

RESOLUTION NO. R-2016- 1842

RESOLUTION APPROVING ZONING APPLICATION SV/Z/CA-2016-00843
(CONTROL NO. 1975-00162)
a Class A Conditional Use
APPLICATION OF Wallace Sease, Lichtenstein Nancy
BY Wantman Group Inc., AGENT
(Ranchette Lake)

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 SV/Z/CA-2016-00843 was presented to the Board of County Commissioners at a public hearing conducted on December 7, 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 SV/Z/CA-2016-00843, the Application of Wallace Sease, Lichtenstein Nancy, by Wantman Group Inc., Agent, for a Class A Conditional Use to allow Zero Lot Line (ZLL) residential, 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 December 7, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Paulette Burdick, Mayor	-	Nay
Commissioner Melissa McKinlay, Vice Mayor	-	Absent
Commissioner Hal R. Valeche	-	Aye
Commissioner Dave Kerner	-	Aye
Commissioner Steven L. Abrams		Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on December 7, 2016.

Filed with the Clerk of the Board of County Commissioners on December 19th, 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 FLORIDA



EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION:

(PARCEL 1)

SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 42 EAST, LESS THE WEST 30 FEET RESERVED FOR ROAD PURPOSES, KNOWN AS RANCHETTE NO. 8, PALM BEACH COUNTY, FLORIDA.

(PARCEL 2)

COMMENCING AT THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 44 SOUTH , RANGE 42 EAST, PALM BEACH COUNTY , FLORIDA ; THENCE RUNNING SOUTHERLY ALONG THE EAST SECTION LINE OF SAID SECTION 10 FOR A DISTANCE 667.2 FEET TO THE POINT OF BEGINNING OF THIS PARCEL ; THENCE CONTINUING SOUTHERLY ALONG SAID EAST SECTION LINE FOR A DISTANCE 333.6 FEET TO A POINT, THENCE TURNING AN ANGLE OF 90°07'45" MEASURED FROM NORTH TO WEST AND RUNNING A DISTANCE 696.3 FEET TO A POINT; THENCE TURNING AN ANGLE OF 90°10'57" MEASURED FORM EAST TO NORTH AND RUNNING A DISTANCE OF 166.9 FEET TO A POINT; THENCE TURNING AN ANGLE OF 89°50'23" MEASURED FORM SOUTH TO EAST AND RUNNING A DISTANCE OF 261.2 FEET TO A POINT; THENCE TURNING AN ANGLE OF 89°50'23" MEASURED FORM WEST TO NORTH AND RUNNING A DISTANCE OF 166.9 FEET TO A POINT; THENCE TURNING AN ANGLE OF 89°50'23" MEASURED FORM SOUTH TO EAST AND RUNNING A DISTANCE OF 436.8 FEET TO THE POINT OF BEGINNING. .

