

RESOLUTION NO. R-2001-0978

RESOLUTION APPROVING ZONING PETITION CA2000-114
CLASS A CONDITIONAL USE
PETITION OF ALBANESE HOMES INC.
BY MARK BRADFORD, AGENT
(CRYSTAL 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 petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) 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 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA2000-114 was presented to the Board of County Commissioners at a public hearing conducted on June 25, 2001; 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 5, Section 5.8 (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 made 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 11, Adequate Public Facility Standards 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 5 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 CA2000-114, the petition of Albanese Homes Inc., by Mark Bradford, agent, for a Class A Conditional Use to allow Zero Lot Line homes in the Residential Transitional Urban (RTU) 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 June 25, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Warren H. Newell, Chair	-	Aye
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye
Addie L. Green	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on June 25, 2001.

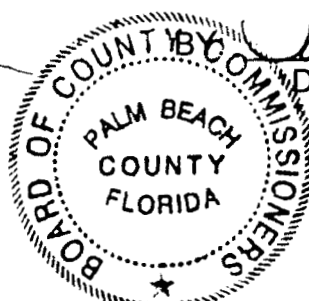
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS ;

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY




DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF THE SOUTHEAST ONE-QUARTER OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 27; THENCE N03°44'41"W, A DISTANCE OF 661.27 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF THE SOUTH 660.00 FEET OF SAID SOUTHEAST ONE-QUARTER AND THE POINT OF BEGINNING; THENCE S89°48'37"W ALONG SAID NORTH LINE, A DISTANCE OF 627.43 FEET; THENCE N00°13'31"W ALONG THE WEST LINE OF THE EAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 27 AND A BOUNDARY LINE OF "INDIAN WELLS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 52, PAGES 145 THROUGH 149 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 990.00 FEET; THENCE N89°48'37"E ALONG THE NORTH LINE OF THE SOUTH 1650.00 FEET OF SAID SOUTHEAST ONE-QUARTER, A DISTANCE OF 626.54 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF "EL CLAIR RANCH ROAD"(SAID RIGHT-OF-WAY LINE BEING 40.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 27); THENCE S00°16'37"E ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 330.00 FEET; THENCE S89°48'37"W, A DISTANCE OF 92.00 FEET; THENCE S00°16'37"E, A DISTANCE OF 165.00 FEET; THENCE N89°48'37"E, A DISTANCE OF 92.00 FEET; THENCE S00°16'57"E ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 495.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 605,536 SQUARE FEET / 13.9012 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

