

RESOLUTION APPROVING ZONING PETITION CA2003-088
CLASS A CONDITIONAL USE
PETITION OF RONALD C & JOANN TURNER
BY BASEHART PLANNING, INC., AGENT
(WYNDSONG NORTH)

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 Board of County Commissioners, pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA2003-088 was presented to the Board of County Commissioners at a public hearing conducted on May 27, 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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 2.F, Concurrency of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 2 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 CA2003-088, the petition of Ronald C & Joann Turner, by Basehart Planning, Inc., agent, for a Class A Conditional Use to allow zero lot line homes in the Residential Single Family Zoning District, on a parcel of land legally described 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 May 27, 2004, 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 Greene and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on May 27, 2004.

Filed with the Clerk of the Board of County Commissioners on 22 day of June, 2004.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WALKER, CLERK

BY: 
DEPUTY CLERK

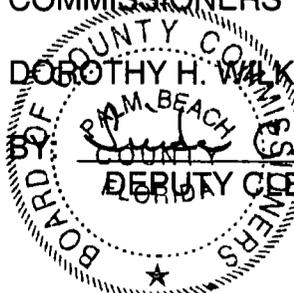


EXHIBIT A
LEGAL DESCRIPTION

Tract OS-1, and portions of Tracts "A", BT-1, WM-1 and OS-2; TURNER M.U.P.D., according to the Plat thereof, as recorded in Plat Book 96, pages 192 and 193 of the Public Records of Palm Beach County, Florida; being more particularly described as follows:

BEGINNING at the Southeast corner of said Plat;

Thence South 89°37'29" West along the southerly line of said Plat, a distance of 625.40 feet;

Thence North 00°14'01" West along the westerly line of said Plat, a distance of 838.11 feet;

Thence North 89°37'29" East along a line parallel to the southerly line of said Plat, a distance of 604.42 feet;

(1) Thence South 00°15'59" East a distance of 464.58 feet;

(2) Thence North 89°37'29" East a distance of 20.50 feet;

(3) Thence South 00°15'59" East a distance of 373.53 feet to the POINT OF BEGINNING.

The three (3) previously-described courses being along the easterly lines of said Plat.

Subject to easements, restrictions, covenants, reservations and rights-of-way of record and containing 514,427 square feet. (11.810 acres, more or less)

EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated March 12, 2004. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval, and/or are in accordance with variance relief granted by the Board of Adjustment, or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

B. LANDSCAPING - STANDARD

1. Fifty (50) percent of canopy trees to be planted in the landscape buffers shall be native and 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. All palms required to be planted on the property by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
 - a. palm heights: twelve (12) feet clear trunk;
 - b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)
3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. forty-eight (48) to seventy-two (72) inches – large shrub; and,
 - d. this condition does not apply where a single row of shrub or hedge is required on one or both sides of a wall. (BLDG PERMIT: LANDSCAPE - Zoning)
4. All trees and palms shall be planted in a meandering and naturalistic pattern. (BLDG PERMIT: LANDSCAPE - Zoning)
5. A group of three (3) or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)

6. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list as suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (BLDG PERMIT: LANDSCAPE - Zoning)
7. Field adjustment of berms, walls 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)

C. LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF EL CLAIR RANCH ROAD)

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip with a maximum five (5) feet of utility easement encroachment;
 - b. a continuous two and one-half (2.5) foot high berm measured from top of curb;
 - c. a six (6) foot high opaque concrete screen panel wall shall be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is harmonious and compatible with abutting development;
 - d. one (1) canopy tree planted with a maximum spacing of twenty-five (25) feet on center, alternating on both sides of the wall;
 - e. one (1) palm or pine tree planted for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall;
 - f. one (1) small shrub for each two (2) linear feet of the property line, to be planted on both sides of the wall. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
 - g. one (1) medium shrub for each four (4) linear feet of the property line, to be planted on both sides of the wall. Shrub shall be a minimum height of twenty-four (24) inches at installation. (BLDG PERMIT: LANDSCAPE - Zoning)

D. LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the south and west property lines shall be upgraded to include:
 - a. a minimum ten (10) foot wide landscape buffer strip. A maximum five (5) feet of utility easement encroachment shall be permitted along the west property line only;
 - b. a continuous one and one half (1.5) foot high berm measured from finished grade;
 - c. a six (6) foot high opaque concrete screen panel wall shall be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is harmonious and compatible with abutting development;
 - d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
 - e. one (1) palm or pine tree planted for each thirty (30) linear feet of property line, alternating on both sides of the wall; and,

