Orange Point PUD Pod I
Comprehensive Plan Amendment
Petition No. 2023-0003-CPA
Initial Submittal: November 1, 2023

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ATTACHMENTS

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Property Location

The property is located on the southeast corner of the intersection of Lake Worth Rd. and 120th Ave S. in Wellington, FL. It is identified by property control numbers 73-41-44-26-10-001-0000 and consists of a total of 38.93 acres. The area subject to this request is 22.54 acres and shown in Figure 1.



Property History

Historically, the property has been utilized as a private civic pod with an existing church located on the north portion of the property. The remaining south portion of the property has remained vacant and has been cleared of most vegetation.

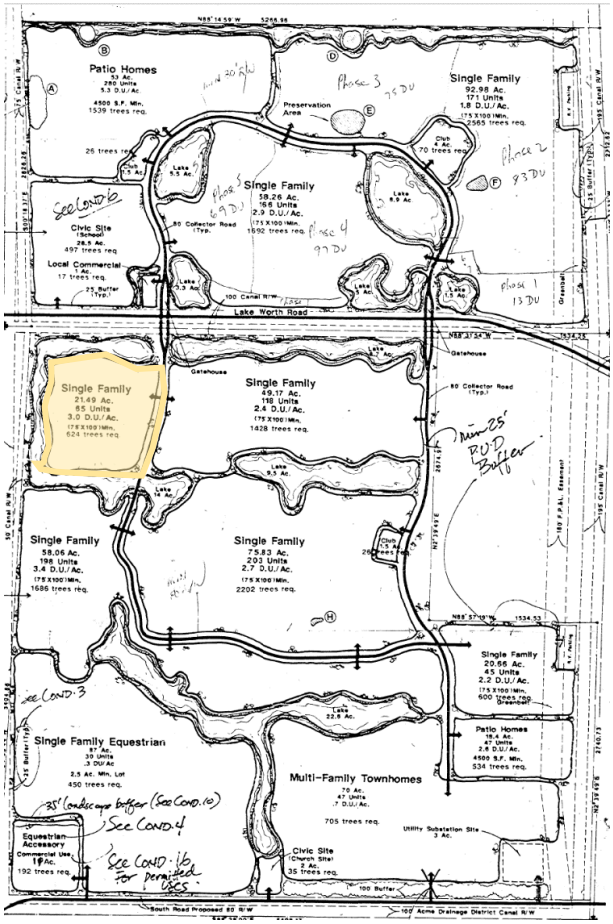


Figure 2: 1984 Approved Orange Point PUD Master Plan

In 1980, the Palm Beach County Board of County Commissioners approved a Special Exception to allow a Planned Unit Development via Resolution No. 1980-501. The original approval did not include the subject site, which was eventually incorporated into the Planned Development. Since the original approval of the Orange Point Estates PUD, there have been various amendments to the plan and eventually annexation in the Village of Wellington.

In 1984, additional land which included the subject site was incorporated into the Orange Point Estates PUD, via Resolution No. 1984-98. In 1984, the Orange Point Estates PUD Master Plan was +/- 1,561 acres comprised of 1,494 single-family dwelling units, 11 acres of commercial uses and 30.5 acres of civic uses. This site was designated as Pod D for 65 single-family lots which would have been a density of 3.0 units per

acre for the individual pod which at the time encompassed 21.49 acres. In 1998, a Site Plan amendment was approved which reduced Pod D to 11.66 acres and 51 single-family units. The remaining portions of the previous +/- 21 acres pod were transitioned to the adjacent Pod G (south), Pod D-1 (east) and lakes.

