

RESOLUTION NO. R-2010- 1758

RESOLUTION APPROVING ZONING APPLICATION EAC-2010-01720
(CONTROL NO. 2003-00074)
an Expedited Application Consideration
APPLICATION OF SRJR Properties LLC
BY Land Design South, Inc., AGENT
(Pioneer Trail PUD)

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; and

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

WHEREAS, Zoning Application EAC-2010-01720 was presented to the Board of County Commissioners at a public hearing conducted on October 28, 2010; and

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; 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 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

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

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a an Expedited Application Consideration.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application EAC-2010-01720, the petition of SRJR Properties LLC, by Land Design South, Inc., agent, for an Expedited Application Consideration to modify a condition of approval (Landscape) in the PUD 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 October 28, 2010, 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 Abrams and, upon being put to a vote, the vote was as follows:

Commissioner Burt Aaronson, Chair - Aye

Commissioner Karen T. Marcus, Vice Chair - Absent
District 2 -
Commissioner Shelley Vana - Aye
Commissioner Steven L. Abrams - Aye
Commissioner Jess R. Santamaria - Aye
Commissioner Priscilla A. Taylor - Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on October 28, 2010.

Filed with the Clerk of the Board of County Commissioners on _____.


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




EXHIBIT A
LEGAL DESCRIPTION

Legal Description

All of the Plat of Pioneer Trail PUD as recorded in Plat Book 109, pages 1-4 of the Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

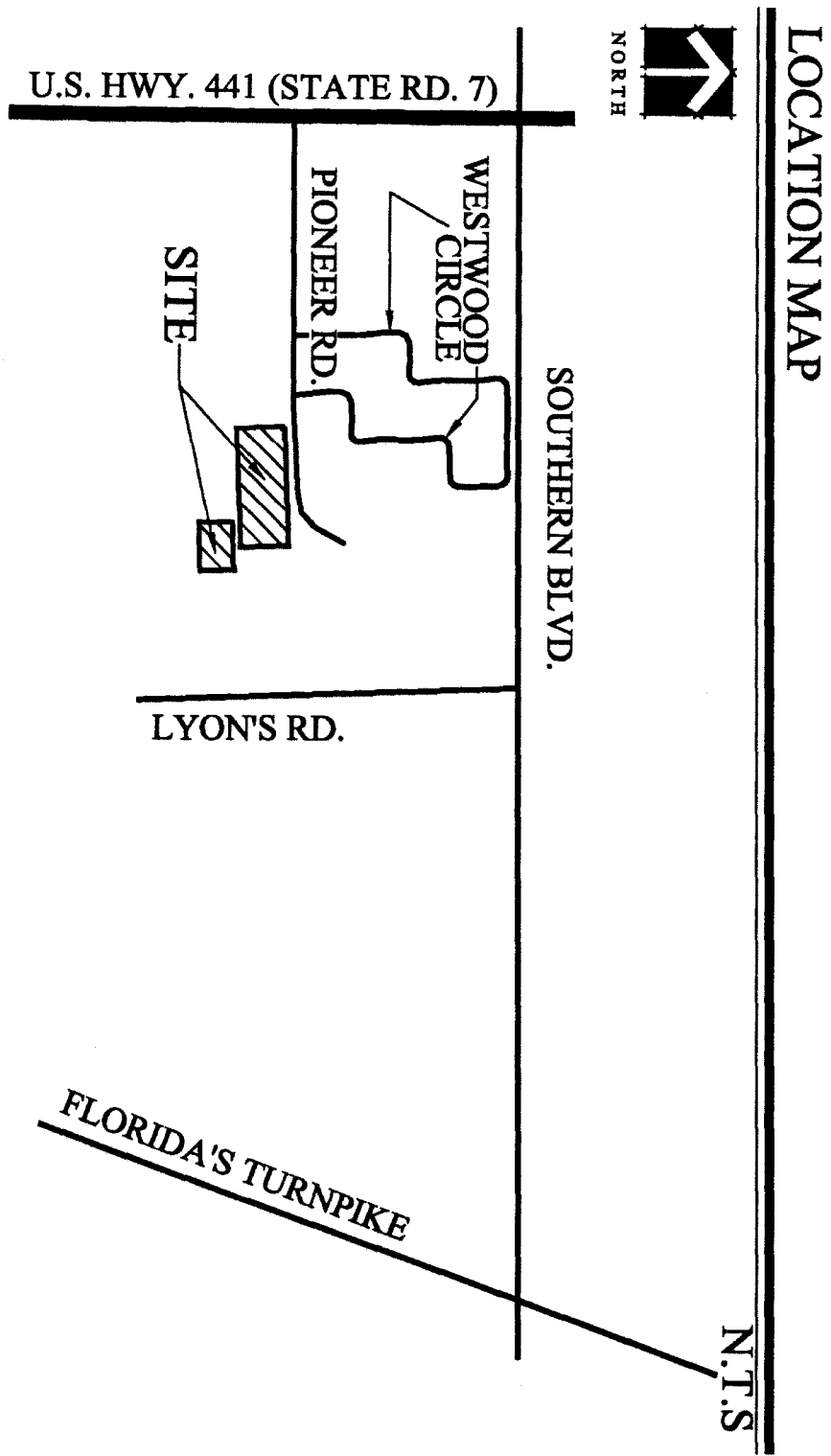


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Previous All Petition Condition 1 of Resolution R-2004-2034, Control No. 2003-074 which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary development plan is dated June 11, 2004. 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)