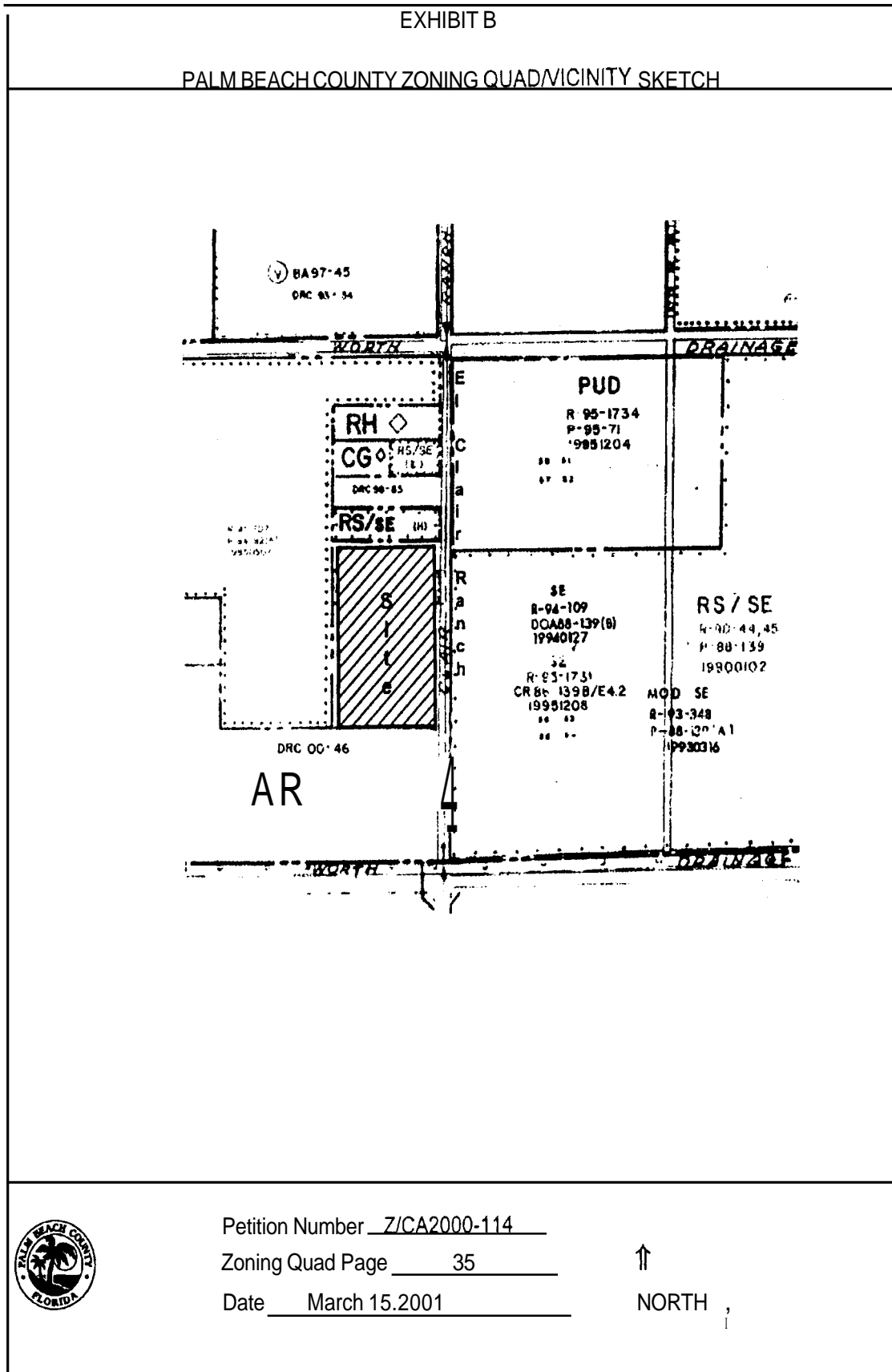


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated March 1, 2001. 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)

B. BUILDING AND SITE DESIGN

1. Lots numbered ten (10) through fourteen (14) abutting adjacent residential development as shown on the approved BCC site plan dated March 1, 2001 shall be restricted to single story structures. (BLDG. PERMIT: ZONING)

C. HEALTH

1. The petitioner will engage a licensed pest control operator to assess the extent of the rodent population at the site and provide extermination service if required to eliminate any potential health risks. A copy of the pest control operator's report is to be provided to the Palm Beach County Health Department prior to vegetation removal permit being issued. (ERM/HEALTH: HEALTH)

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

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. a minimum of twenty (20) foot wide buffer strip;
 - b. a continuous three (3) foot high berm measured from top of curb;
 - c. a six (6) foot high concrete wall. The exterior side of the wall shall be given a finished architectural treatment. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. one (1) canopy tree planted every thirty (30) feet on center;
 - b. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - c. twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)
3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six

(36) inches. Fifty (50) percent of the shrub or hedge materials shall be planted on the plateau of the berm. (CO: LANDSCAPE)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement to Palm Beach County at the Projects 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:

Building permits for more than 37 single-family dwelling units shall not be issued until construction commences for the widening of Woolbright Road from El Clair Ranch Road to Military Trail as a 4-lane divided section. (BLDG/TPS: ENG)

4. The Property owner shall construct a six foot asphalt bike path from this project's north property line to the entrance to the school site to the south. This bike path shall be located along the west right of way of El Clair Ranch Road.
 - A) 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 relocations any required piping of the existing swale along west side of El Clair Ranch Road and provide for appropriate drainage to accommodate the proposed bike path. The developer shall not be responsible for construction of any portion of this required pedestrian pathway constructed by the Palm Beach County School Board during the construction of their adjacent school.
 - B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

F. LANDSCAPING ALONG THE NORTH, SOUTH AND WEST PROPERTY LINES

1. Landscaping and buffering along the north, south and west property lines shall be upgraded to include:

- a. a minimum ten (10) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted on the north and west property lines;
 - b. a six (6) foot high concrete wall. The exterior side of the wall shall be given a finished architectural treatment. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. one (1) canopy tree planted every thirty (30) feet on center;
 - b. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - c. twenty-four (24) inch high shrub or hedge materials spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)
 3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge materials spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

G. LANDSCAPING - STANDARD

1. Fifty percent (50%) of canopy trees required to be planted in the perimeter buffer 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; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site 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. (CO: LANDSCAPE - Zoning)
3. A group of three (3) or more palm or pine trees may not supersede the requirement for any canopy trees in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
4. All canopy trees to be planted within overhead utilities' easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)

H. PLANNING

1. Prior to final site plan approval by the Development Review Committee, in accordance with Rec. #35 of the WBACP, the site plan shall be revised to provide street cross sections indicating shaded landscaping, excluding palm trees, for all rights-of-way shown on the site plan. (DRC: PLANNING)

I. SCHOOL BOARD

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

"NOTICE TO HOME BUYERS/TENANTS"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding overcrowding 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)

2. Prior to the issuance of the first Certificate of Occupancy (CO), a school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and 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, appropriate lighting, waste container, and bicycle rack. Bus shelters located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING - Eng/School Board)

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 the Code Enforcement Division 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 5.8 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. (MONITORING)