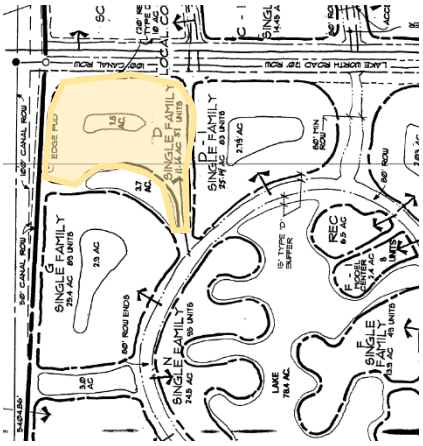


Figure 3: Section of subject area from 1998 Orange Point PUD Master Plan

In 1999, a Master Plan amendment was approved via Resolution No. 1999-85 to allow the change of use for Pod D from Single-Family Residential to Private Civic Uses. The site, approximately 39 acres, is depicted as a Private Civic pod on the current Orange Point PUD Master Plan. In 2008, a site plan amendment to the PUD was approved which allowed a 16,502 sf church building which would be considered Phase 1A and a future 10,298 sf building which would be Phase 1B. Both Phases were situated on the north portion of the parcel and the south portion, subject to this FLUM request, has remained vacant.

Modification of Civic Use

As mentioned above, the original Master Plan and Resolution was approved by Palm Beach County when the site was still within the jurisdiction of Unincorporated Palm Beach County. During this time, Palm Beach County required a Civic land dedication for Planned Unit Developments. The approximately 1,562 acre PUD identified two Civic dedication sites to accommodate for the Polo Park Middle School on the north side of Lake Worth Road and the fire station on the south side of Lake Worth Road.

Public Civic (Fire Station)	2.7 acres
Civic/School (Polo Park Middle School)	28.5 acres

The land subject to this request comprises 22.54 acres, which originally approved for residential units was never part of the required Civic dedication. The modification of Pod D to Private Civic per Resolution No. 1999-85 was done for the specific purpose to accommodate for the use of the site as a Church and potential Private School site for the Catholic Diocese. The applicant is purchasing the land from the Diocese as they no longer have plans to expand their facilities to the southern half of the property. Although this amendment will remove private civic land from the current master plan approval, the proposed plan still complies with the original required civic dedications by way of the existing school and fire station sites.

Application Request

The petitioner has submitted this application to request an amendment to the Village of Wellington Comprehensive Plan. The proposed intent is to amend the FLU designation from Community Facilities (CF) to the Residential C FLU designation.

Additional applications have been filed concurrently to this request including a Master Plan amendment to the previously approved Orange Point PUD to show the residential use for the southern 22.54 acre portion of Pod D. Site Plan approval has also been requested to allow the development of 42 single-family residential units on the 22.54-acre site, which equates to approximately 1.8 units per acre. In order to achieve this density, a density bonus request is included in this application. A maximum density of 1 unit per acre is permitted by right and 3 units per acre are available as a bonus density PUD's.

Density permitted by right: 23 units (22.54 ac x 1.0 du = 22.54)	Density Bonus Available: 68 units (22.54 ac x 3.0 du = 67.6)

Total Proposed Units:	42 units
Allowable Density By Right:	23 units
Bonus Density:	19 units

Surrounding Uses

Below are descriptions of the zoning and land uses of the adjacent properties:

North: Two parcels within the Village of Wellington. The properties have a Community Facilities and Commercial FLU designations and are located within the Planned Unit Development (PUD) Zoning Districts. The properties are also within the Orange Point PUD. These properties are currently developed with a public middle school and small shopping strip of retail and restaurant uses.

South: Multiple parcels located in the Village of Wellington. These properties have a Residential C FLU designation and are within the Planned Unit Development (PUD) Zoning District. The "Isles of Wellington" residential community is also part of the Orange Point PUD.

East: Multiple parcels located in the Village of Wellington. These properties have a Residential C FLU designation and are within the Planned Unit Development (PUD) Zoning District. The "Isles of Wellington" residential community is also part of the Orange Point PUD.

West: Multiple parcels located in the Village of Wellington that have a Residential A FLU designation and are located within the Equestrian Residential (ER) Zoning District. The properties are all currently developed as equestrian estates.

Consistency with Wellington Comprehensive Plan

Approval of the subject FLUM amendment is consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan.