TOTAL : AREA: 420566.85 SQ. FT. 9.655 ACRES

EXHIBIT B
VICINITY SKETCH

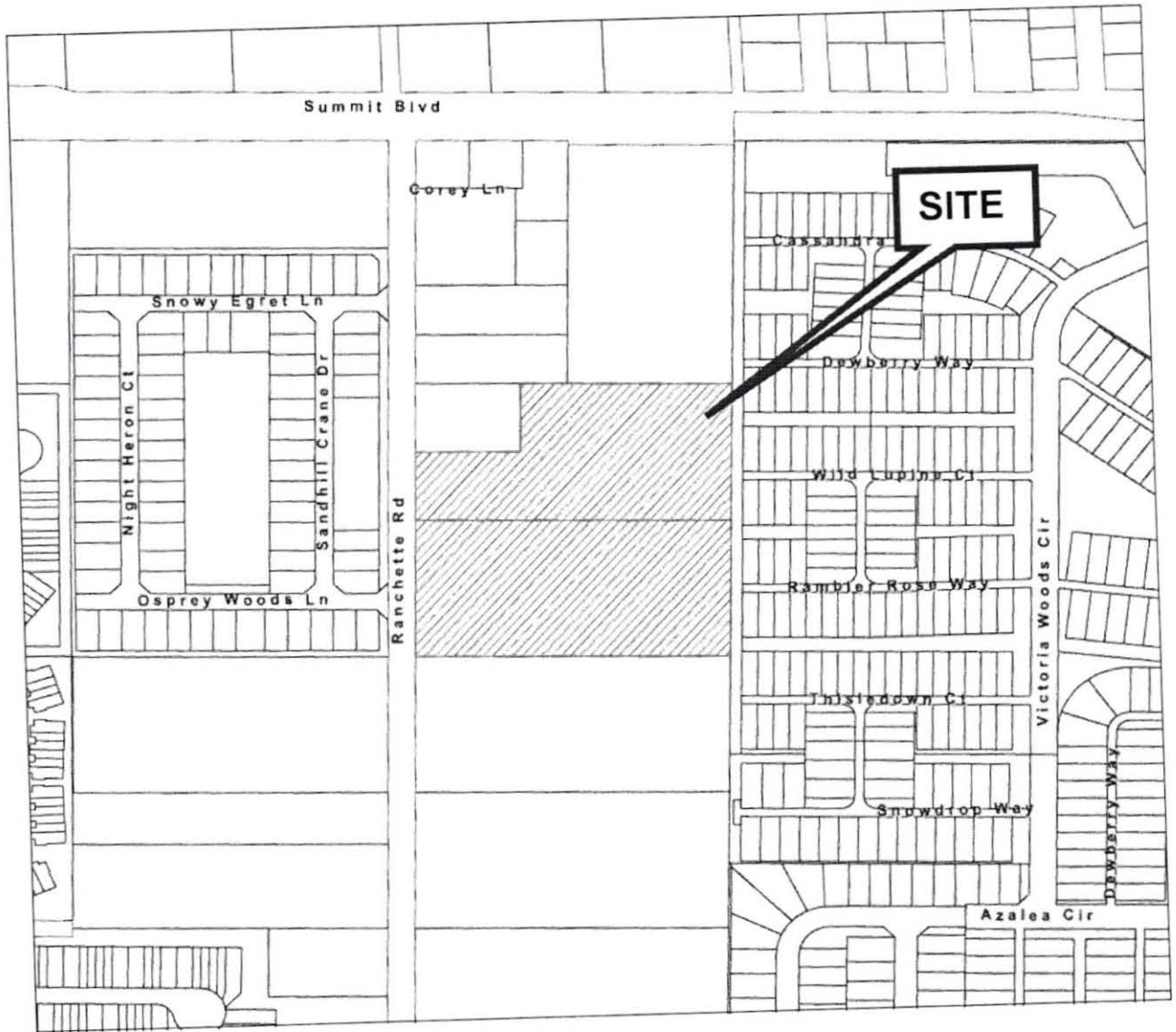


EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Subdivision Plan is dated September 15, 2016 and the Preliminary Regulating Plan is dated August 29, 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. (ONGOING: ZONING - Zoning)

ENGINEERING

1. 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 non-plan collector 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 to this required standard, this Property Owner shall be relieved of the construction and cost responsibilities of only that specific section of roadway (BLDGPM/CO: 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/CO: MONITORING - Engineering)

3. Prior to issuance of the first Certificate of Occupancy, the Property Owner shall construct a drainage system for Ranchette Road from the current drainage system's terminus south to the LWDD L-7 Canal to provide for legal positive outfall for this project as well as to accept discharge from all other properties both adjacent to the road right of way and those currently discharging to the right of way. (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: MONITORING - 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. (BLDGPM/CO: MONITORING - Engineering)

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

a. 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)

LANDSCAPE - GENERAL

1. Prior to submittal for the Final Plan Approval by the Development Review Officer (DRO), the Property Owner shall complete tagging the vegetation that is subject to preservation and relocation. The tagging shall be consistent with the Plans and Tree Disposition Chart to be submitted for Final DRO Approval. The Property Owner shall indicate in the Final DRO application that the above requirement is completed. (DRO: ZONING - Zoning)

2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall submit Alternative Landscape Plan(s) for review and approval. All vegetation that is subject to be preserved, relocated, replaced or mitigated shall be clearly identified on the Plan(s) and on the Tree Disposition Chart. The Plan(s) shall show:

- a. the temporary location for the relocated vegetation and identify what type of tree barricades will be utilized;
- b. the location for the preserved vegetation and identify what type of the temporary tree barricades and/or permanent tree protection devices will be utilized; and,
- c. the above requirements shall be updated in the Tree Disposition Chart. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Zoning)

3. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall submit:

- a. a sample of the type of material that will be utilized as temporary tree barricades;
- b. a Justification Statement describing the maintenance of the relocated vegetation prior to the installation of the vegetation to the new location, and the length of time associated with the temporary storage of the relocated vegetation. (DRO: BUILDING DIVISION - Zoning)

4. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall submit an application for the Preservation of Vegetation for Site Development and Barricade Temporary Permit to the Building Division. The Application shall be subject to the co-review and approval by Building, Zoning Divisions and Department of Environmental Resources Management. Installation of all the Tree Protection Devices shall be completed for the vegetation that is subject to preservation and relocation as referenced in the Alternative Landscape Plan(s) and Tree Disposition Chart. The Property Owner shall schedule an inspection with the Landscape Division for compliance with this Condition. (DRO/ONGOING: ZONING - Zoning)

5. No site grading and or clearing permits shall be issued until Landscape Conditions 1 through 3 are satisfied. (ONGOING: ZONING - Zoning)

6. Failure to comply with the Landscape Conditions 1-5 shall result in a Stop Work Order being placed on the site and applicable fines. (ONGOING: 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 \$81,500 (1 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. 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)

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.