

Staff Report Exhibit B

RESOLUTION NO. R99-85

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA APPROVING THE DEVELOPMENT ORDER AMENDMENT FOR THE ORANGE POINT P.U.D. LOCATED ON THE NORTH AND SOUTH SIDES OF LAKE WORTH ROAD BETWEEN US/441 ON THE EAST AND SW 120TH AVENUE ON THE WEST (PETITION DOA 6-2-99) AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council, as the governing body of the Village of Wellington, Florida, pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, and the Palm Beach County Unified Land Development Code, as adopted by the Village of Wellington, is authorized and empowered to consider petitions related to zoning and land development orders; and

WHEREAS, the notice and hearing requirements as provided in Article V of the Palm Beach County Unified Land Development Code, as adopted by the Village of Wellington, have been satisfied; and

WHEREAS, the subject site has been previously approved by Palm Beach County as a P.U.D. in Palm Beach County Resolutions R-1834, R-89-954, R-92-362, R-92-937, and R-95-527.

WHEREAS, the property has received a Future Land Use Map Residential Designation of Residential Category "C"; and

WHEREAS, the requested modifications were reviewed by the Wellington Planning, Zoning and Adjustment Board at a public hearing conducted on August 26, 1999; and

WHEREAS, the Village Council has considered the evidence and testimony presented by the Petitioner and other interested parties and the recommendations of the various Village of Wellington review agencies and staff; and

WHEREAS, the Village Council has made the following findings of fact:

1. The subject site has been previously approved on the P.U.D. Master Plan and the Future Land Use Map as residential. As neither a change in use nor an increase in units is contemplated, the petition has been determined to be consistent with both the Land Use and Master Plan designations for the subject parcel. The request is consistent with the Comprehensive Plan.
2. The applicant has submitted a conceptual revised master plan that has been reviewed for general conformity with the standards contained in the ULDC. The proposed master plan is in conformance with the ULDC criteria.

- 1 3. The proposed uses have been found to be compatible with surrounding uses.
- 2
- 3 4. There are no environmental concerns associated with this petition, and the applicants will
- 4 have to comply with all provisions of the Code and Comprehensive Plan with regard to the
- 5 environment.
- 6
- 7 5. There are adequate public services and facilities available to service the subject site.
- 8

9 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE**
10 **VILLAGE OF WELLINGTON, FLORIDA that:**

11
12 **SECTION 1.** The provisions of Resolution No. R-1834, Resolution R-89-954,
13 Resolution R-92-362, Resolution R-92-937, and Resolution R-95-527 are hereby replaced in
14 their entirety.

15
16 **SECTION 2.** The Development Order Amendment Petition DOA 6-2-99, the petition of
17 Lennar Land Partners, a Florida General Partnership by Lennar Homes, Inc. (owner) / Land
18 Design South (agent) to modify the approved Master Plan for the Orange Point P.U.D., is
19 hereby APPROVED on the following described real property, subject to the conditions of
20 approval contained herein, which are in addition to the general requirements otherwise
21 provided by ordinance:

22
23 A PARCEL OF LAND LYING WITHIN SECTION 26, TOWNSHIP 44 SOUTH, RANGE 41
24 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS
25 FOLLOWS:

26
27 COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 26; THENCE NORTH
28 02°39'45" EAST, ALONG THE EASTERLY LINE OF SAID SECTION 26, A DISTANCE OF
29 100.01 FEET; THENCE NORTH 88°27'52" WEST, ALONG A LINE 100.00 FEET NORTH
30 OF AND PARALLEL WITH AS MEASURED AT RIGHT ANGLES TO THE SOUTHERLY
31 LINE OF SAID SECTION 26, A DISTANCE OF 195.04 FEET TO THE POINT OF
32 BEGINNING; THENCE CONTINUE NORTH 88°27'52" WEST, ALONG THE NORTH
33 RIGHT OF WAY LINE OF THE ACME DRAINAGE DISTRICT CANAL AS RECORDED IN
34 DEED BOOK 1037 AT PAGES 686 THROUGH 692 OF THE PUBLIC RECORDS OF SAID
35 PALM BEACH COUNTY, A DISTANCE OF 610.53 FEET TO A POINT ON THE ARC OF A
36 CIRCULAR CURVE TO THE RIGHT, AT WHICH THE RADIUS POINT BEARS SOUTH
37 80°58'11" EAST; THENCE NORTHERLY, NORTHEASTERLY, AND EASTERLY ALONG
38 THE ARC OF SAID CURVE, ALSO BEING THE NORTHWESTERLY BOUNDARY OF AN
39 80.00 FOOT ACCESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 4000
40 AT PAGE 999 OF SAID PUBLIC RECORDS, HAVING A RADIUS OF 92.00 FEET AND A
41 CENTRAL ANGLE OF 82°30'19", A DISTANCE OF 132.48 FEET TO A POINT OF CUSP;
42 THENCE NORTH 88°27'52" WEST, ALONG A LINE LYING 180.00 FEET NORTH OF AND
43 PARALLEL WITH AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID
44 SECTION 26, A DISTANCE OF 4631.71 FEET TO A POINT LYING ON THE EAST RIGHT
45 OF WAY LINE OF THE ACME DRAINAGE DISTRICT CANAL AS RECORDED IN DEED
46 BOOK 1037 AT PAGES 686 THROUGH 692 OF SAID PUBLIC RECORDS; THENCE
47 NORTH 02°03'45" EAST, ALONG SAID EAST RIGHT OF WAY LINE LYING 100.00 FEET
48 EAST OF AND PARALLEL WITH AS MEASURED AT RIGHT ANGLES TO THE WEST

1 LINE OF SAID SECTION 26, A DISTANCE OF 2109.32 FEET; THENCE NORTH 04°33'46"
2 EAST, ALONG THE EASTERLY RIGHT OF WAY LINE OF A 50.00 FOOT CANAL RIGHT
3 OF WAY AS RECORDED IN OFFICIAL RECORDS BOOK 1921 AT PAGE 1331 OF SAID
4 PUBLIC RECORDS, A DISTANCE OF 3057.47 FEET TO A POINT LYING ON THE
5 SOUTHERLY RIGHT OF WAY LINE OF THE ACME DRAINAGE DISTRICT CANAL AS
6 RECORDED IN DEED BOOK 1037 AT PAGES 676 THROUGH 692 OF SAID PUBLIC
7 RECORDS; THENCE SOUTH 88°27'36" EAST, ALONG SOUTHERLY RIGHT OF WAY
8 LINE LYING 50.00 FEET SOUTH OF AND PARALLEL WITH AS MEASURED AT RIGHT
9 ANGLES TO THE NORTH LINE OF SAID SECTION 26, A DISTANCE OF 3696.62 FEET;
10 THENCE SOUTH 02°39'45" WEST, ALONG THE WESTERLY BOUNDARY OF THE
11 PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 986 AT PAGE 210 OF SAID
12 PUBLIC RECORDS, A DISTANCE OF 2615.39 FEET; THENCE SOUTH 88°56'48" EAST,
13 ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 1376.94 FEET TO A
14 POINT LYING ON THE WESTERLY RIGHT OF WAY LINE OF THE ACME DRAINAGE
15 DISTRICT CANAL AS RECORDED IN DEED BOOK 1037 AT PAGES 686 THROUGH 692
16 OF SAID PUBLIC RECORDS; THENCE SOUTH 02°39'45" WEST, ALONG SAID
17 WESTERLY RIGHT OF WAY LYING 195.00 FEET WEST OF AND PARALLEL WITH AS
18 MEASURED AT RIGHT ANGLES TO THE EAST LINE OF SAID SECTION 26, A
19 DISTANCE OF 2559.35 FEET; THENCE NORTH 88°27'52" WEST, ALONG A LINE 180.00
20 FEET NORTH OF AND PARALLEL WITH AS MEASURED AT RIGHT ANGLES TO THE
21 SOUTH LINE OF SAID SECTION 26, A DISTANCE OF 175.62 FEET TO A POINT ON
22 THE ARC OF A CIRCULAR CURVE TO THE RIGHT, AT WHICH THE RADIUS POINT
23 BEARS SOUTH 01°32'08" WEST; THENCE EASTERLY ALONG THE ARC OF SAID
24 CURVE, ALSO BEING THE NORTHERLY BOUNDARY OF SAID 80.00 FOOT ACCESS
25 EASEMENT, HAVING A RADIUS OF 1628.73 FEET AND A CENTRAL ANGLE OF
26 05°24'20", A DISTANCE OF 153.66 FEET TO THE POINT OF TANGENCY; THENCE
27 SOUTH 83°03'32" EAST, ALONG SAID NORTHERLY BOUNDARY, A DISTANCE OF
28 22.10 FEET TO A POINT LYING ON SAID WESTERLY RIGHT OF WAY LINE; THENCE
29 SOUTH 02°39'45" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE
30 OF 70.69 FEET TO THE POINT OF BEGINNING.

31
32 LESS THE FOLLOWING DESCRIBED PARCEL:

33
34 A PARCEL OF LAND LYING WITHIN SECTION 26, TOWNSHIP 44 SOUTH, RANGE 41
35 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS
36 FOLLOWS:

37
38 COMMENCING AT SAID SOUTHEAST CORNER OF SECTION 26; THENCE NORTH
39 88°27'52" WEST, ALONG THE SOUTH LINE OF SAID SECTION 26, A DISTANCE OF
40 375.42 FEET; THENCE NORTH 04°00'30" WEST, ALONG THE SOUTHERLY
41 EXTENSION OF THE EASTERLY BOUNDARY OF THE FLORIDA POWER AND LIGHT
42 SUBSTATION PARCEL AS RECORDED IN OFFICIAL RECORDS BOOK 6647 AT PAGE
43 943 OF SAID PUBLIC RECORDS, A DISTANCE OF 281.32 FEET TO THE POINT OF
44 BEGINNING, ALSO BEING THE SOUTHEAST CORNER OF SAID PARCEL; THENCE
45 NORTH 88°27'52" WEST, ALONG THE SOUTHERLY BOUNDARY OF SAID PARCEL, A
46 DISTANCE OF 355.85 FEET; THENCE NORTH 01°32'08" EAST, ALONG THE
47 WESTERLY BOUNDARY OF SAID PARCEL, A DISTANCE OF 320.00 FEET; THENCE
48 SOUTH 88°27'52" EAST, ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL, A

1 DISTANCE OF 324.79 FEET; THENCE SOUTH 04°00'30" EAST, ALONG THE EASTERLY
2 BOUNDARY OF SAID PARCEL, A DISTANCE OF 321.50 FEET TO THE POINT OF
3 BEGINNING.

4
5 CONTAINING 525.285 ACRES MORE OR LESS.

6
7 (BEARINGS BASED ON THE EASTERLY LINE OF SAID SECTION 26 BEARING NORTH
8 02°39'45" EAST, ACCORDING THE STATE PLANE COORDINATE SYSTEM USING THE
9 NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT, AS ESTABLISHED AND
10 ADOPTED BY THE PALM BEACH COUNTY SURVEY SECTION.