Land Use Element

The proposed amendment is consistent with the intent of Objective 1.1 and shall comply with the density and intensity thresholds for the Residential C FLU designation. The current and proposed maximum density and intensity permitted, is specified below in the Review Standards Table. As demonstrated above, in the "Surrounding Uses" section, the proposed Residential C FLU designation is consistent and compatible with the surrounding uses. The contiguous properties to the east and south have a Residential C FLU designation.

The proposed amendment is consistent with the intent of Objective 1.2 to direct future growth into areas served by urban services that have adequate capacity, as defined by the adopted level of service standards. The proposed project will provide connection to existing public services and utilities. The applicant has submitted Utility Capacity Determination and Concurrency letters along with the FLUM amendment request to ensure adequacy. The applicant will provide Utility Service Availability Letters.

The proposed amendment is consistent with Policy 1.3.25 which outlines the intent of the Residential C FLU designation. The Residential C FLUM request will reestablish a residential land use that was part of the original approval of the Orange Point PUD. The proposed project will be situated on a portion of land that is currently vacant and underutilized. The proposed Residential C FLU designation will allow the property to develop cohesively with the surrounding uses.

The concurrent Master Plan Amendment and Site Plan applications include the development proposal of 42 single-family units. The proposed 42 units on the 22.54 acre property would equate to approximately 1.8 units per acre, which is more than the standard allowable density of 1 du per acre for the Residential C FLU but less than the maximum 3 units per acre permitted within a PUD. According to the 2020 US Census, Palm Beach County is the third largest county in the state, with a 13% growth since 2010. However, this data does not accommodate for the influx of residents that the state and county have experienced during the Covid-19 pandemic and currently. A report from the state's Office of Economic and Demographic Research, revealed that the state gained approximately 330,000 new residents between April 2020 and April 2021. In addition, multiple reports utilizing internal metrics and U.S. Census Bureau data, discovered that Florida was the third most popular place to move in the past year. Specifically, Palm Beach County saw an influx of more than 13,000 new residents. As the County's population continues to grow, the housing demand has drastically risen, causing a need for more residential development and the accommodation for increased density.

Additionally, due to relative affordability and attractive quality of life, the County was a magnet for households from high-cost-of-living markets, particularly from New York, Los Angeles, Boston, Chicago, Philadelphia and Washington DC. The acceptance of remote-work means that this high-quality in-migration is likely to continue for the foreseeable future.

Over the past ten years, inclusive of Covid job losses, Palm Beach County added nearly 125,000 jobs, growing at an annualized pace of 2.2% and employment more than double the US growth of 1.0% per year. Palm Beach County rebounded significantly in 2021, growing 5.0%, more than the national recovery of 2.8%

Over the next five years, Palm Beach County is projected to add more than 15,000 jobs per year, growing 2.3% per annum (vs. 1.4% in the U.S.). Apartment occupancy rose between 2016 and 2021, from 93% to 95%, in both the County and CMA for Apartments. Rents rose at a record pace in 2021, with the median rent in the CMA rising from $1,767 to $2,087, an 18% increase.

Conservation Element

The proposed amendment will be consistent with the objectives, goals and policies of the Conservation Element of the Comprehensive Plan. The project site is approximately 22.54 acres of mostly cleared land that has minimal vegetation. There are a few trees which are identified on the survey provided.

Recreation and Open Space Element

The proposed amendment shall be consistent with the objectives, goals and policies of the Recreation and Open Space Element of the Comprehensive Plan as specified in Objectives 1.1 and 1.2. The proposed project will include internal open space within the residential uses and will meet open space standards.

Public School Facilities Element

The proposed amendment is consistent with the goals, objectives and policies of the Public School Facilities Element of the Comprehensive Plan. As specified in Objective 1.1, the proposed amendment shall ensure the adopted Level of Service standards are maintained and the facilities can support the potential student growth. The applicant will submit a School Capacity Availability Determination application to Palm Beach County School District.

Intergovernmental Coordination Element

The proposed amendment is consistent with the objectives, goals and policies of the Intergovernmental Element of the Comprehensive Plan. The proposed amendment will be consistent with Objective 1.1, and ensure coordination with the Village of Wellington, Palm Beach County, Palm Beach County School Board, South Florida Water Management District, Lake Worth Drainage District, ACME Improvement District and adjacent municipalities.

