

RESOLUTION NO. R-2016- 0834

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2015-02510  
(CONTROL NO. 2005-00188)  
a Class A Conditional Use  
APPLICATION OF TLH-42 Ranchette LLC  
BY Wantman Group Inc., AGENT  
(Ranchette Royale)

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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application Z/CA-2015-02510 was presented to the Board of County Commissioners at a public hearing conducted on June 23, 2016;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Class A Conditional Use;

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC 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 Application Z/CA-2015-02510, the Application of TLH-42 Ranchette LLC, by Wantman Group Inc., Agent, for a Class A Conditional Use to allow Zero Lot Line (ZLL) units, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on June 23, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached

hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

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

Commissioner Mary Lou Berger, Mayor	- Aye
Commissioner Hal R. Valeche, Vice Mayor	- Aye
Commissioner Paulette Burdick	- Nay
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Melissa McKinlay	- Nay
Commissioner Priscilla A. Taylor	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on June 23, 2016.

Filed with the Clerk of the Board of County Commissioners on June 30th, 2016

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK & COMPTROLLER



EXHIBIT A  
LEGAL DESCRIPTION

**LEGAL DESCRIPTION**

O.R.B. 19105, PG. 0831

THE SOUTH ½ OF THE NE ¼ OF THE SE ¼ OF THE NE ¼, LESS THE WEST 30' FOR RIGHT-OF-WAY, OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 42 EAST, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.  
CONTAINING 230,520.28 SQURE FEET OR 5.29 ACRES, MORE OR LESS

TOGETHER WITH,

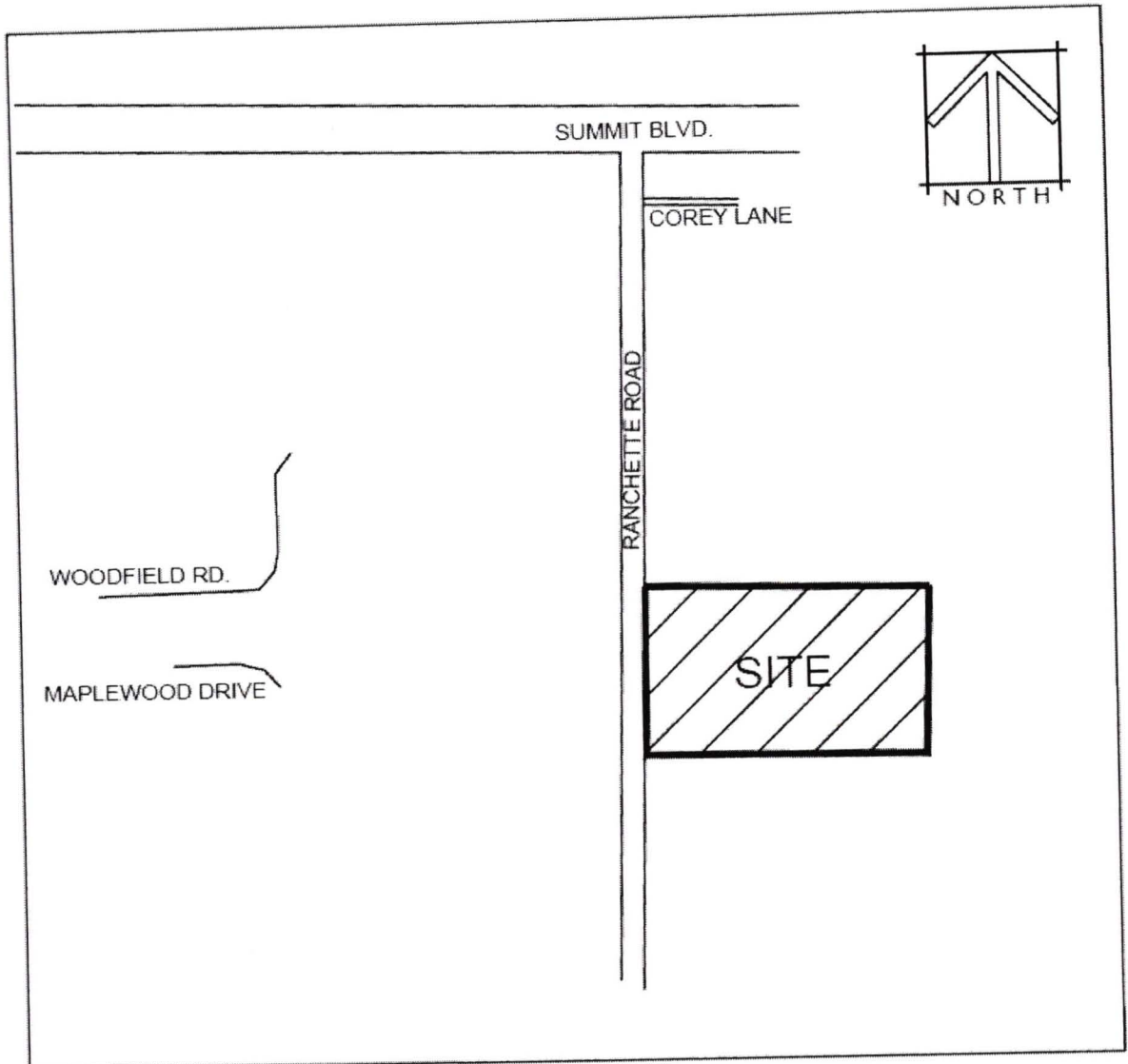
O.R.B. 13798, PG. 981

THE NORTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE WEST 30 FEET THEREOF FOR ROAD PURPOSES.