11
12 A PARCEL OF LAND LYING WITHIN SECTION 23, TOWNSHIP 44 SOUTH, RANGE 41
13 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS
14 FOLLOWS:

15
16 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23; THENCE
17 SOUTH 00_ 18' 47_ EAST, ALONG THE EASTERLY LINE OF THE ACME DRAINAGE
18 DISTRICT'S CANAL RIGHT OF WAY AS RECORDED IN OFFICIAL RECORDS BOOK
19 1548 AT PAGE 388 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,
20 A DISTANCE OF 2505.40 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE
21 SOUTH 00_ 18' 47_ EAST, ALONG SAID LINE, A DISTANCE OF 2826.25 FEET TO A
22 POINT 228.06 FEET EAST OF THE SOUTHWEST CORNER OF SAID SECTION 23
23 THENCE SOUTH 88_ 31' 53_ EAST, A DISTANCE OF 5273.77 TO A POINT ON THE
24 EAST LINE OF SAID SECTION 23 AND 11.45 FEET NORTH OF THE SOUTHEAST
25 CORNER OF SAID SECTION 23; THENCE NORTH 00_ 33' 30_ WEST, ALONG THE
26 EAST LINE OF SAID SECTION 23, A DISTANCE OF 2712.61 FEET TO THE EAST
27 QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 02_ 15' 44_ EAST, ALONG
28 SAID EAST LINE, A DISTANCE OF 88.08 FEET; THENCE NORTH 88_ 14' 59_ WEST, A
29 DISTANCE OF 5266.98 FEET TO THE POINT OF BEGINNING.

30
31 (BEARINGS ARE BASED ON THE NORTH LINE OF SAID SECTION 23 BEARING
32 NORTH 88_ 35' 16_ WEST, ACCORDING TO STATE PLANE COORDINATES BASED ON
33 THE FLORIDA COORDINATE SYSTEM, EAST ZONE, GRID NORTH, 1983 STATE
34 PLANE TRANSVERSE MERCATOR PROJECTIONS, WITH THE NAD 83 1990
35 ADJUSTMENT).

36
37 SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 340.06
38 ACRES, MORE OR LESS.

39
40 **LEGAL DESCRIPTION**

41
42 A PARCEL OF LAND LYING WITHIN SECTIONS 23 AND 26, TOWNSHIP 44 SOUTH,
43 RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY
44 DESCRIBED AS FOLLOWS:

45
46 BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE SOUTH
47 88_ 27' 52_ EAST, ALONG THE SOUTH LINE OF SAID SECTION 26, A DISTANCE OF
48 5408.25 FEET TO A POINT ON A LINE THAT IS 37.50 FEET WEST OF AN PARALLEL

1 WITH THE EAST LINE OF SAID SECTION 28; THENCE NORTH 02_ 39' 45_ EAST,
2 ALONG SAID PARALLEL LINE, A DISTANCE OF 2740.70 FEET TO THE SOUTH LINE
3 OF A PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 986, PAGE 210 OF THE
4 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88_ 56' 48_
5
6 WEST, ALONG THE SOUTH LINE OF SAID PARCEL. A DISTANCE OF 1534.50 FEET
7 TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 02_ 39' 45_ EAST,
8 ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 2674.88 FEET TO A
9 POINT ON THE SOUTH LINE OF A PARCEL AS DESCRIBED IN OFFICIAL RECORDS
10 BOOK 3203 AT PAGE 1846, AS PARCEL 111; THENCE NORTH 88_ 31' 53_ WEST,
11 ALONG SAID SOUTH LINE, A DISTANCE OF 3694.90 FEET TO THE EAST LINE OF THE
12 ACME DRAINAGE DISTRICT'S CANAL RIGHT OF WAY AS MONUMENTED AND
13 DESCRIBED IN OFFICIAL RECORDS BOOK 1921 AT PAGE AND DESCRIBED IN
14 OFFICIAL RECORDS BOOK 1921 AT PAGE 1331 OF SAID PUBLIC RECORDS; THENCE
15 SOUTH 04_ 33' 46_ WEST, ALONG SAID EAST LINE, A DISTANCE OF 5404.84 FEET
16 TO THE POINT OF BEGINNING.

17
18 (BEARINGS ARE BASED ON THE EAST LINE OF SAID SECTION 26 BEARING NORTH
19 02_ 39' 45_ WEST, ACCORDING TO STATE PLANE COORDINATES BASED ON THE
20 FLORIDA COORDINATE SYSTEM, EAST ZONE, GRID NORTH, 1983 STATE PLANE
21 TRANSVERSE MERCATOR PROJECTIONS WITH THE NAD 83 1990 ADJUSTMENT).

22
23 SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 585.37
24 ACRES, MORE OR LESS.

25
26 **LEGAL DESCRIPTION**

27
28 ALL SECTION 34, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY,
29 FLORIDA.

30
31 SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 656.31
32 ACRES, MORE OR LESS.

33
34 STATUS:
35 ONGOING

36 1. This development shall retain on site the first one inch of the stormwater runoff per
37 Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.

38 STATUS:
39 COMPLETED

40 2. Developer shall construct on S.R. 7 at South Road concurrent with the construction of
41 South Road:

42 a) right-turn lane, north approach.

43 b) left-turn lane, south approach.

44 c) right-turn lane, west approach.

45 STATUS:
COMPLETED

3. Developer shall construct signalization at the intersection of South Road and S.R. 7.

STATUS:
COMPLETED

3

4

5

6

7

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STATUS:
COMPLETED

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11

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STATUS:
ONGOING

15

16

STATUS:
ONGOING

19

20

STATUS:
ONGOING

23

24

STATUS:
ONGOING

27

STATUS:
ONGOING

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32

33

STATUS:
ONGOING

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37

38

STATUS: DELETE,
the 10-acre parcel
is the subject of this
application and
proposed to
amended to allow
residential.

45

46

47

STATUS:
COMPLETED

4. Developer shall construct on South Road at the project's proposed access drive concurrent with the construction of South Road:

a) right-turn lane, east approach

b) left-turn lane, west approach

5. The bridge and the intersection improvements as outlined in Condition No.15 shall be credited toward the Fair Share Impact Fee of Three Hundred Twenty-Two Thousand Seven Hundred Seventy-Five Dollars (\$322,775.00) based upon a certified cost estimate by the Developer's engineer.

6. If the "Fair Share Contribution of Road Improvements Ordinance" is amended to increase the Fair Share Fee, the Developer shall contribute the increased Fair Share Fee and receive credit for the construction in Condition No. 15.

7. Design of the road drainage of South Road shall be accommodated through the internal lake system for this project to provide for legal positive outfall, and shall be subject to all governmental agency requirements.

8. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

9. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent of nearby surface waters.

10. All property included in the legal description of each section, including Sections 23, 26, and 34, shall be subject to a Declaration of Restrictions and Covenants for that Land Section acceptable to the Village of Wellington's Attorney's Office which shall provide for, among other things, formation of a "Master" property owners' association for that section and automatic membership in the "Master" association by any party holding title to any portion of the property in said Land Section.

11. If equestrian trails are created, they may be permitted to encroach by ten (10) acres into the required landscape buffers, subject to final approval of the trail design included within a final site plan as certified by the Development Review Committee.

Use of the ten (10) acre equestrian center pod shall be for equestrian-related uses. This ten (10) acre pod will be allowed a maximum of two (2) acres of equestrian-related retail uses such as tack shops, feed and grain sales, and other similar commercial equestrian establishments. The remaining eight (8) acres are to be utilized for other public or private equestrian uses such as commercial stables, show rings, riding rings, or fields, paddocks, and other such equestrian uses.

13. Prior to master plan certification, the master plan shall be amended to indicate:

a) the minimum tree planting requirement;

1 b) minimum native tree planting requirement; and
2

3 c) how the minimum native tree planting requirement will be satisfied and
4 incorporated into the project design.
5

STATUS:
COMPLETED.
THIS POD IS
DEVELOPED.

9 14. The petitioner shall consult with the School Board prior to considering the commercial
uses that may be permitted on the one (1) acre commercial pod located on Lake
Worth Road.

STATUS:
ONGOING.

12 15. Sewer service is available to Sections 23 and 26. Therefore, no septic tanks shall be
permitted on Sections 23 and 26. Septic tanks shall be allowed on Section 34.

STATUS:
ONGOING.

15 16. Water service is available to Sections 23 and 26. Therefore, no wells shall be
permitted on Sections 23 and 26 to provide potable water. Water wells shall be
allowed on Section 34.

STATUS: DELETE,
the 10-acre parcel
is the subject of
this application and
proposed to
amended to allow
residential
development.

16 17. The ten (10) acre equestrian center pod shall provide a minimum thirty-five (35) foot
landscape buffer along the entire perimeter, supplemented with a berm and hedge
combination to reach a combined height of six (6) feet, with native ten (10) to twelve
(12) foot canopy trees planted a maximum of twenty (20) feet on center.

23 All thoroughfares and collector roads shall be built to Palm Beach County
24 Thoroughfare Plan Standards as they presently exist, or as they may be amended
25 from time to time.

STATUS:
COMPLETED

26 19. Any right-of-way required for the construction of South Road (to Palm Beach County
Thoroughfare Plan Standards) shall be funded in its entirety by this property owner.
Said right-of-way shall be acquired concurrent with approval of the construction plans
by Palm Beach County.

STATUS:
COMPLETED

31 20. Property owner shall fund the cost of signalization at any of the projects' entrances
32 onto either South Road or Lake Worth Road, including the school site if warranted by
the County Engineer or Village Engineer. If the signalization is not warranted by the
County or Village Engineer within one (1) year of completion of the project, then
property owner shall be relieved of this condition.

STATUS:
ONGOING

37 21. The property owner shall disclose to prospective home buyers the future existence of
Lake Worth Road from State Road 7 to Wellington as a future thoroughfare roadway
and the existence of Florida Power and Light's transmission lines which traverse the
property. Disclosure shall be made in sales brochures and literature.