Comprehensive Plan Amendment Review Standards

The petitioner shall indicate how the proposed FLU designation is consistent with the Comprehensive Plan review standards.

Section 2 GENERAL INFORMATION		
1.	Indicate the location of the property in relationship to the nearest north-south and east-west roadways, e.g., south side of Wellington Trace approximately one-half (1/2) mile west of Forest Hill Boulevard.	South side of Lake Worth Rd, on the east side of 120th Ave S.
2.	Indicate whether the property has frontage on any roadway or on any waterway and, if so, the number of linear feet of frontage, as well as the depth of the property, e.g., Approximately 1,340 feet of frontage along West Forest Hill Boulevard and 5,280 feet of depth.	The subject site has approximately 750' of frontage along 120th Ave S and approximately 1,235 of depth.
3.	Identify the location (written description and mapped) and size of any other property contiguous to the subject property which is in the same ownership, whether in whole or in part.	The subject property, identified by PCN 73-41-44-26-10-001-0000 and does not abut any parcels with the same ownership entity.
4.	Indicate the month, day and year the property was acquired and from whom the property was acquired.	The property was acquired on November 1, 1999 by Anthony J. O'Connell as Bishop of Diocese of Palm Beach from Lennar Land Partners.
5.	Describe the manner of acquisition (purchase, exchange, gift, inheritance, etc.), the cost of acquisition and provide evidence of same (e.g., purchase and sale agreement) and ownership (deed).	Please refer to Attachment I to verify ownership and manner of acquisition.
6.	Identify whether the subject property was a part of a larger property acquired from a previous owner. If so, identify the extent of any property contiguous to the subject property that was in the same ownership as the subject property.	The subject property was not part of a larger acquisition of adjacent properties.
7.	Indicate whether the property was previously subject to a homestead exemption, whether	To the best of the applicant's knowledge, the property was not previously subject to a

	the property was subject to any agricultural exemptions, abatements.	homestead exemption, agricultural exemption or abatements.
8.	Identify whether the property was previously subject to a Future Land Use Map (FLUM) amendment. If so, please provide the date which the FLUM amendment application was filed; the size of the parcel; the requested change in land use designation; the recommendations of the Planning and Zoning Division, the Council; and the ultimate disposition of the FLUM amendment application (whether adopted as requested, adopted as modified, rejected, or withdrawn).	The property was not previously subject to a Future Land Use Map (FLUM) amendment.
9.	Has Wellington ever denied a development order for the property? If so, indicate the development order requested, the date the development order was denied, and provide a copy of the resolution denying same, if available.	The Village of Wellington has never denied a development order for the property.
10.	Has the property received development approvals from an entity other than Wellington? If the property received development approval from another local, state, or federal agency, please identify agency, type of development order granted, and indicate if the approval is still valid.	The property received approval from Palm Beach County to allow the Planned Development, Orange Point Estates PUD, via Resolution No. 1980-500.
Section 3 – LDR REQUIREMENTS		
1.	Article 5 of the Land Development Regulations provides that a FLUM amendment must be based on one or more of the following factors, and a demonstrated need. Please identify which factor is being used to justify the request for a FLUM amendment and describe how the amendment is consistent with the factor or factors. a. Changed projections (e.g., regarding public service needs) in the Comprehensive Plan, including but not	b. Changed assumptions in the Comprehensive Plan – Due to ongoing growth and housing demand in the surrounding area, there is a need for additional residential development in close proximity to neighboring established services. The project is located on a portion of land that was never developed within the Orange Point PUD. The original approval and later amendments identified the area as residential units. However, eventually it was amended to a Private Civic land use. The