- f. a continuous row of medium shrub shall be planted between all trees and palms on both sides of the wall, where applicable. Shrub shall be a minimum height of twenty-four (24) inches at installation, to be maintained at a minimum height of thirty-six (36) inches at maturity. (BLDG PERMIT: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to the issuance of a building permit, the property owner shall convey a temporary roadway construction easement to Palm Beach County at the project's entrance road(s). This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING - Eng)
2. Prior to issuance of a building permit, the property owner shall convey a temporary roadway construction easement along El Clair Ranch Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG. PERMIT: MONITORING - Eng)
3. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a. No Building Permits for the site shall be issued after May 26, 2007. 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 Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING - Eng)
4. Prior to DRO approval of the Final Subdivision Plan, this property owner shall grant a drainage easement to the adjacent Turner MUPD to provide for retention/detention within this subdivision's lake system. The drainage system within this subdivision shall have sufficient retention/detention and compensating storage as required by all permitting agencies, and conveyance capacity to meet the MUPD's storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District. Location of required easements shall be approved by the County Engineer; content shall be approved by the County Attorney. (DRO: ENG - Eng)

F. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING COMMERCIAL)

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. a minimum seven and one-half (7.5) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;

- b. a six (6) foot high opaque concrete screen panel wall. The exterior side of the wall shall be given a finished architectural treatment that is harmonious and compatible with abutting development;
- c. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
- d. one (1) pine tree planted for each thirty (30) linear feet of property line, alternating on both sides of the wall; and,
- e. a continuous row of medium shrub shall be planted between all trees and palms on both sides of the wall, where applicable. Shrub shall be a minimum height of twenty-four (24) inches at installation, to be maintained at a minimum height of thirty-six (36) inches at maturity. (BLDG PERMIT: LANDSCAPE - Zoning)

G. PLANNING

- 1. Residential uses on this site shall be limited to a maximum of 4.34 units per acre. (ONGOING: PLANNING - Planning)
- 2. The final DRO approved site plan shall be generally consistent with the BCC approved plan dated March 12, 2004, and shall be revised to include applicable recommendations of the West Boynton Area Community Plan regarding the following:
 - a. pedestrian connections and shaded pedestrian pathways (Rec.# 37 and 47);
 - b. street cross section details of a landscaped pathway/sidewalk along the entire El Clair Ranch Road frontage, with canopy trees planted at a maximum spacing of twenty-five (25) feet on center in order to provide shade/canopy for the entire length of the sidewalk along the property's entire frontage on El Clair Ranch Road; and,
 - c. street cross section details depicting landscaped and shaded sidewalks for pedestrian circulation for all internal sidewalks in this project (Rec. # 41). (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 HOME BUYERS AND
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: MONITORING - School Board)

- 2. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the property owner 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 owners. (CO: MONITORING - School Board/Eng)

I. SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate decorative paving (pre-cast concrete paver blocks or stamped concrete) within any cul-de-sac and/or eyebrow. This paving shall:
 - a. consist of the same paving material and treatment that is provided at the site's entrance drive from El Clair Ranch Road; and,
 - b. cover the entire area of the applicable drive aisle surface. (DRO/CO: ZONING/LANDSCAPE - Zoning)
2. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate a focal point at the terminus of any dead-end street. Each focal point shall be subject to review and approval by the Architectural Review Section. (DRO: ARCH REVIEW - Zoning)
3. Special planting treatment shall be provided within the medians at the driveway from El Clair Ranch Road. Planting shall consist of the following:
 - a. a minimum of three (3) specimen palms (Medjool, Canary, Phoenix, or an alternative that is acceptable to the Landscape Section) with a maximum spacing of twenty-five (25) feet center to center for the eastern median and a minimum of one (1) for the western median. All palms shall be of the same variety;
 - b. a continuous row of shrub or hedge between all palms, where applicable. Shrub or hedge material shall be maintained at a maximum height of thirty (30) inches at maturity; and,
 - c. appropriate ground cover. (BLDG PERMIT: LANDSCAPE - Zoning)
4. The focal point within the cul-de-sac island shall consist of:
 - a. a cluster of three (3) or more palms. Each palm shall be of the same variety that is provided to satisfy condition I.3.a.; and/or,
 - b. an architectural element (fountain, sculpture, or other feature) that is acceptable to the Architectural Review Section; and,
 - c. one (1) small shrub for each four (4) linear feet of curb. Shrub shall be maintained at a maximum height of thirty (30) inches at maturity; and,
 - d. appropriate ground cover. (BLDG PERMIT: ARCH REVIEW/LANDSCAPE - Zoning)

J. 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)