

RESOLUTION NO. R-95- 1003

RESOLUTION APPROVING ZONING PETITION PDD95-38
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF VANGUARD REALTY

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 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD95-38 was presented to the Board of County Commissioners at a public hearing conducted on July 27, 1995; 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 made 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) 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) 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) 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) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3. D.9 (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 PDD95-38, the petition of Vanguard Realty, for an Official Zoning Map Amendment from the Agricultural Residential (AR) to the Residential Planned Unit Development District (PUD), 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 July 27, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Ken Foster, Chair	--	Aye
Burt Aaronson	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of July, 1995.

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

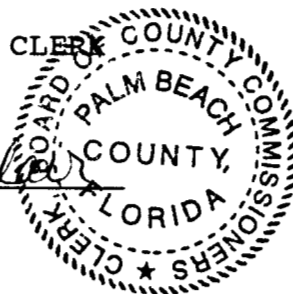


EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT "A"
LEGAL DESCRIPTION
WINDSOR OAKS

The West three-quarters (W 3/4) of the Southwest one-quarter (SW 1/4) of the Northeast one-quarter (NE 1/4) of Section **27**, Township **45** South, Range **42** East, Palm Beach County, Florida.; Less and except: The West 40.00 feet thereof as conveyed to Palm Beach County by deeds recorded in Official Records Book **7744**, Page **461**, Public Records of Palm Beach County, Florida