	limited to amendments that would ensure provision of public facilities; b. Changed assumptions (e.g., regarding demographic trends or land availability) in the Comprehensive Plan, including but not limited to the fact that growth in the area, in terms of the development of vacant land, new development, and the availability of public services has altered the character such that the proposed amendment is now reasonable and consistent with the land use characteristics; c. Data errors, including errors in mapping, vegetative types and natural features in the Comprehensive Plan; d. New issues that have arisen since adoption of the Comprehensive Plan; e. Recognition of a need for additional detail or comprehensiveness in the Comprehensive Plan; or f. Data updates.	undeveloped portion of land is now subject to this Future Land Use Amendment and the proposed plan will restore the residential uses within designated area. The proposed use complements the surrounding development, as it is comprised of residential communities.
2.	Article 5 of the Land Development Regulations also provides that a FLUM amendment must be based on a demonstrated need to amend the Future Land Use Map. The demonstrated need must be supported by relevant and appropriate data and analysis, and support documents or summaries of such documents on which the need for the proposed FLUM amendment is based must be included. a. If the applicant is proposing an increase in residential density, the applicant should state why other density enhancement programs, such as the Voluntary Density Bonus Program and the Transfer of Development Rights Program, are not feasible for use on the subject	a. The property is located within an established neighborhood area composed of residential communities. The design proposal is consistent with the established developments along Lake Worth Rd. The proposed Residential C FLU designation is consistent with the adjacent parcels to the east and south, which also have a Residential C FLU designation and therefore allow the same density.

	property. The applicant MUST demonstrate why the current FLUM designation is no longer appropriate for this site. b. If the request is for a commercial FLUM designation, the applicant MUST demonstrate why additional commercial acreage is needed in this area, why this site is most appropriate to meet this need, and why the current FLUM designation for this site is no longer appropriate.	
3.	Identify the square feet of non-residential development that could be accommodated on the subject property with the proposed amendment. a. At maximum floor area ratio: This is determined by multiplying the size of the property in hundredths of an acre by the number of square feet in an acre (43,560) and by the maximum floor area ratio permitted by the Comprehensive Plan and the Land Development Regulations. b. At typical floor area ratio: This is determined by multiplying the size of the property in hundredths of an acre by the number of square feet in an acre (43,560) and by the typical floor area ratio permitted by the Comprehensive Plan and the Land Development Regulations.	Non-residential uses are not permitted in the Residential C Zoning District, therefore no maximum FAR is provided in Table LU & CD 1-1 in the Village's Comprehensive Plan.
4.	Identify, map, and justify the trade or market area for the subject property: The following rules may be used to identify a trade/market area. If a different approach is used, you must provide a justification for the approach taken. a. If a commercial small scale FLUM amendment is being requested, and if	The applicant has provided a market study for the proposed residential use. Each document contains a boundary map, establishing the market area for the subject property. Please refer to Attachment II.

	the property is more than or equal to one acre and less than or equal to three acres, using the Census Tract Map in the Appendix, draw a boundary around the property which has a radius of one and one-half miles. If the property is more than three acres and less than or equal to ten acres, draw a boundary around the property that has a radius of three miles. b. If an industrial small scale FLUM amendment is being requested, and if the property is more than or equal to one acre and less than or equal to two acres, using the Census Tract Map in the Appendix, draw a boundary around the property which has a radius of one and one-half miles. If the property is more than two acres, draw a boundary around the property that has a radius of three miles.	
5.	For the trade or market area identified above, inventory and map the built commercial, commercial office, or industrial uses, as appropriate: This inventory should include the name of the establishment, the type of establishment by category, the square foot of built space, and the square feet of any vacancies. The map should identify where the different establishments are located in relation to the subject property.	The applicant has provided a residential use market study. Within these findings include inventory maps which identify the corresponding existing uses, their square footage and relation to subject property.
6.	A market study is required for commercial applications and many applicants find one helpful in establishing the need for additional commercial in the area. The Market Study area shall be determined at the mandatory pre-application meeting with Planning and Zoning staff and must include the following:	a. The applicant has provided a residential use market study for the proposed use. Please refer to Attachment II. b. Please refer to the exhibit listed above. c. Please refer to the exhibit listed above. d. Please refer to the exhibit listed above.

