a maximum distance of twenty (20) feet apart. The walkway shall be laid out in a meandering and naturalistic manner;
  - b. a minimum of one (1) gazebo shall be provided along the center area adjacent to lake in each parcel. Dimensions of the gazebo shall be a minimum of one hundred and twenty (120) square feet each.
  - c. in each gazebo area, a minimum of two (2) benches and one (1) trash receptacle shall be provided;
  - d. prior to final site plan approval by the Development Review Officer (DRO), details of the gazebo shall be submitted to the Arch Review Section for approval. A Landscape Plan for each of the open space/park shall be provided to the Landscape Section for approval (DRO/ARCH REVIEW/LANDSCAPE - Zoning)
  
6. The parcel located at northwest corner of the site, and being identified as a .83-acre passive park and tree preserve dated August 25, 2004, shall include the following:
  - a. a five (5) foot wide walkway (surrounding the tot-lot). Pavement of the walkway shall consist of concrete with accent area. Accent area shall be a minimum of thirty (30) square feet evenly spaced at a maximum distance of twenty (20) feet apart. The walkway shall be laid out in a meandering and naturalistic manner;
  - b. a minimum of one (1) tot lot, subject to approval by the Zoning Division. The tot lot shall have a direct connection to the pedestrian system on the property and shall not be located within land areas designated for drainage, storm-water management or other utility purposes;

- c. a minimum of one (1) gazebo shall be provided. Dimensions of the gazebo shall be a minimum of one hundred and twenty (120) square feet;
  - d. in the gazebo area, a minimum of two (2) benches and one (1) trash receptacle shall be provided;
  - e. prior to final site plan approval by the Development Review Officer (DRO), details of the gazebo shall be submitted to the Arch Review Section for approval. A Landscape Plan for each of the open space/park shall be provided to the Landscape Section for approval.(DRO: ZONING - Zoning)
7. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be amended to show the following:
- a. an architectural focal point at the main entryway roundabout. The focal point shall be in the form of a fountain or arcade;
  - b. details of these architectural focal point shall be submitted to the Architectural Review Section for review and approval.  
(DRO: ARCH REVIEW – Zoning)
8. Prior to the final DRO approval of the Master Plan/Site Plan, the property petitioner shall revise the plans to show decorative pavement (stamped concrete or paving blocks) along the following areas:
- a. main entryway roundabout - a minimum of 5,000 square feet;
  - b. typical intersection of drive aisles – a minimum of 2,000 square feet;
  - c. all cross areas adjacent to the recreation areas, neighborhood park, open space – 1,500 square feet;
  - d. cross area adjacent to passive park/tree preserve and open area – a minimum of 2,500 square feet. (DRO/BLDG PERMIT: DRO/ZONING – Zoning)
9. Prior to the recordation of the first plat, all property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:
- a. Formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.
  - b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.
  - c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD.  
(PLAT: ENG/COUNTY ATTY – Zoning)



G. PLANNING

1. Prior to final site plan approval by the Development Review Officer (DRO), the stub street connection to Cannon Way notation on the master plan at the northern portion of the site (previously labeled as "future cross access connection") shall be revised to read "proposed vehicular and pedestrian cross access to be paved to the property line." (DRO: PLANNING-Planning)
2. Prior to the issuance of the certificate of occupancy (CO), the property owner shall pave the property to the edge of the northern property line to Cannon Way with a break in any buffering or walls at the location shown on the master plan that will read "proposed vehicular and pedestrian cross access..." (CO:MONITORING-Planning)
3. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall record a cross access easement from the subject property to the northern property in a form acceptable to the County Attorney. (DRO:COUNTY ATTY-Planning)
4. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall include, benches and pedestrian access to the open space area, water management tract, private civic area, and recreation area generally consistent with the certified site plan dated August 25, 2004. (DRO:PLANNING-Planning)

H. SCHOOL

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD-School Board)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and the County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. CO:ENG/ SCHOOL BOARD – School Board.)

I. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. 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; revocation of any concurrency; 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.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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. (ONGOING: MONITORING - Zoning)