CONTAINING 231,135.40 SQUARE FEET OR 5.31 ACRES, MORE OR LESS

CONTAINING IN ALL, A COMBINED AREA OF 461,655.69 SQUARE FEET OR 10.60 ACRES, MORE OR LESS

EXHIBIT B  
VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Conditional Use Class A

##### ALL PETITIONS

1. The approved Preliminary Subdivision Plan is dated April 14, 2016 and Preliminary Regulating Plan is dated March 28, 2016. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

##### ENGINEERING

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

No Building Permits for the site may be issued after December 31, 2020. A time extension for this condition may be approved by the County Engineer 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to issuance of the first building permit, the Property Owner shall plat the property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

3. Prior to issuance of the first Certificate of Occupancy, the Property Owner shall fund the design and construction plans, receive approval for the work, construct improvements and receive a satisfactory final inspection from Palm Beach County to improve Ranchette Road as a two (2) lane road plus the appropriate tapers from the southern property line to Summit Boulevard to current Palm Beach County standards, or as otherwise approved by the County Engineer. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. Should another party construct a portion of Ranchette Road, this Property Owner shall be relieved of the construction and cost responsibilities of only that specific section of roadway. (BLDGPM/CO: MONITORING - Engineering)

4. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (PLAT: MONITORING - Engineering)

##### LANDSCAPE - GENERAL

1. Prior to Final Approval by the Development Review Officer (DRO):

a. The Property Owner shall revise the Preliminary Alternative Landscape Plan (ALP) dated April 14, 2016 and the Preliminary Tree Disposition Plan dated May 2, 2016 for



review and approval to be generally consistent with all landscape related Conditions of Approval as contained herein and shall account for all preserved, relocated, and mitigated trees. Additional native vegetation may be relocated or added to site to meet the intent of this condition; and;

b. The Property Owner shall meet with Landscape Staff to ensure that the maximum amount of existing native is incorporated into the final site design. (DRO: ZONING - Zoning)

2. Prior to Final Approval by the Development Review Officer (DRO):

The Applicant/Property Owner shall submit a Tree Protection and Re-location plan. The Plan shall describe the following information:

a. How the existing trees proposed to be preserved will be protected. Permanent tree protection devices including, but not limited to: tree wells, retaining walls, shall be installed for the preservation of trees. All protecting devices must be illustrated on the FRP Tree Protection and Relocation plan;

b. Where the proposed relocated trees exist and where they will be relocated to;

c. How the proposed relocated trees will be pruned prior to relocation and associated time lines for pruning so the trees will not go into shock;

d. Where the proposed relocated trees be temporarily located during site improvements; and,

e. How the proposed relocated trees will be maintained and cared for while in their temporary location;

f. The date in which the trees will be removed to their temporary location so that an inspection by Zoning Staff is scheduled and completed prior to any site improvements. (DRO: ZONING - Zoning)

3. Prior to Final Approval by the Development Review Officer (DRO), the Preliminary Subdivision Plan dated April 14, 2016, shall be revised as follows to allow for larger areas for preservation and relocation of existing trees:

a. reduce the depth of lots 30, 31 and 32 to create an open space tract at the back of the lots (northeast);

b. reduce the width of lot 11 to create an open space tract along the east property line;

c. reduce the width of lot 6 to create an open space tract along the south property line; and,

d. increase the width of the Compatibility buffer along the south property line to be a minimum of 25 feet in width. (DRO: ZONING-Zoning)

4. Prior to Final Approval by the Development Review Officer, the Preliminary Tree Disposition Plan dated May 2, 2016, shall be revised to identify additional preserved and relocated trees to be incorporated into the Final Plans.

a. Preserve Trees: 11, 41, 43, 48, 110, 112, 117, 123, 127, 180, 188, 199-202, 204, 207 and 208;

b. Relocated Trees: 84, 85, 87, 166-179, 185, 187, 205, 206, and 209; and,

c. Should the proposed preserved or relocated trees above and in the Tree Disposition Plan, die or be determined not feasible for relocation by a Licensed Florida Arborist, the trees shall be mitigated and replaced on site in accordance with Article 7. (DRO: ZONING - Zoning)

5. Prior to Final Approval by the Development Review Officer, the Applicant shall request a coordinated site inspection by Staff from Zoning and Environmental Resource Management to ensure trees proposed for preservation have been properly tagged and the tree protection devices have been installed. (DRO: ZONING - Zoning)

## **PLANNING**

1. Prior to the issuance of the first residential Building Permit, the applicant shall submit payment to the Department of Economic Sustainability(DES) and a copy of a receipt for that payment to the Planning Division in the amount of \$163,000 (2 units at \$81,500 per WHP unit). (BLDGPM: MONITORING - Planning)



**SCHOOL BOARD**

1. The property owner shall post a notice of annual boundary school assignments for students from this development. An 11 inch by 17 inch sign 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)

**COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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: ZONING - 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; the 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 Unified Land Development Code 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 of Approval; 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 the 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 Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.