	a. An estimate of demand using an assessment that considers per capita dollars spent in Wellington, dollars spent per square foot of commercial space, and square foot per capita; b. An estimate of supply of commercial square footage which considers the request added to the current supply, and future supply; c. A comparison of estimated supply to estimated demand; d. All sources of data used in the study.	
Section 4 LAND USE DATA		
1.	Identify any previously approved petition and resolution numbers for the subject property, if applicable. Also, please attach a copy of the previous resolution(s).	The property received approval from Palm Beach County to allow a Special Exception Planned Unit Development, Orange Point PUD, via Resolution No. 1980-501. Since the original approval, multiple amendments to the PUD have been passed and are comprised of the following: Resolution No. 2007-59 Resolution No. 2001-95 Resolution No. 1999-85 Resolution No. 1995-0527 Resolution No. 1992-0937 Resolution No. 1992-0362 Resolution No. 1989-0954 Resolution No. 1984-98 Resolution No. 1980-588 Resolution No. 1980-502 Resolution No. 1980-501 See Attachment III.
2.	Indicate whether the property is currently subject to a concurrency exemption or concurrency reservation. If subject to	The applicant shall obtain a concurrency reservation for the proposed development to ensure adequate service to the site.

	concurrency, please attach a copy of the appropriate certificate.	
3.	Indicate whether the property has been platted, subject to a master plan, or subdivided and indicate the record book and page number, if applicable.	The property is part of St. Therese De Lisieux Plat PB 97 PG 185-186. The property also received master plan approval for the Orange Point Planned Unit Development.
4.	Indicate whether the subject property is currently subject to a developers' agreement or a utility reservation.	The property does not currently have a developer's agreement or utility reservation. The applicant shall obtain a valid agreement or reservation prior to building permit review for the proposed development.
5.	Indicate in which flood zone the property is located.	Majority of the property is located in flood Zone X.
6.	Indicate whether the subject property is located in a wellfield protection zone	The property is not located in a wellfield protection zone.
7.	Identify whether the property is located in a redevelopment area, neighborhood planning area, or special overlay.	The property is not located within a redevelopment area, neighborhood plan or special overlay.
8.	Explain how the proposed change in the FLUM designation of the property is compatible with the surrounding uses.	The proposed Residential C FLUM designation is compatible with the surrounding uses, which consists of single family residential, equestrian and civic uses. The property subject to the FLUM amendment abuts land to the east and south with an existing Residential C MU FLU designation.
9.	Describe how the proposed change in the FLUM designation of the property would be compatible with the surrounding future land uses as shown on the FLUM .	The proposed FLUM designation of the property is compatible with the surrounding future land uses, as the parcels directly east and south have Residential C FLU designations. The properties located northeast of the subject site, across Lake Worth Rd. also have a Residential C FLU designation.
10.	To support the proposed amendment, reference specific Objectives and/or Policies the proposed amendment is consistent with or furthers. For each Objective/Policy referenced, the application must explain in detail how the individual Objective/Policy will be furthered by the proposed amendment.	The proposed amendment will be consistent with the objectives, goals and policies of the Land Use Element of the Comprehensive Plan, as specified in Objectives 1.1,1.2 and 1.3.

<table>
<tr><td colspan="3"></td></tr>
<tr><td colspan="3">Section 5 TRANSPORTATION</td></tr>
<tr><td>1.</td><td>Determine the trip generation for the current future land use designation.
a. At .25 FAR; and
b. At .35 FAR.</td><td>Please see Traffic Study.</td></tr>
<tr><td>2.</td><td>Determine the trip generation for the proposed future land use designation.
a. At .25 FAR; and
b. At .35 FAR.</td><td>Please see Traffic Study.</td></tr>
<tr><td>3.</td><td>Determine the net trip increase at .25 FAR and .35 FAR (a) - (b).</td><td>Please see Traffic Study.</td></tr>
<tr><td>4.</td><td>Determine the project trip distribution on all roadways based on the following table.
<table><tr><th>Net Trip Increase</th><th>Distance</th></tr><tr><td>51 - 1,000</td><td>directly accessed link</td></tr><tr><td>1,001 - 4,000</td><td>1 mile</td></tr><tr><td>4,001 - 8,000</td><td>2 miles</td></tr><tr><td>8,001 - 12,000</td><td>3 miles</td></tr><tr><td>12,001 - 20,000</td><td>4 miles</td></tr><tr><td>20,000 - up</td><td>5 miles</td></tr></table></td><td>Please see Traffic Study.</td></tr>
<tr><td>5.</td><td>Determine LOS with existing traffic and project traffic.
a. Add the project traffic to existing traffic volumes for all roadways determined in (d.), based on the trip generation for the proposed future land use in (b). *
b. Compare to LOS D for existing lanes.</td><td>Please see Traffic Study.</td></tr>
<tr><td>6.</td><td>Determine LOS with projected five year traffic and project traffic.
a. Determine five year projected traffic volumes using the published historic growth rates and major project traffic.</td><td>Please see Traffic Study.</td></tr>
</table>