STATUS:
ONGOING

42 22. As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these
43 conditions of approval at any time may result in:
44

a) The denial or revocation of a building permit; the issuance of a stop work order;
the denial of a Certificate of Occupancy on any building or structure; or the denial
or revocation of any permit or approval for any developer-owner, commercial-
owner, lessee, or user of the subject property; and/or

1 b) The revocation of the Special Exception and any zoning which was approved
2 concurrently with the Special Exception, as well as any previously granted
3 certifications of concurrency or exemptions therefrom; and/or
4

5 c) A requirement of the development to conform with updated standards of
6 development, applicable at the time of the finding of non-compliance, or the
7 addition or modification of conditions reasonably related to the failure to comply
8 with existing conditions.
9

10 23. Appeals of any departmental-administrative actions hereunder may be taken to the
11 Planning, Zoning and Adjustment Board or as otherwise provided in the Village of
12 Wellington Land Development Regulations. Appeals of any revocation of Special
13 Exception, Rezoning, or other actions based on a Village Council decision shall be by
14 petition for writ of certiorari to the Fifteenth Judicial Circuit.
15

16 24. The approval of this petition shall not affect any Zoning Code Section 402.9
17 (Mandatory Review of Development Approval) review date established as the result of
18 a previous approval for this property.
19

20 25. The property owner shall also fund that portion of Lake Worth Road previously
21 constructed by Palm Beach County to provide access to the Elementary School "K",
22 in an amount approved by the County Engineer. The reimbursement for this section
23 of Lake Worth Road shall be made prior to plats for more than twenty (20) units
24 being filed or prior to the issuance of a building permit, whichever shall first occur.
25

26 **SECTION 3.** The following modifications to the Master Plans for Sections 26 and 23 are
27 hereby approved:
28

29 1. Pod "D" has been modified from an 11.66 acre, 51 DU single-family site to a 40-acre
30 Private Civic site (potential church/school site). The proposed 40-acre Pod "D" will
31 have a 15-foot buffer along the east side adjacent to Pod "D-1." A 50-foot landscape
32 buffer, a 6-foot wall, and an additional 15-foot landscape buffer shall separate
33 proposed Pod "D" from Pod "G" to the south. Access to the proposed Pod "D" will be
34 from Lake Worth Road or by the easement located to the west side of proposed Pod
35 "D." Access to Pod "D" has been eliminated from the internal access road of Orange
36 Point P.U.D., Section 26. The 3.7-acre water body originally identified between Pod
37 "D" and Pod "G," and the 1.5-acre water body within Pod "D" has been eliminated. No
38 traffic analysis has been conducted or approved which includes this parcel and use,
39 and therefore no permits or other approvals may be issued for this parcel without a
40 public hearing and approval by the Village Council with a finding of consistency with the
41 Palm Beach County Traffic Performance Standards and other Development Order
42 Amendment review criteria at a later date.
43

44 2. Pod "G" is increased from 25.4 acres with 89 single-family dwelling units to 27.45
45 acres with 80 single-family dwelling units. The water body tract within Pod "G" is
46 increased from 2.9 acres to 5.3 acres. A 15-foot landscape buffer and 6-foot wall will
47 divide Pod "G" and Pod "J" from the westerly 100-foot canal right-of-way. The 3-acre

1 water body tract that was to divide Pod "G" from Pod "H" has been removed and
2 replaced with a 25-foot landscape buffer.
3

4 3. Pod "H" has been moved further south and west, and Pod "J" has been inserted
5 moving from the southeast portion of the project. The proposed Pod "J" is similar in
6 shape to proposed Pod "G." Proposed Pod "J" is increased from 49 single-family
7 dwelling units on 22.1 acres to 50 single-family dwelling units on 25.83 acres. The
8 proposed Pod "J" will include a 4.28-acre water body tract.
9

10 4. Relocated Pod "H" has been reduced and the product changed from 87 acres with 30
11 single-family equestrian dwelling units to 45.29 acres with 68 single-family dwelling
12 units. The 7.4-acre water body tract has been reconfigured from a north-south
13 orientation to an east-west orientation and has increased slightly to 7.70 acres.
14

15 5. Pod "I" has been eliminated and incorporated into revised Pod "N."
16

17 6. The 78.4-acre water body tract located in the central portion of Section 26 has been
18 reduced to 66.7 acres and redistributed into four separate water body tracts. This
19 revision is discussed further in Pod "N" amendments, below.
20

21 7. Pod "N" is changed to incorporate additional single-family dwelling units from the
22 former Pod "I." Pod "N" has increased from 95 single-family dwelling units on 24.5
23 acres to 159 single-family dwelling units on 77.82 acres. A 25.31-acre water body
24 tract has been placed to the south of Pod "N." This tract includes a peninsula of
25 single-family dwelling units into the water body. A second 5.97-acre water body tract
26 has been added to the northwest corner of Pod "N" with a small single-family dwelling
27 unit peninsula. A third 28.21-acre water body tract has been added to the northeast
28 corner of Pod "N" with four residential single-family dwelling unit peninsulas. A fourth
29 7.23-acre water body tract was added to the east of Pod "N" with an access added
30 onto the internal circulation road to the east.
31

32 8. The recreation area has increased to 8 acres from 6.5 acres and is located in the
33 same general vicinity. The new 28.21-acre water body tract has increased its
34 influence on the recreation area.
35

36 9. Pod "F-1," model center, has been moved slightly south and on a separate peninsula
37 located on the 28.21-acre water body tract described previously. Pod "F-1," model
38 center, has increased from 8 dwelling units on 2.4 acres to 15 dwelling units on 3.79
39 acres.
40

41 10. Pod "F" has been relocated from the center of the project to the east, adjacent to an
42 expanded 14.68-acre water body tract. Pod "F" has changed from 49 single-family
43 dwelling units on 13.9 acres to 28 zero lot line dwelling units on 16.42 acres. A
44 portion of the 14.68-acre water body enters the center of Pod "F."
45

46 11. Pod "J" has been relocated to the west, as discussed in Item #3. A portion of the
47 revised Pod "N" is located where Pod "J" existed.
48

- 1 12. Pod "K" has been modified and shifted easterly and changed in size from 47
2 townhomes on 13.8 acres to 47 townhomes on 29.17 acres. A 2.45-acre water body
3 tract has been added internal to Pod "K." A 100-foot landscape buffer has been
4 placed around the 3.0-acre FPL sub-station.
5
- 6 13. Pod "M" has been modified from 86 single-family dwelling units on 34.7 acres to 140
7 single-family, zero lot line dwelling units on 27.32 acres. A 15-foot landscape buffer
8 with a 6-foot wall has been placed on the easterly and southern portions of revised
9 Pod "M." This pod is adjacent to the approved Orange Grove Estates single-family
10 residential development. Both developments share a similar product type and are
11 compatible. This replaces a 25-foot buffer originally contemplated.
12
- 13 14. Pod "E" does not change from the current platted approvals.
14
- 15 15. The 2.7-acre civic site located at the northeast corner is now depicted with a 20-foot
16 landscape buffer from Pod "E" and a 15-foot landscape buffer from the civic site.
17
- 18 16. The front of the Orange Point project on Lake Worth Road has a 75-foot landscape
19 buffer; the main entrance has a minimum 80-foot right-of-way.
20
- 21 17. The main internal spine roadway will be an 80-foot right-of-way throughout the
22 development. The approved master plan depicts an 80-foot right-of-way in the north
23 and 50-foot right-of-way in the east and west. The original internal roadway had a 15-
24 foot Type "D" buffer on both sides (Type "D" buffer is from the County Code). The
25 developer has proposed a 50-foot buffer on the inside of the internal roadway. The
26 50-foot buffer includes a bike/pedestrian path. The exterior of the roadway will include
27 a 30-foot buffer. The only exception is Pod "D-1" and "E" which is approved and
28 platted with a 20-foot buffer. Both sides of the internal roadway will have increase in
29 buffering from the original plan.
30
- 31 18. From east to west, the south end of this section will have a 100-foot landscape buffer.
32 With the reconfiguration of Pod "H," the 100-foot landscape buffer will increase from
33 the original proposal of 25 feet modified Type "D".
34
- 35 19. The landscape buffer surrounding the equestrian center has increased from 35 feet to
36 west.
37
- 38 20. All water bodies will include a 10-foot, maximum 4:1 slope and a 20-foot lake
39 maintenance easement.
40
- 41 21. Each pod shall have a 50-foot right-of-way from the internal access road. Only Pod
42 "N" has two entrances on the internal access road.
43
- 44 22. The original 10-foot landscape buffer between Pod "M" and the FPL easement is
45 modified to provide a 14.68-acre water body tract located completely outside the FPL
46 180-foot easement.
47

- 1 23. The zero lot line patio homes depicted on the master plan are increased from 392
2 units on 78.87 acres to 506 units on 119.31 acres.
3
4 24. The 10-acre commercial pod at the southwest corner of Section 26 has been re-
5 designated from commercial to equestrian center and shall be limited to a maximum of
6 2 acres of equestrian-related retail uses such as tack shops, feed and grain sales, and
7 other similar commercial equestrian establishments. The remaining 8 acres are to be
8 utilized for other public or private equestrian uses such as commercial stables, show
9 rings, riding rings, or fields, paddocks, and other such equestrian uses.
10

11 **SECTION 4.** This Resolution shall become effective immediately upon adoption.
12
13
14

15 PASSED AND ADOPTED this 19th day of October, 1999.
16
17

18 ATTEST:

VILLAGE OF WELLINGTON, FLORIDA

19
20
21
22 BY:

Awilda Rodriguez
Awilda Rodriguez, Village Clerk

BY:

Carmine A. Priore
Carmine A. Priore, DDS, Mayor

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24
25
26 APPROVED AS TO FORM AND
27 LEGAL SUFFICIENCY
28

29
30 BY:

Attorney for the Village
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RESOLUTION APPROVING ZONING PETITION 84-98, Special Exception

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 123, Florida Statutes, is authorized and empowered to consider petitions relating to zoning and

WHEREAS, the notice and hearing requirements as provided for in Chapter 162.5 of the Palm Beach County Zoning Code Ordinance No. 79-2 have been satisfied; and

WHEREAS, Petition No. 84-98 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26th July 1984; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The proposed is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 26th day of July, 1984, that Petition No. 84-98 the petition of RICH JANOW, AS TRUSTEE BY P. Martin Perry, Agent, for a SPECIAL EXCEPTION TO COMBINE, EXPAND AND AMEND THE MASTER PLANS FOR ORANGE POINT ESTATES PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 79-283, AND ORANGE POINT PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED, UNDER ZONING PETITION NO. 79-284 on the Northwest corner of Section 23, Township 44 South, Range 41 East; (state plane grid bearing datum) along the Easterly line of the Acme Drainage District's Canal right-of-way as recorded in Official Record Book 1548, Page 388, 2685.43 feet to the point of beginning; thence South 88 degrees 28' 31" East along said line 2826.26 feet to a point 128.85 feet East of the Southwest corner of Section 23, and 4.85 feet North of the South line of Section 23; thence South 88 degrees 31' 54"

3275.93 feet to a point on the East line of Section 23, and
125 feet North of the Southeast corner of Section 23; thence North
82 degrees 31' 31" West along the East line of said Section 23 2752.62
feet to the East 1/4 corner of Section 23; thence North 82 degrees
15' 48" East along said East line, 88.88 feet; thence North 88 degrees
14' 59" West, 5266.86 feet to the Point of Beginning, together with a
parcel in Section 26, Township 44 South, Range 41 East, being more
particularly described as follows:

Beginning at the Southwest corner of Section 26; thence South 88
degrees 20' 58" East (Acme plans grid bearing datum) along the South
line of said Section, 5488.17 feet to a point on a line that is 37.5
feet wide of and parallel with the East line of Section 26; thence
North 82 degrees 39' 45" East along said parallel line, 5484.29 feet
to a point on the South line of a parcel as described in Official
Record Book 1283, Page 1846, as parcel III; thence North 88 degrees
31' 54" West along said South line, 1534.25 feet to the East line of
the parcel specified in Official Record Book 1125, Page 134; thence
South 87 degrees 19' 29" West along said East line, 1334.72 feet to
the South line of said parcel; thence North 88 degrees 31' 54" West
along the South line of said parcel, 1739.22 feet to the West line of
the Acme Drainage District's Canal right-of-way as monumented and
described in Official Record Book 1921, Page 1331; thence South 84
degrees 33' 44" West along said East line, 4868.48 feet to the point
of Beginning, together with all of Section 34, Township 44 South,
Range 41 East, Subject to the Acme Drainage District's Canal
reservations ordered in Deed Book 1837, Pages 686-692. Said property
located approximately 1 mile west of S.R. 7 (U.S. 441) and
approximately 1.7 miles south of West Fordat Hill Boulevard was
approved as advertised subject to the following conditions:

1. This development shall retain onsite the first one inch of the
stormwater runoff per Palm Beach County Subdivision and Platting
Ordinance 73-4, as amended.
2. Petitioner shall convey for the ultimate right-of-way of:
 - a) Lake Worth Road, 128 feet on an alignment approved by
the County Engineer.
 - b) South Road, 88 feet at right-of-way.