EXHIBIT B
VICINITY SKETCH

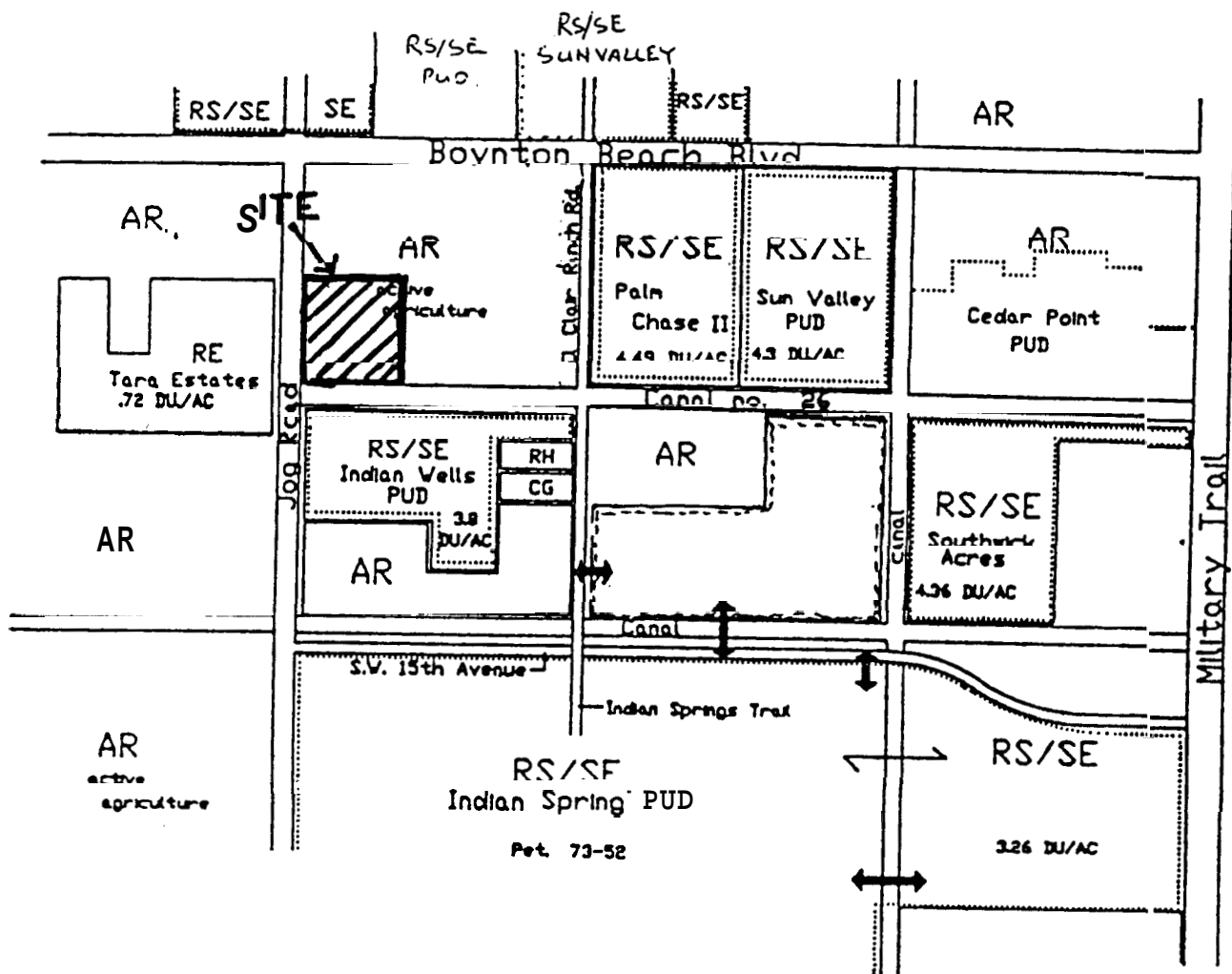


EXHIBIT C

CONDITIONS OF APPROVAL

A. PLANNED DEVELOPMENT

1. Street lights shall be provided pursuant to Section **6.8.A.23.d(1)** of the ULDC, subject to approval by the County Engineer. (ENGINEERING)
2. Street trees shall be planted within or adjacent to all rights-of-way pursuant to Section **6.8.A.23.d(3)** of the ULDC, subject to approval by the County Engineer. (ENGINEERING-Zoning)
3. Street bike lanes shall be provided pursuant to Section **6.8.A.23.d(4)** of the ULDC, subject to approval by the County Engineer. (ENGINEERING)
4. All utilities shall be underground pursuant to Section **6.8.A.23.d(5)** of the ULDC. (ENGINEERING)

B. WATER UTILITIES

1. The developer shall be required to dedicate one public water supply well site per the TAP-0 Ordinance with all necessary site, utility and access easements. The site and required easements must be accepted by Palm Beach County Water Utilities Department prior to project acceptance by Palm Beach County Water Utilities Department. (PBCWUD)
2. The well site shall be located near the Jog Road right-of-way and comply with the Palm Beach County Wellfield Protection Ordinance. (PBCWUD)
3. The proposed well site shall be identified on the preliminary development plan as "Public Water Supply Well Site". (PBCWUD)
4. The developer shall be required to extend a 10" water main from Jog Road to the east property line. (PBCWUD)

C. COMPLIANCE

1. 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; 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,

In addition, staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board 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 conditions 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)

E. ENGINEERING

1. Prior to recordation of the first plat the property owner shall convey to Palm Beach County:
 - a. Adequate road drainage easement(s) through the project's internal drainage system to provide legal positive outfall for runoff from those segments of Jog Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Jog Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material (ENGINEERING).
 - b. An isosceles trapezoid connecting the required corner clips across this property owners road right of way. This property shall be conveyed to Palm Beach County in the form of a roadway easement. Construction within such area shall conform to Palm Beach County Standards. (ENGINEERING - Engineering).
2. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition Number 95-38, to be paid at the time of issuance of the Building Permit presently is \$219,780 (1,332 trips x \$165.00 per trip) (IMPACT FEE COORDINATOR).

3. The Property owner shall fund the construction of dual left turn lanes, west approach on Boynton Beach Boulevard at Jog Road the appropriate tapers. Length of this dual left turn lanes shall provide for a total length of **545** feet or as approved by the County Engineer. Funding for this left turn lane shall be based upon a certified cost estimate from the Developers Engineer, and approved by the County Engineer. Funding for the construction of this dual left turn lane shall be completed prior to January **27, 1996** and shall be based upon **110%** of the approved cost estimate. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. Traffic impact fee credit shall be given for the construction of this additional turn lane. Amount of credit shall be approved by the County Engineer. (MONITORING - Engineering)
4. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a. Building Permits for more than **20** single-family dwelling units shall not be issued until construction has begun for Jog Road as a **4** lane section from Boynton Beach Boulevard to Lake Charleston plus the appropriate paved tapers. (BUILDING - Engineering).
 - b. Building Permits for more than **119** single-family dwelling units shall not be issued until construction has begun for an additional left turn lane, west approach on Boynton Beach Boulevard at Jog Road plus the appropriate paved tapers. (BUILDING - Engineering).
 - c. No Building Permits for the site may be issued after December **31, 1997**. (BUILDING - Engineering)

The date shown which indicates when the final building permit will be issued may be adjusted 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.

The number allowable building permits listed above may be adjusted 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.