Is hereby amended to read:

The approved preliminary development plan is dated September 19, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2004-2034 (Control No. 2003-074), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. Previous Condition E1 of Resolution R-2004-2034, Control No. 2003-074 which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after January 1, 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.E of the Unified Land Development Code. (DATE: MONITORING Eng)

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after December 31, 2011. 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.E of the Unified Land Development Code. (DATE: MONITORING Eng)

2. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: MONITORING Eng) (Previous Condition E2 of Resolution R-2004-034, Control No. 2003-074)

ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to

remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM-erm) (Previous Condition No. B.1 of Resolution No. R-2004-2034, Control No. 2003-074)

2.A 25% upland set-aside equal to or greater than 1.19 acres shall be depicted on the site plan in a location that contains the highest quality native vegetation and is approved by ERM. (ONGOING: ERM-erm) (Previous Condition No. B.2 of Resolution No. R-2004-2034, Control No. 2003-074)

3.A Preserve Management Plan and form of recordation such as Conservation Easement, Restrictive Covenant or Plat, shall be approved by ERM prior to final site plan approval. (DRO: ERM-erm) (Previous Condition No. B.3 of Resolution No. R-2004-2034, Control No. 2003-074)

LANDSCAPE - GENERAL

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. (CO: LANDSCAPE Zoning) (Previous Landscape Condition C.1 of Resolution R-2004-2034, Control No. 2003-074)

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. (CO: LANDSCAPE Zoning) (Previous Landscape Condition C.2 of Resolution R-2004-2034, Control No. 2003-074)

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 to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the wall. (CO: LANDSCAPE Zoning) (Previous Landscape Condition C.3 of Resolution R-2004-2034, Control No. 2003-074)

4.All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE Zoning) (Previous Landscape Condition C.4 of Resolution R-2004-2034, Control No. 2003-074)

5.A group of three (3) or more palm or pine trees may not supersede the requirement for perimeter canopy trees in that location, unless specified herein. (CO: LANDSCAPE Zoning) (Previous Landscape Condition C.5 of Resolution R-2004-2034, Control No. 2003-074)

6. 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) (Previous Landscape Condition C.6 of Resolution R-2004-2034, Control No. 2003-074)

7. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE Zoning) (Previous Landscape Condition C.7 of Resolution R-2004-2034, Control No. 2003-074)

LANDSCAPE - GENERAL-LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF PIONEER ROAD)

8. Landscaping and buffering along the north property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip located adjacent to the west 710 linear feet of the north property line and a twenty-five (25) foot landscape buffer strip along the remainder of the north property line excluding the east 185 linear feet. No width reduction or easement encroachment shall be permitted;
- b. a minimum two and one-half (2.5) to three and one-half (3.5) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways or to accommodate existing vegetation.
- c. one (1) native canopy tree for each thirty (30) linear feet of the property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) linear feet between clusters;
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (BLDG PERMIT: LANDSCAPE Zoning) (Previous Landscape Condition D.1 of Resolution R-2004-2034, Control No. 2003-074)

LANDSCAPE - GENERAL-LANDSCAPING ALONG SOUTH PROPERTY LINE OF THE SOUTH PARCEL AND THE WEST PROPERTY LINE OF THE NORTH PARCEL (BOTH ABUTTING RESIDENTIAL)

9. Previous Landscape Condition F.1 of Resolution R-2004-2034, Control No. 2003-074 which currently states:

Landscaping and buffering along the south property line of the south parcel and the west property line of the north parcel shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip;
- b. a continuous two (2) foot high berm. Berm height shall be measured from the nearest top of curb or the nearest adjacent finished floor elevation, whichever is higher;
- c. a six (6) foot high opaque concrete wall to located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure.
- 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 for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall. (CO: LANDSCAPE Zoning)

Is hereby amended to read:

LANDSCAPING ALONG THE SOUTH PROPERTY LINE OF THE SOUTH PARCEL (FRONTAGE OF WHIPPORWILL PASS) AND THE WEST PROPERTY LINE OF THE NORTH PARCEL

Landscaping and buffering along the south property line of the south parcel (Frontage of

Whipporwill Pass) and the west property line of the north parcel shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip;
- b. a continuous two (2) foot high berm. Berm height shall be measured from the nearest top of curb or the nearest adjacent finished floor elevation, whichever is higher;
- c. a six (6) foot high black vinyl coated fence to be located on the plateau of the berm. The exterior side of the fence shall have landscape material installed at a six (6) foot height to completely screen the fence;
- d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the fence; and
- e. one (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (CO: LANDSCAPE-Zoning)

LANDSCAPE - GENERAL

10.Previous Landscape Condition F.2 of Resolution R-2004-2034, Control No. 2003-074 which currently states:

The following landscaping requirements shall be installed on the exterior side of the required wall:

- a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- b. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE - Zoning)

Is hereby deleted - Reason: [Code requirements]

11.Previous Landscape Condition F.3 of Resolution R-2004-2034, Control No. 2003-074 which currently states:

Along the interior side of the required wall, the petitioner 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. (CO: LANDSCAPE Zoning)

Is hereby deleted - Reason: [Code Requirements]

PLANNING

1.Prior to final master plan approval by the Development Review Officer (DRO), notations shall be placed on the master plan to the undeveloped property at the northwest portion of the site, which shall read proposed vehicular and pedestrian cross access to be paved to the property line." This access point may be controlled by a gate or other security device that can be controlled by the residents of the PUD (DRO: PLANNING-Planning) (Previous Condition H.1 of Resolution 2004-2034) [NOTE-COMLETE]

2.Prior to the issuance of the certificate of occupancy (CO), the property owner shall pave the property to the edge of the northwest portion of the site with a break in any buffering or walls at the location shown on the master plan that will read proposed vehicular and pedestrian cross access" This access point may be controlled by the residents of the PUD (DRO: MONITORING-Planning) (Previous Condition H.2 of Resolution 2004-2034)

3.Prior to final master plan approval by the Development Review Officer (DRO), the property owner shall record a cross access easement from the subject property to the northwest portion of the site in a form acceptable to the county attorney (DRO: COUNTY ATTORNEY-Planning) (Previous Condition H.3 of Resolution 2004-2034) [NOTE-COMLETE]

4.Prior to final master plan approval by the Development Review Officer (DRO), the master plan shall include all mulch pathways, benches, and pedestrian access to the wetland mitigation, upland preserve, private civic area, and recreation area generally

consistent with the certified site plan dated June 11, 2004 (DRO: PLANNING-Planning) (Previous Condition H.4 of Resolution 2004-2034) [NOTE-COMLETE]

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) (Previous Condition I.1 of Resolution R-2004-2034, Control No. 2003-074)

2.Condition I.2 or Resolution R-2004-2034, Control No. 2003-074, which currently states:

Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner 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 owner. (CO: SCHOOL BOARD/ENG School Board.)

Is hereby amended to read:

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. 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 owner. (CO: MONITORING School Board.)

USE LIMITATIONS-PUD

1.Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE Zoning) (Previous PUD Condition G.1 of Resolution R-2004-2034, Control No. 2003-074)

2.Street trees shall be required within the street tracts or right-of-ways of the subject development consistent with the requirements of the Engineering Department, and the following criteria:

- a. along one side of all internal PUD streets, forty (40) feet in width or greater;
 - b. along both sides of all internal PUD streets, fifty (50) feet in width or greater;
 - c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. (DRO: ENG Zoning)
- (Previous PUD Condition G.2 of Resolution R-2004-2034, Control No. 2003-074)

USE LIMITATIONS

3.Decorative pavers (stamped concrete or paving blocks) shall be provided along the internal driveway indicated on the master plan dated May 19, 2004. The minimum dimension for each area shall be as follows:

- a. Main access point 10,176 square feet;
- b. Eyebrows/semi-cul-de-sacs located on the two curves within the north parcel 4,073 square feet each;
- c. T-intersections 2,084 square feet each; and,

d. Cul-de-sacs 6,851 square feet each.

(BLDG PERMIT: ARCH REVIEW Zoning) (Previous PUD Condition G.3 of Resolution R-2004-2034, Control No. 2003-074)

USE LIMITATIONS-PUD

4. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be amended to show a focal point at the terminus of each residential access street, cul-de-sac, or nonresidential access way. The focal point shall be in the form of a plaza, fountain, arcade or similar pedestrian oriented public areas acceptable to the Zoning Division. (DRO: ARCH REVIEW Zoning) (Previous PUD Condition G.4 of Resolution R-2004, Control No. 2003-074)

5. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be amended to show an architectural focal point at the roundabout median located at the main access point. Details of this architectural focal point shall be submitted to the Architectural Review Section for review and approval. (DRO: ARCH REVIEW Zoning) (Previous PUD Condition G.5 of Resolution R-2004-2034, Control No. 2003-074)

6. Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) of the ULDC shall be located on a minimum of 0.1 acre and shall be located within each residential pod. Such recreation uses shall have a direct connection to the pedestrian system on the property and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRO: DRO Zoning) (Previous PUD Condition G.6 of Resolution R-2004-2034, Control No. 2003-074)

7. Lots fronting on a T intersection shall be limited to units with a side loaded garage or with a semi-circular driveway. (DRO: DRO Zoning) (Previous PUD Condition G.7 of Resolution R-2004-2034, Control No. 2003-074)

8. Prior to the recordation of the first plat, all property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:

a. Formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.

c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG/COUNTY ATTY Zoning) (Previous PUD Condition G.8 of Resolution R-2004-2034, Control No. 2003-074)

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: 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 (CO); 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 Unified Land Development Code (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 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: MONITORING - Zoning)