All rights of way shall be conveyed within 90 days of

approval and conveyances must be accepted by Palm Beach County prior to issuance of the first building permit.

The developer shall construct:

- a) South Road from existing limits of paving west to the project's westernmost access drive in Section 34 concurrent with the construction of the project's entrance roads onto South Road or upon notification by the County Engineer to provide paved continuity for South Road.
- b) Lake Worth Road from S.R. 7 west to the project's west property line. This petitioner shall be responsible for any acquisition of Right-of-Way necessary for the construction of Lake Worth Road. The alignment of this Right-of-Way shall be approved by the County Engineer. Lake Worth Road shall be constructed concurrent with the filling of the first plat adjacent to Lake Worth Road or upon notification by the County Engineer to provide paved continuity for Lake Worth Road. This development shall be limited however to 154 building permits until such time that both Lake Worth Road and South Road is constructed from S.R. 7 to the project.

4. A. The developer shall provide the construction plans for an additional 4-lane bridge over the LWDD E-1 Canal per the County Engineer's approval. The plan section shall include sidewalks. In addition, construction plans shall be submitted for the following turn lanes at the intersection of Lake Worth Road and S.R. 7.

- a. dual left turn lanes, north approach
- b. dual left turn lanes, south approach
- c. dual left turn lanes, east approach
- d. dual left turn lanes, west approach
- e. right turn lane, north approach
- f. right turn lane, south approach
- g. right turn lane, east approach
- h. right turn lanes, west approach

These plans shall be completed within twelve months of Special Exception approval or prior to the issuance of the first building permit, whichever shall first occur.

B. The Developer shall construct an additional 4-lane bridge over the LWDD E-1 Canal on Lake Worth Road, per the County Engineer's approval. This construction shall also include turn lanes at the intersection of Lake Worth Road & S.R. 7 as required in this condition in the previous paragraph as outlined below. This construction shall be for a 488 foot full section, plus the appropriate transitions to the existing two lanes.

- a. dual left turn lanes, north approach
- b. dual left turn lanes, south approach
- c. dual left turn lanes, east approach
- d. dual left turn lanes, west approach
- e. right turn lane, north approach
- f. right turn lane, south approach
- g. right turn lane, east approach
- h. right turn lane, west approach

i. Signalization when required as determined by the County Engineer.

This developer shall also be responsible for any and all right-of-way acquisition costs incurred with the construction of these turn lanes and bridge construction as outlined above. It is the intent that the Right-of-Way shall be acquired as shown on the Thoroughfare Right-of-Way Protection Map "Special Intersections", Palm Beach County.

84 1834

will acquire this right-of-way at the developer's expense. This construction shall be completed within 24 months of Special Exception approval or prior to the issuance of 200 building permits, whichever shall occur first. This Petitioner shall also be required to post surety in the form of a clean irrevocable Letter of Credit within six months of Special Exception approval or prior to the issuance of a building permit. The amount of this letter of credit shall be based upon a certified Cost Estimate by the developer's engineer for the required plans and construction for the improvements of Lake Worth Road and S.R. 7.

5. Developer shall construct on S.R. 7 at South Road concurrent with the construction of South Road:

- a) right turn lane, north approach
- b) left turn lane, south approach
- c) right turn lane, west approach

6. Developer shall construct signalization at the intersection of:

- a) Lake Worth Road and S.R. 7
- b) South Road and S.R. 7

All signalization to be constructed when warranted, as determined by the County Engineer.

7. Developer shall construct a four-lane bridge over the E-1 Canal on Lake Worth Road, per the County Engineer's approval, concurrent with the improvements for the first plat however in no event later than 12 months of approval. This construction shall also include a left turn lane and a right turn lane, east approach on Lake Worth Road at S.R. 7.

8. Developer shall construct on South Road at each of the Project's proposed access drives concurrent with the construction of South Road:

- a) right turn lane, west approach
- b) left turn lane, west approach

9. Access to the proposed commercial parcels shall be from the internal collector roads only and shall not be located onto South Road, Lake Worth Road or along the north-south road adjacent to Section 23, 26 and 34.

10. The bridge and the intersection improvements as outlined in Condition No. 4, shall be credited toward the Fair Share Impact Fee of \$322,775.00 based upon a certified cost estimate by the developer's engineer.

If the "Fair Share Contribution of Road Improvements Ordinance" is amended to increase the Fair Share Fee, the Developer shall contribute the increased Fair Share Fee and receive credit for the construction in Condition No. 4 and 10.

11. Developer must dedicate the 28.5 acre civic site to the Palm Beach County School Board without cost, at the time of the filing of the first plat.

- (a) The final configuration of the school site shall be of a shape that is acceptable to the School Board, and agreed upon by the School Board prior to the filing of the first plat.

12. Commercial pods located in the immediate vicinity of the school site shall be cooperatively agreed upon by the School Board and the petitioner, in efforts to minimize attractive nuisances to students.

13. The title and warranty deed and survey showing and describing the site and bounds of the school site shall be delivered to the School Board prior to the filing of the first plat.

(d) Petitioner shall provide primary access to the site from adjacent roadways. (Curb cuts, and proper left and right turning lanes in accordance to School Board and County Engineering guidelines). Secondary access for residents within the PUD will be cooperatively worked out between the School Board and petitioner prior to the filing of first plat.

(e) Utilities (water and sewer) shall be brought to the school site property line.

12. Design of the road drainage of Lake Worth Road and South Road shall be accommodated through the internal lake system for this project to legal positive outfall, and shall be subject to all governmental agency requirements.

13. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

14. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

15. The developer shall relocate and/or preserve existing significant native vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect any individual trees and/or preservation areas during site clearing and construction.

16. The developer shall reserve all of Section 34 and the western portion of Section 26 (identified as Phase 1) from active development until all other portions of the PUD have been developed. The active agricultural production on this land shall continue during this period. When these areas are ultimately developed, no trees shall be removed except those necessary for road right of way and home construction proposed. Continued grove production shall be encouraged even after residential development is implemented.

Commissioner Wilken, moved for approval of the petition.

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

84 1834

Ken Spillias, Chairman	-- AYE
Dorothy Wilkens, Vice Chairman	-- AYE
Peggy Evatt, Member	-- AYE
Dennis P. Koehler, Member	-- AYE
Bill Bailey, Member	-- ABSENT

The foregoing resolution was declared duly passed and adopted this day of DEC 1 1984, confirming action of 26th July 1984.

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

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

JOHN B. DUNKLE, Clerk

By Sandy Spillias
County Atty General

By Dorothy Wilkens
Deputy Clerk

FILED THIS DAY OF

DEC 1 1984

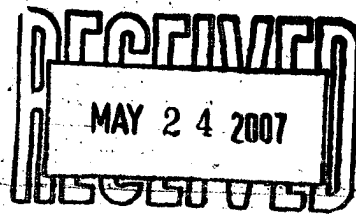
AND RECORDED IN RESOLUTION

MINUTE BOOK NO 379 AT

PAGE 371-375 RECORD VERIFIED

JOHN B. DUNKLE, CLERK

BOOK 379 PAGE 375



RESOLUTION NO. R- 89-954

RESOLUTION APPROVING ZONING PETITION NO. 84-98(A)
SPECIAL EXCEPTION PETITION OF HUGH JANOW, TRUSTEE

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 84-98(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 27, 1988; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) 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 proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 84-98(A) the petition of HUGH JANOW, TRUSTEE, by F. Martin Perry, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR ORANGE POINT PLANNED UNIT DEVELOPMENT TO CHANGE THE BOUNDARIES OF THE DEVELOPMENT BY: 1] DELETING 94 ACRES FROM THE PLANNED UNIT DEVELOPMENT IN THE NORTHEAST QUADRANT OF SECTION NO. 26; 2] ADDING 112 ACRES TO THE PLANNED UNIT DEVELOPMENT IN THE NORTHWEST QUADRANT OF SECTION 26 on a parcel of land in the Southerly portion of Section 23, Township 44 South, Range 41 East, being more particularly described as follows:

Commencing at the Northwest corner of Section 23; thence South 00 degrees 18' 37" East (state plane grid bearing datum) along the Easterly line of the Acme Drainage District's Canal Right-of-Way as recorded in Official Record Book 1548, page 388, 2605.43 feet to the point of beginning; thence South 00 degrees 18' 37" East along said line 2826.26 feet to a point 228.05 feet East of the Southwest corner of Section 23, and 4.85 feet North of the South line of Section 23; thence South 88 degrees 31' 54" East, 5273.93 feet to a point on the East line of Section 23, and 11.45 feet North of the Southeast corner of Section 23; thence

Petition No. 84-98(A)

R89 954

Page 1

BOOK 0788 PAGE 304

North 00 degrees 33' 33" West along the East line of said Section, 2712.62 feet to the East 1/4 corner of Section 23; thence North 02 degrees 15' 48" East along said East line, 88.08 feet; thence North 88 degrees 14' 59" West, 5266.96 feet to the Point of Beginning.

Together with a parcel in Section 26, Township 44 South, Range 41 East, being more particularly described as follows:

Beginning at the Southwest corner of Section 26; thence South 88 degrees 28' 00" East (state plane grid bearing datum) along the South line of said Section, 5408.17 feet to a point on a line that is 37.5 feet West of and parallel with the East line of Section 26; thence North 02 degrees 39' 49" East along said parallel line, 2740.73 feet to the South line of a parcel as described in O.R.B. 986, page 210; thence North 88 degrees 57' 19" West along the South line of said parcel, 1534.53 feet to the Southeast corner thereof; thence North 02 degrees 39' 49" East along the West line of said parcel, 2674.91 feet to a point on the South line of a parcel as described in Official Record Book (O.R.B.) 3203, page 1846, as Parcel III; thence North 88 degrees 31' 54" West along said South line, 3694.94 feet to the West line of the Acme Drainage District's canal Right-of-Way as monumented and described in O.R.B. 1921, page 1331, of said public records; thence South 04 degrees 33' 44" West along said East line, 5404.86 feet to the Point of Beginning, together with all of Section 34, Township 44 South, Range 41 East.

All the above parcels subject to the Acme Drainage District Canal reservations as recorded in Deed Book 1037, pages 686-692; and being located on the north and south sides of the proposed Lake Worth Road Extension, approximately 1.3 miles West of State Road 7 (U.S. 441), in a RE-Residential Estate Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. All property included in the legal description of this petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's Office which shall provide, among other things, for: Formation of a single "master" property owner's association, and automatic membership in the "master" association by any party holding title to any portion of the property included in the PUD.
3. The equestrian trails shall not be permitted to encroach the required twenty-five (25) foot buffer.
4. The proposed ten (10) acre equestrian pod located in the southwest corner of Section 26 shall be designated as an equestrian facility and shall be limited to a maximum of two (2) acres of equestrian related commercial use.
5. Prior to master plan certification, the master plan shall be amended to indicate:

Petition No. 84-98(A)

R89 954

Page 2

BOOK 0788 PAGE 305

- a. The minimum tree planting requirement;
- b. Minimum native tree planting requirement; and
- c. How the minimum native tree planting requirement will be satisfied and incorporated into the project design.

6. Condition No. 11.b of Zoning Petition No. 84-98, Resolution No. R-1834 which states:

"11. b. Commercial pods located in the immediate vicinity of the school site shall be cooperatively agreed upon by the School Board and the petitioner, in efforts to minimize attractive nuisances to students."

Is hereby amended to read as follows:

"The petitioner shall consult with the School Board prior to considering the commercial uses that may be permitted on the one (1) acre commercial pod located on Lake Worth Road."

7. Condition No. 4 of Zoning Petition No. 84-98, Resolution No. R-1834, which presently states:

"4. A. Developer shall provide construction plans for an additional 4-lane bridge over LWDD-E-1 Canal per C.E. approval. The plan section shall include sidewalks. In addition, construction plans shall be submitted for the following turn lanes at the intersection of Lake Worth Rd. & S.R. 7:

- a. Dual left turn lanes, north approach
- b. dual left turn lanes, south approach
- c. dual left turn lanes, east approach
- d. dual left turn lanes, west approach
- e. right turn lanes, north approach
- f. right turn lanes, south approach
- g. right turn lanes, east approach
- h. right turn lanes, west approach

These plans shall be completed within 12 months of Special Exception approval or prior to issuance of 101st Building Permit, whichever shall first occur.

B. Developer shall construct an additional 4-lane bridge over LWDD-E-1 Canal on Lake Worth Road per County Engineer's approval. This construction shall also include turn lanes at the intersection of Lake Worth Road & S.R. 7 as required in this condition in the previous paragraph as outlined below. This

construction shall be for a 400 foot full section, plus the appropriate transitions to the existing two lanes:

- a. Dual left turn lanes, north approach
- b. dual left turn lanes, south approach
- c. dual left turn lanes, east approach
- d. Dual left turn lanes, west approach
- e. right turn lanes, north approach
- f. right turn lanes, south approach
- g. right turn lanes, east approach
- h. right turn lanes, west approach
- i. Signalization when required as determined by the County Engineer.

This developer shall also be responsible for any and all right-of-way acquisition costs incurred with construction of these turn lanes and bridge construction as outlined above. It is the intent that the right of shall be acquired as shown on the Thoroughfare R/W Protection Map "Special Intersections". Palm Beach County will acquire this right-of way at the developer's expense. This construction shall be completed within 24 months of Special Exception approval or prior to issuance of 200 Building Permits, whichever shall first occur. This Petitioner shall also be required to post surety in the form of a Clean Irrevocable Letter of credit within 6 months of Special Exception approval or prior to issuance of a building permit. The amount of this letter of credit shall be based upon a certified cost estimate by the developer's engineer for required plans and construction for improvements of Lake Worth Rd. & S.R. 7.

Is hereby amended to read as follows:

4. A. Developer shall provide construction plans for an 8-lane bridge over LWDD E-1 Canal per C.E. approval. The plan section shall include sidewalks. In addition, construction plans shall be submitted for the following turn lanes at the intersection of Lake Worth Rd. & S.R. 7:

- 1) Dual left turn lanes, north approach
- 2) Dual left turn lanes, south approach
- 3) Dual left turn lanes, east approach
- 4) Dual left turn lanes, west approach
- 5) Right turn lanes, north approach
- 6) Right turn lanes, south approach

Petition No. 84-98(A)

R89 954

Page 4

BOOK 0788 PAGE 307

- 7) Right turn lanes, east approach
- 8) Right turn lanes, west approach

These plans shall be completed prior to June 15, 1988, or prior to the certification of the master plan, whichever shall first occur.

B. Developer shall construct the improvements as shown in the construction plans presently under review by the County Engineer over LWDD E-1 Canal on Lake Worth Road per the County Engineer's approval. This construction shall also include turn lanes at the intersection of Lake Worth Road & S.R. 7 as required in this condition in the previous paragraph as outlined below. This construction shall be for a 400 foot full section, plus the appropriate transitions to the existing two lanes. Construction shall commence prior to August 1, 1988 and shall be completed prior to June 1, 1989.

- 1) Dual left turn lanes, north approach
- 2) Dual left turn lanes, south approach
- 3) Dual left turn lanes, east approach
- 4) Dual left turn lanes, west approach
- 5) Right turn lanes, north approach
- 6) Right turn lanes, south approach
- 7) Right turn lanes, east approach
- 8) Right turn lanes, west approach
- 9) Signalization when required as determined by the County Engineer.

This developer shall also be responsible for any and all right-of-way acquisition costs incurred with construction of these turn lanes and bridge construction as outlined above. It is the intent that the right-of-way shall be acquired as shown on the Thoroughfare Right-of-Way Protection Map "Special Intersections". Palm Beach County will acquire this right-of-way at the developer's expense. This construction shall be completed prior to the construction schedule as presented to Palm Beach County, and agreed upon by the developer. This petitioner shall also be required to post surety in the form of a clean irrevocable letter of credit for the above offsite road improvements prior to June 16, 1988. The amount of this letter of credit shall be

based upon a certified cost estimate by the developer's engineer for required plans and construction for improvements of Lake Worth Rd. & S.R. 7 and update annually. Surety for any and all remaining off-site improvements shall be posted prior to August 1, 1988, or prior to certification of any site plan, whichever of the two shall first occur."

8. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.

9. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

10. The 11 acre commercial pod shall provide a minimum thirty-five (35) foot landscape buffer along their entire perimeter, supplemented with a berm and hedge combination to reach a combined height of six (6) feet, with native ten (10) to twelve (12) foot canopy trees planted a maximum of twenty (20) feet on center.

11. Condition No. 2 of Resolution No. R-1834, Zoning Petition No. 84-98, which presently states:

"2. Petitioner shall convey for the ultimate right-of-way of:

- a. Lake Worth Road, 120 foot on an alignment approved by the County Engineer.
- b. South Road, 80 feet at right-of-way.

All rights of way shall be conveyed within 90 days of approval and conveyances must be accepted by Palm Beach County prior to issuance of the first building permit."

Is hereby amended to read as follows:

"Petitioner shall convey for the ultimate right-of-way of:

- a. Lake Worth Road, 120 foot on an alignment approved by the County Engineer.
- b. South Road, 80 feet at right-of-way.

Approval and conveyances must be accepted by Palm Beach County prior to July 1, 1988, or prior to certification of the master plan, whichever shall first occur."

12. All thoroughfares and collector roads shall be built to Palm Beach County Thoroughfare Plan Standards as they presently exist, or as they may be amended from time to time.

Petition No. 84-98(A)

R89 954

Page 6

BOOK 6788 PAGE 309

13. Any right-of-way required for the construction of South Road (to Palm Beach County Thoroughfare Plan Standards) shall be funded in its entirety by this property owner. Said right-of-way shall be acquired concurrent with approval of the construction plans by Palm Beach County.
14. Property owner shall fund the cost of signalization at any of the project's entrances onto either South Road or Lake Worth Road including the school site.
15. The property owner shall disclose to perspective home buyers the future existence of Lake Worth Road from State Road 7 to Wellington as a future six-lane highway and the existence of Florida Power and Light's transmission lines which traverse the property. Disclosure shall be made in sales brochures and literature.
16. Use of the 11 acre commercial site shall be limited to equestrian related commercial uses such as tack shops, commercial stables, feed and grain sales, and no general retail land uses shall be permitted on the site. There shall be no commercial signage on any public road advertising the development which would attract patrons from outside the development.
17. The land area of the planned unit development north of proposed Lake Worth Road shall not receive master plan certification until a site visit has been conducted to determine the viability and significance of the wetland areas located in the north portion of the project. To the greatest extent possible viable wetland areas shall be preserved and incorporated into the project's open space and surface water management systems. If the wetland areas are viable, the boundaries shall be incorporated into the project's vegetation removal permit and a conservation easement shall be established for those areas. The conservation easement shall be platted as such and incorporated into the project design and may be used for storm water management and passive recreation areas. A recommendation on the viability of wetland areas shall be made to the Zoning Director by representatives from the Zoning Division, Planning Division, Department of Environmental Resources Management, South Florida Water Management District and representative(s) of the developer.
18. Condition No. 3(a) of Resolution No. R-1834, Zoning Petition No. 84-98, which presently states:
- "3. Developer shall construct:
- a) South Road from existing limits of paving west to the project's westernmost access drive in Section 34 concurrent with the construction of the project's entrance roads

Petition No. 84-98(A)

R89 954

Page 7

BOOK 0788 PAGE 310

onto South Road or upon notification by the County Engineer to provide paved continuity for South Road."

Is hereby amended to read as follows:

"Developer shall construct:

- a) South Road from existing limits of paving west to the project's westernmost access drive, or any other driveways, in Section 34 concurrent with the construction of the project's entrance roads onto South Road or upon notification by the County Engineer to provide paved continuity for South Road."

19. Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violation of the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Elmquist and, upon being put to a vote, the vote was as follows:

Carol A. Roberts	---	Aye
Carol J. Elmquist	---	Aye
Karen T. Marcus	---	Aye
Dorothy Wilken	---	Absent
James Watt	---	Aye

The foregoing resolution was declared duly passed and adopted this 23rd day of May, 1989 confirming action of May 27, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: *Barbara A. Altman*
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *James J. Hardy*
DEPUTY CLERK

Petition No. 84-98(A)

R89 954

Page 8

BOOK 0788 PAGE 311

RESOLUTION NO. R-92-362

RESOLUTION APPROVING ZONING PETITION NO. 84-98(B)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF PRASHA PROPERTIES, HUGH JANOW TRUSTEE

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 84-98(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on December 9, 1991; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 84-98(B), the petition of PRASHA PROPERTIES, HUGH JANOW TRUSTEE, BY LEE STARKEY, AGENT, for a MODIFICATION OF COMMISSION REQUIREMENTS REGARDING CONDITION NO. 3A AND NO. 3B (ENGINEERING RELATED/ORANGE POINT PUD) OF RESOLUTION NO. R-1834, on a parcel of land lying in the southerly portion of Section 23, Township 44 South, Range 41 East, described as follows: COMMENCING at the northwest corner of Section 23; thence South 00°18'37" East (state plane grid bearing datum) along the easterly line of the Acme Drainage District's Canal right of way as recorded in Official Record Book 1548, Page 388, 2,605.43 feet to the POINT OF BEGINNING; thence South 00°18'37" East along said line 2,826.26 feet to a point 228.05 feet east of the southwest corner of Section 23, and 4.85 feet north of the south line of Section 23; thence South 88°31'54" East, 5,273.93 feet to a point on the east line of Section 23, and 11.45 feet north of the southeast corner of Section 23; thence North 00°33'33" West along the east line of said Section, 2,712.62 feet to the East 1/4 corner of Section 23; thence North 02°15'48" East along said east line, 88.08 feet; thence North 88°14'59" West, 5,266.96 feet to the POINT OF BEGINNING, containing 340.06 acres, more or less; TOGETHER WITH a parcel in Section 26, Township 44 South, Range 41 East, described as follows: BEGINNING at the southwest corner of

Petition No. 84-98(B)

Page 1

Section 26; thence South 88°28'00" East (state plan grid bearing datum) along the south line of said Section, 5,408.17 feet to a point on a line that is 37.5 feet west of and parallel with the east line of Section 26; thence North 02°19'49" East along said parallel line, 2,740.73 feet to the south line of a parcel as described in O.R.B. 986, Page 210; thence North 88°57'19" West along the south line of said parcel, 1,534.53 feet to the southeast corner thereof; thence North 02°19'49" East along the west line of said parcel, 2,674.91 feet to a point on the south line of a parcel as described in Official Record Book (O.R.B.) 3203, Page 1846, as parcel III; thence North 88°31'54" West along said south line, 3,694.94 feet to the west line of the Acme Drainage District's canal right of way as monumented and described in O.R.B. 1921, Page 1331, of said public records; thence South 04°33'44" West along said east line, 5,404.86 feet to the POINT OF BEGINNING, containing 565.37 acres, more or less; TOGETHER WITH all of Section 34, Township 44 South, Range 41 East, containing 656.36 acres, more or less; all of the above parcels subject to the Acme Drainage District Canal reservations as recorded in Deed Book 1037, Pages 686-692, and being located ON THE N AND S SIDES OF THE PROPOSED LAKE WORTH RD. EXTENSION, APPROX. 1.3 MILE W OF STATE RD. 7, IN THE RE ZONING DISTRICT, was approved on December 9, 1991, as advertised, subject to the following conditions:

A. ALL PETITIONS

1. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, unless expressly modified herein.
2. Prior to certification, the Master Plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.

B. ENGINEERING

1. Condition No. 3 of Resolution No. R-84-1834 approving Zoning Petition 84-98 which reads:

"Developer shall construct:

- a. South Road from existing limits of paving west to the project's westernmost access drive in Section 34 concurrent with the construction of the project's entrance roads onto South Road or upon notification by the County Engineer to provide paved continuity for South Road.
- b. Lake Worth Road from S.R. 7 west to the project's west property line. This petitioner shall be responsible for any acquisition of Right-of-way necessary for the construction of Lake Worth Road. The alignment of this right-of-way shall be approved by the County Engineer. Lake Worth Road shall be constructed concurrent with the filing of the first plat adjacent to Lake Worth Road or upon notification by the County Engineer to provide paved continuity for Lake Worth Road. This development shall be limited however, to 154 building permits until such time that both Lake Worth Road and South Road is constructed from S.R. 7 to the project."

Shall be amended to read:

"Developer shall construct:

- a. South Road from existing limits of paving west to the project's westernmost access drive in Section 34 concurrent with the construction of the project's entrance roads onto South Road or upon notification by the County Engineer to provide paved continuity for South Road.
- b. Lake Worth Road from S.R. 7 west to the project's west property line. Two lanes shall be constructed compatible with an ultimate six lane section as approved by the County Engineer. This petitioner shall be responsible for any acquisition of Right-of-Way necessary for the construction of Lake Worth Road. The alignment of this right-of-way shall be approved by the County Engineer. This construction shall be constructed concurrent with the first plat adjacent to Lake Worth Road. If Palm Beach County chooses to construct a portion of Lake Worth Road prior to the time required by this condition, to provide timely access to the Elementary School "K", then the Developer shall reimburse Palm Beach County for this construction in the amount to be approved by the County Engineer. This reimbursement shall be made prior to plats for more than 20 units being filed or prior to the issuance of a building permit, whichever shall first occur. However, this Lake Worth Road construction shall be constructed upon notification by the County Engineer that it is required to provide paved continuity to Lake Worth Road west of the Orange Point Estates, P.U.D."

C. PARKS AND RECREATION

1. The petitioner shall include in all written solicitations, advertisement, inducements, and other methods or attempts to encourage any person to purchase a legal or equitable interest in property within the northern most two (2) pods that a future 60 acre County district park with active recreational facilities is planned for the property abutting this development on the north.

D. COMPLIANCE

1. As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the

Petition No. 84-98(B)

Page 3

R92 362

Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or

- c. A requirement of the development to conform with updated standards of development, applicable 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.
2. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.
3. The approval of this petition shall not affect any Zoning Code Section 102.9 (Mandatory Review of Development Approval) review date established as the result of a previous approval for this property.

Commissioner McCarty moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	Aye
Carole Phillips	--	Aye
Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Mary McCarty	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 10th day of March, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

MILTON T. BAUER, CLERK

BY: Barbara Altman
COUNTY ATTORNEY

BY: Jan Harvey
DEPUTY CLERK

E-R 5-8
MCP. SENT
Agenda Item #: 3K-1

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS R-92-943

AGENDA ITEM SUMMARY

Meeting Date: July 7, 1992
Department: ☒ Consent ☐ Regular
☐ Ordinance ☐ Public Hearing

Submitted By: Planning, Zoning and Building Department/Zoning

Submitted For: APPROVED

BY BOARD OF COUNTY COMMISSIONERS
AT MEETING OF 7/7/92

L. EXECUTIVE BRIEF Franklin P. Brown D.C.
MINUTES & RECORDS SECTION

A. Motion and Title: Staff recommends a motion to adopt:
Resolutions for Status Reports heard by the Board of County
Commissioners (Zoning Authority) on May 28, 1992, as follows:

Status Reports: Action:

937 SR 84-98
938 CR 87-13/2

939 SR 87-128
940 SR 88-8.2
941 SR 88-37
942 SR 89-92
943 CR 90-42/F2.2

AMENDING CONDITIONS OF APPROVAL
REVOKE SPECIAL EXCEPTION & IMPOSE ENTITLEMENT
RESTRICTIONS
AMENDING CONDITIONS OF APPROVAL
REZONING
AMENDING CONDITIONS OF APPROVAL
AMENDING CONDITIONS OF APPROVAL
REVOKE SPECIAL EXCEPTION

B. Summary: The recommendations for the above Status Reports were approved by the Board of County Commissioners, sitting as the Zoning Authority, in compliance with Zoning Code Section 402.6 (Compliance with Conditions of Approval and Time Certain Requirements)/Section 402.9 (Mandatory Review of Development Approval), and are now ready to be adopted by the Board of County Commissioners (Legislative Authority) as resolutions.

C. Background and Justification: Pursuant to Sections 402.6 and 402.9, the Board of County Commissioners (Zoning Authority) is authorized to add or modify conditions of approval or revoke special exceptions at public hearings for Status Reports. The following resolutions reflect the actions of the Board, sitting as the Zoning Authority, for the above Status Reports.

D. Attachments:

- a. Petition Summaries
- b. Resolutions
(can be viewed in Administration)

Recommended by: [Signature]

Department Director

Date 6/9/92

Approved by: [Signature]

Assistant County Administrator

Date 6/23/92

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	19__	19__	19__	19__	19__
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Is Item Included in Current Budget?	Yes _____				No _____
Budget Account No.:	Fund _____	Agency _____	Org. _____	Object _____	
	Reporting Category _____				

B. Recommended Sources of Funds/Summary of Fiscal Impact:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:

This item has no fiscal impact.

William P. [Signature]
OFMB

Contract Administration

B. Legal Sufficiency:

Barbara Altman
Assistant County Attorney

C. Other Department Review:

Department Director

REVISED 02/92
ADM FORM 01

(This summary is not to be used as a basis for payment.)

PALM BEACH COUNTY COMMISSIONERS
SITTING AS THE ZONING AUTHORITY

MAY 28, 1992

THE FOLLOWING PETITIONS WERE APPROVED:

PETITION NO.	PETITIONER/ACTION	VOIE
SR 84-98 R-92-937	ORIGINAL PETITIONER: HUGH JANOW, TRUSTEE. STATUS REPORT & STAFF RECOMMENDATION FOR PROPERTY ON THE NORTH & SOUTH SIDES OF THE PROPOSED LAKE WORTH ROAD EXTENSION, APPROXIMATELY 1.3 MILES WEST OF STATE ROAD 7 (SR 441). THE PROPERTY IS CURRENTLY ZONED RE-RESIDENTIAL ESTATE DISTRICT WITH A SPECIAL EXCEPTION TO PERMIT A PLANNED UNIT DEVELOPMENT (ORANGE POINT).	6-0 ELMQUIST - ABSENT
CR 587-13/2 R-92-938	ORIGINAL PETITIONER: LARRY R. & MOLLY T. NORMAN. STATUS REPORT & STAFF RECOMMENDATION FOR PROPERTY ON THE SOUTHWEST CORNER OF THE INTERSECTION OF S.R. 25 & S.R. 80 (U.S. 27) & AN UNNAMED ACCESS ROAD. THE PROPERTY IS CURRENTLY ZONED CG-GENERAL COMMERCIAL DISTRICT WITH A SPECIAL EXCEPTION TO ALLOW GASOLINE PUMP ISLAND FACILITIES.	7-0
SR 87-128 R-92-939	ORIGINAL PETITIONER: KENNETH G. & CAROL A. PARENT. STATUS REPORT & STAFF RECOMMENDATION FOR PROPERTY ON THE EAST SIDE OF SPAFFORD AVENUE, APPROXIMATELY 0.1 OF A MILE NORTH OF OKEECHOBEE BOULEVARD (S.R. #704). THE PROPERTY IS CURRENTLY ZONED IL-LIGHT INDUSTRIAL DISTRICT WITH A SPECIAL EXCEPTION TO PERMIT A PLANNED INDUSTRIAL DEVELOPMENT (PID).	6-0 ELMQUIST - ABSENT
SR 88-8.2 R-92-940	ORIGINAL PETITIONER: GILL PROPERTIES, INC. STATUS REPORT & STAFF RECOMMENDATION FOR PROPERTY ON THE SOUTHEAST CORNER OF INTERSECTION OF NORTHLAKE BOULEVARD (S.R. #809A) & BATES ROAD BOUNDED ON THE EAST BY VIRGINIA AVENUE. THE PROPERTY IS CURRENTLY ZONED RT-RESIDENTIAL TRANSITIONAL DISTRICT.	5-0 ELMQUIST & FOSTER - ABSENT
SR 88-37 R-92-941	ORIGINAL PETITIONER: JUPITER SHRINE HOLDING CORPORATION. STATUS REPORT & STAFF RECOMMENDATION FOR PROPERTY ON THE NORTHEAST CORNER OF THE INTERSECTION OF 159TH COURT NORTH & JUPITER FARMS ROAD. THE PROPERTY IS CURRENTLY ZONED AR-AGRICULTURAL RESIDENTIAL DISTRICT WITH A SPECIAL EXCEPTION TO ALLOW RECREATIONAL FACILITIES & CLUBS (JUPITER SHRINE CLUB).	6-0 ELMQUIST - ABSENT

PETITION SUMMARY

MAY 1992

PAGE 1

BOOK 1211 PAGE 423

R92 937

PETITION NO.

PETITIONER/ACTION

VOTE

BR 89-92

R-92-942

ORIGINAL PETITIONER: ELSA RIVERS.
STATUS REPORT & STAFF RECOMMENDATION FOR
PROPERTY ON THE NORTH SIDE OF LAKE WORTH
ROAD (S.R. #802), APPROXIMATELY 150 FEET
EAST OF HAVERHILL ROAD. THE PROPERTY IS
CURRENTLY ZONED CG-GENERALIZED COMMERCIAL
WITH A SPECIAL EXCEPTION FOR A PLANNED
COMMERCIAL DEVELOPMENT TO INCLUDE AN AUTO
SERVICE STATION (MAJOR REPAIRS-AUTO
CLINIC).

8-0
ELMQUIST -
ABSENT

CR 90-42/P2.2

R-92-943

ORIGINAL PETITIONER: GEORGE & FLORENCE
ANDREUCCI. STATUS REPORT & STAFF
RECOMMENDATION FOR PROPERTY ON THE SOUTH
SIDE OF COUNTY LINE ROAD, APPROXIMATELY
0.3 OF A MILE WEST OF SEABROOK ROAD.
THE PROPERTY IS CURRENTLY ZONED RS-
SINGLE FAMILY RESIDENTIAL DISTRICT WITH A
SPECIAL EXCEPTION TO PERMIT A DAY CARE
CENTER (MAXIMUM OF 45 CHILDREN).

7-0

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 84-98
TO AMEND CONDITIONS OF APPROVAL OF
RESOLUTION NO. R-89-954
WHICH APPROVED THE SPECIAL EXCEPTION OF
HUGH JAROW, TRUSTEE
PETITION NO. 84-98(A)

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 161 and Chapter 175, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan;

WHEREAS, the notice and hearing requirements as provided for in Section 402.9 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, pursuant to Section 402.9, Status Report SR 84-98 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at a public hearing conducted on May 28, 1992; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has reviewed Status Report SR 84-98 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 402.9 of the Palm Beach County Zoning Code authorizes the Board of County Commissioners, sitting as the Zoning Authority, to add or modify conditions of approval; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations; and
2. The conditions listed below require this petition to develop more in conformity with current standards of development.

WHEREAS, Section 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. SR 84-98, amending Conditions of Approval of Resolution No. R-89-954, the Special Exception of Hugh Jarow, Trustee, Petition No. 84-98(A), which approved a Special Exception to amend the master plan for Orange Point Planned Unit Development to change the boundaries of the development by: 1) deleting .94 acres from the Planned Unit Development in the northeast quadrant of Section No. 26; 2) adding 112 acres to the Planned Unit Development in the northwest quadrant of Section 26, on a parcel in the southerly portion of Section 23, Township 44 South, Range 41 East, described as follows: COMMENCING at the northwest corner of Section 23; thence South 00°18'37" East (state plane grid bearing datum) along the easterly line of the Acme Drainage District's Canal right of way as recorded in Official Record Book 1548, Page 388, 2,605.43 feet to the POINT OF

is hereby amended as follows:

- a. The property owner shall fund the construction of Lake Worth Road from State Road 7 west to the project's west property line. Two lanes shall be constructed compatible with an ultimate six lane section as approved by the County Engineer. This petitioner shall be responsible for any acquisition of right-of-way necessary for the construction of Lake Worth Road. The alignment of this right-of-way shall be approved by the County Engineer. Funding for this construction shall be completed prior to June 1, 1994. Palm Beach County will then construct Lake Worth Road from the present paved terminus west of State Road 7, west to the project's west property line with the funds provided by the property owner.
- b. This property owner shall also fund that portion of Lake Worth Road previously constructed by Palm Beach County to provide access to the Elementary School "K", in an amount approved by the County Engineer. The reimbursement for this section of Lake Worth Road shall be made prior to plate for more than 20 units being filed or prior to the issuance of a building permit, whichever shall first occur.
- c. The property owner shall also post acceptable surety with the Land Development Division for the Lake Worth Road construction as referenced in Conditions 1a and 1b above. This surety, in the amount of 110 percent of a certified cost estimate from the Developer's Engineer shall be posted prior to May 28, 1993. Palm Beach County may use the surety at anytime between May 28, 1993, and the time the property owner deposits the monies for the Lake Worth Road construction. This shall occur if the surety is required for construction by Palm Beach County to provide for paved continuity of Lake Worth Road.
3. Prior to January 15, 1993, the property owner shall convey from the subject property additional right-of-way for Lake Worth Road, free of all encumbrances and encroachments, required for a right turn lane, west approach at each of the project's entrance roads. Said additional right-of-way for each required turn lane shall be twelve (12) feet in width and one hundred fifty (150) feet in length, with an additional taper length of one hundred eighty (180) feet, and shall include the County standard twenty five (25) foot safe sight corner at intersecting right-of-way lines.
4. The developer shall construct the following turn lanes on Lake Worth Road at each of the project's entrance roads:
 - a) right turn lane, east approach;
 - b) right turn lane, west approach;
 - c) left turn lane, east approach;
 - d) left turn lane, west approach.

Said turn lanes shall be constructed concurrently with construction of the project entrance road served by the respective turn lanes.

Commissioner Simpson
Resolution.

moved for approval of the

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

KAREN T. MARCUS, CHAIR	--	AYE
CAROL J. ELINQUIST	--	AYE
CAROL ROBERTS	--	AYE
CAROLE PHILLIPS	--	ABSENT
MARY MCCARTY	--	ABSENT
KEN FOSTER	--	AYE
MAUDE FORD LEE	--	AYE

The Chair thereupon declared the resolution was duly passed
and adopted this 7th day of July, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: [Signature]

WILTON T. BAUER, CLERK

BY: [Signature]
DEPUTY CLERK

RESOLUTION NO. R-95- 527

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 84-98.4
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-89-954
WHICH APPROVED THE SPECIAL EXCEPTION OF
HUGH JANOW, TRUSTEE
PETITION NO. 84-98(A)

WHEREAS, the Board of County Commissioners, as the governing body, 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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report SR 84-98.4 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on April 27, 1995; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 84-98.4 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations; and
2. The new condition provides a mechanism to eliminate the land use inconsistency.

WHEREAS, Section 5.3 of the Palm Beach County 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 the recommendation of Status Report No. SR 84-98.4, to amend Conditions of Approval of Resolution No. R-89-954, the Special Exception of Hugh Janow, Trustee, Petition No. 84-98(A), which granted a Special Exception to permit a Planned Unit Development (Orange Point) on a parcel in the southerly portion of Section 23, Township 44 South, Range 41 East, described as follows: COMMENCING at the northwest corner of Section 23; thence South 00°18'37" East (state plane grid bearing datum) along the easterly line of the Acme Drainage District's Canal right of way as recorded in Official Record Book 1548, Page 388, 2,605.43 feet to the POINT OF BEGINNING; thence South 00°18'37" East along said line 2,826.26 feet to a point 228.05 feet east of the southwest corner of Section 23, and 4.85 feet north of the south line of Section 23; thence South 88°31'54" East, 5,273.93 feet to a point on the east line of Section 23, and 11.45 feet north of the southeast corner of Section 23; thence North 00°33'33" West along the east line of said Section, 2,712.62 feet to the East 1/4 corner of Section 23; thence North 02°15'48"

East along said east line, 88.08 feet; thence North 88°14'59" West, 5,266.96 feet to the POINT OF BEGINNING, containing 340.06 acres, more or less; TOGETHER WITH a parcel in Section 26, Township 44 South, Range 41 East, described as follows: BEGINNING at the southwest corner of Section 26; thence South 88°28'00" East (state plan grid bearing datum) along the south line of said Section, 5,408.17 feet to a point on a line that is 37.5 feet west of and parallel with the east line of Section 26; thence North 02°39'49" East along said parallel line, 2,740.73 feet to the south line of a parcel as described in O.R.B. 986, Page 210; thence North 88°57'19" West along the south line of said parcel, 1,534.53 feet to the southeast corner thereof; thence North 02°39'49" East along the west line of said parcel, 2,674.91 feet to a point on the south line of a parcel as described in Official Record Book (O.R.B.) 3203, Page 1846, as parcel III; thence North 88°31'54" West along said south line, 3,694.94 feet to the west line of the Acme Drainage District's canal right of way as monumented and described in O.R.B. 1921, Page 1331, of said public records; thence South 04°23'44" West along said east line, 5,404.86 feet to the POINT OF BEGINNING, containing 565.37 acres, more or less; TOGETHER WITH all acres, more or less; all of the above parcels subject to the Acme Drainage District Canal reservations as recorded in Deed Book 1037, Pages 686-692., being located on the north and south sides of the proposed Lake Worth Road extension, approximately 1.3 miles west of State Road 7 (SR 441) in the RE-Residential Estate Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. On or before September 1, 1995, the property owner shall submit a petition for an amendment to the Future Land Use Map. The purpose of this petition is to resolve inconsistency issues.

Commissioner Marcus
Resolution.

moved for approval of the

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

KEN FOSTER, CHAIR	Absent
BURT AARONSON	Aye
MAUDE FORD LEE	Absent
KAREN T. MARCUS	Aye
MARY MCCARTY	Absent
WARREN H. NEWELL	Aye
CAROL ROBERTS	Aye

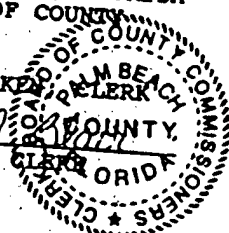
The Chair thereupon declared the resolution was duly passed and adopted this 27th day of April, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: *[Signature]*

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKINSON
BY: *[Signature]*
DEPUTY CLERK



PALM BEACH COUNTY

STATUS REPORT SR 84-98.4
(For Zoning Petition 84-98(A))Staff Recommendation

Staff recommends the approval of a time extension until January 15, 1996 to record a plat, and to comply with conditions 2 and 3 of Resolution R-92-937, and the amendment of conditions of approval as follows:

1. All previously approved conditions of approval continue to apply unless expressly modified herein
2. On or before September 1, 1995, the property owner shall submit a petition for an amendment to the Future Land Use Map. The purpose of this petition is to resolve inconsistency issues.

This recommendation is based on the following:

1. The property owner has made significant expenditures and complied with several conditions of approval including participation in the widening of the Lake Worth Road/SR 7 intersection.
2. The Palm Beach County Engineering Department recommends approval of a time extension for compliance with conditions.
3. The new condition addresses the land use inconsistency issue.

Development Approval Being Reviewed: Zoning Petition 84-98(A) was approved by the adoption of Resolutions R-89-953 and R-89-954 on May 23, 1989. The resolutions rezoned the property to the RE-Residential Estate District with a Special Exception to permit a Planned Unit Development (Orange Point). The zoning action is now being reviewed pursuant to Section 5.8 of the Palm Beach County Land Development Code Section, "Compliance with Time Limitations," for failure to record a plat.

Property Description: The subject property is approximately 1,560 acres in size and is on the north and south sides of the proposed Lake Worth Road extension, approximately 1.3 miles west of State Road 7 (SR 441).

Property Owner(s): Hugh Janow, Tr.

Required Action: Section 5.8 of the Unified Land Development Code requires that the Board of County Commissioners take one or more of the following actions: 1) grant a time extension of up to two years; 2) rezone the property and/or revoke the special exception/conditional use; 3) impose entitlement density/intensity; 4) add or modify conditions of approval; 5) permit the property owner to file a petition to add or modify conditions of approval; 6) direct staff to cite the property owner for Code violation; and/or 7) deny or revoke a building permit, issue a stop work order, deny a Certificate of Occupancy, deny or revoke any permit or approval.

REVIEW FACTORSConsistency with Land Use PlanDISCUSSION

Background: In 1984, an action occurred which combined two previous projects into one known now as Orange Point PUD. While the intensity of the project was not consistent with the 1980 Comprehensive Plan, a special compensation was made and approval was granted.

With adoption of the 1989 Comprehensive Plan, pursuant to the 1985 Growth Management Act, consistency with the Comprehensive Plan has taken on a greater meaning and development is not to proceed unless it is consistent with the Comprehensive Plan.

Land Use: With respect to type and intensity of land use, Orange Point P.U.D. is inconsistent with its current (1989 Plan) Future Land Use designations. 620 acres are designated as RR-10 (.1 du/ac) and are proposed at .2 du/ac. 941 acres are designated as LR-1 (1 du/ac) and are proposed at 1.5 du/ac.

Mitigating Circumstances: The applicant has provided documentation that the project has contributed in excess of \$1,300,000 for off-site roadway improvements and has provided right-of-way dedications and various construction plans. While, these actions have not vested the project, they have allowed the project to retain a concurrency determination and to be able to apply for extensions.

DETERMINATION

It is the determination of the Director of Planning that the Orange Point PUD is inconsistent with the Comprehensive Plan; specifically, that the land use intensity is greater than that allowed pursuant to Future Land Use designation.

ASSESSMENT

When an inconsistency with the Comprehensive Plan exists, it should be resolved. Options which may be considered in achieving consistency include:

- * revoking the previous approval; or,
- * reducing the unit count to 998 (a reduction of 496 units from the existing total of 1,494) along with concurrent reduction of commercial land use; or,
- * amending the Comprehensive Plan.

As documented in correspondence from the applicant, substantial funds have been expended in anticipation of proceeding with the project. Thus, while it may not appear appropriate to revoke the approval, it does seem appropriate to undertake a thorough review of the project in light of events which have occurred since its approval in 1984.

RECOMMENDATION

That, if an extension of approval is granted, there be an added condition that the owner submit a private petition for an amendment to the Future Land Use Map for processing during Plan Amendment Round 96-1; and, that the results of the analysis of that petition form the basis for granting additional extensions to this project.

Performance Standards

The current approval does not meet the Countywide Traffic Performance Standards. The project provides for 1,086 single family units, 372 multi-family units, 4,000 square feet for a convenience store, and an eighteen hole golf course plus additional recreational facilities. This will result in 10,738 external trips per day.

Forest Hill Boulevard from South Shore Boulevard to State Road 7 will be overcapacity (with addition of project traffic to AM peak hour, peak direction - resulting in a failure of Alternate Test #1) with no assured construction of improvements. In addition, Orange Point PUD would have to be phased to the

Following road construction and contract letting dates:

South Shore Blvd. (Pierson Rd. to Big Blue Trace):	FY 95-96-
County	
South Shore Blvd. (Big Blue Trace to Forest Hill):	FY 94-95-
County	
S.R. 7 (Boynton Beach Blvd. to Lake Worth Rd.):	FY 98-99-
State	
S.R. 7 (Lake Worth Rd. to Southern Blvd.):	FY 97-98-
State	
Lake Worth Rd. (South Shore Blvd. to Wycliffe):	FY 96-97-
County	

Supplemental Information

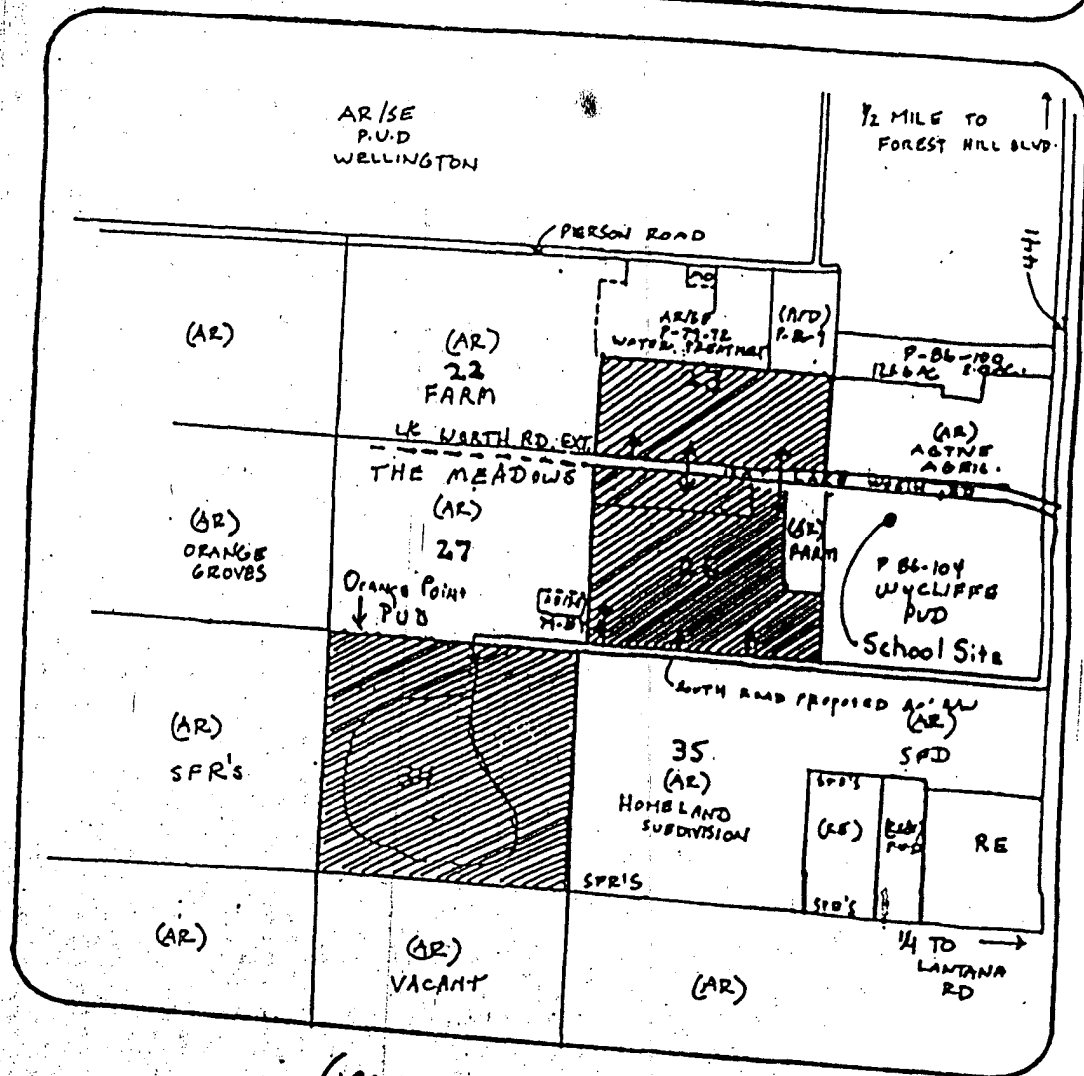
When Petition 84-98 was approved in 1984, it incorporated two previously approved PUDs - Petition 79-284, Orange Point, and Petition 79-283, Orange Point Estates, and added an additional 80 acres. It is now the subject of a status report for failure to meet platting requirements and comply with conditions of approval as required by Section 5.8 of the Land Development Code. The last amendment to the PUD occurred on May 23, 1989, and a plat was therefore due to be recorded by May 23, 1990.

On May 28, 1992, the Board of County Commissioners approved a time extension to record a plat, and amended conditions of approval. Condition number 2 of the amending resolution, R-92-937, required the posting of surety for Lake Worth Road construction by May 28, 1993. Condition number 3 required the property owner to convey right-of-way for Lake Worth Road by January 15, 1993. The property owner has not complied with either of these conditions.

In 1993 and 1994, the BCC approved additional one year time extensions to record a plat, and to comply with conditions 2 and 3 of Resolution R-92-937.

March 1995
Revised April 1995

Vicinity Sketch



(1991 SKETCH)

Request:

A MODIFICATION OF COMMISSION REQUIREMENTS regarding
Condition Nos. 3.a. and 3.b. of Resolution No. R-1834,
Petition No. 84-98.

PETITION NO: 84-98(B)

BCC DISTRICT: 6

34-44-41

RR10

900

625.5 AC Total
(619.96 AC in Drainage)

RECORDER'S MEMO: Legibility
of Writing, Typing or Printing
unsatisfactory in this document
when received.

502

23-44-41

24-44-41