	b. Add the project traffic to all roadways determined in (d) based on the trip generation for the proposed future land use in (b). * c. Compare to LOS D for existing and assured lanes.	
7.	Determine LOS for 2015 with the increase in traffic due to the proposed land use amendment. a. Add the project traffic to all roadways determined in (d) based on the trip generation for the increase in traffic due to the proposed future land use in (c). b. Compare to LOS D for the lanes in the 2015 roadway system.	Please see Traffic Study.
8.	All proposed amendments must be reviewed for consistency with the adopted Wellington Comprehensive Plan. To support the proposed amendment, reference specific Objectives and/or Polices the proposed amendment is consistent with or furthers. (It is recommended that the applicant review the Element for such items.) For each Objective/Policy referenced, the application must explain in detail how the individual Objective/Policy will be furthered by the proposed amendment.	Please see Traffic Study..
	* The trip generation for the proposed future land use can be reduced if there is an active use on the property. There will be no reduction if the property is vacant.	
	Section 6 MASS TRANSIT	
1.	Identify the mass transit provider.	Palm Tran
2.	Identify the location (street address) of the nearest bus shelter or stop, in tenths of a mile from the subject property, and the route	The nearest bus stop is approximately 2 miles from the subject site and is located east of the site, on the east side of State Road 7 / US 441. The bus stop number is 5927.

	number of the nearest bus that would service the property.	
3.	Identify whether the subject property has connections to the Tri-County Commuter Rail.	The subject has connections to the Tri-County Commuter Rail through Bus Stop 3742, which is located near the Mall at Wellington Green, near the corner of State Road 7 / US 441 and Forest Hill Blvd, approximately 3 miles from the site.
4.	All proposed amendments must be reviewed for consistency with the adopted Wellington Comprehensive Plan.	The applicant acknowledges this review.
Section 7 HOUSING POPULATION		
1.	If a methodology other than that described below is used to determine population, identify the methodology and the data source(s) used to determine the affected population. Data is required to be taken from professionally accepted existing sources. Methodologies must be clearly described or referenced and must meet professionally accepted standards for such methodologies. a. Current FLUM Designation: The population is calculated by multiplying the size of the property, in tenths of an acre, by the maximum permitted density under the current Future Land Use Map (FLUM) designation by 3, the average household size in Wellington. b. Proposed FLUM Designation: The population is calculated by multiplying the size of the property, in tenths of an acre, by the maximum permitted density under the current FLUM designation by 3, the average household size in Wellington.	a. Area subject to FLUM amendment - Current FLU Designation (CF): Residential uses not permitted for properties with a CF FL Current population potential: 0 b. Area subject to FLUM amendment - Proposed FLU Designation (Residential C): Permitted by Right: 22.54 AC x 1 du x 3.02 = 68.07 Proposed population potential: 68 people Density Bonus: 22.54 AC x 3 du x 3.02 = 204.21 Proposed population potential: 204 people
2.	Number of dwelling units. Identify the number of dwelling units that could be constructed on the subject property based upon its:	a. Area subject to FLUM amendment - Current FLU Designation (CF): Residential uses not permitted for properties with a CF FL

	a. Current FLUM designation: The number of dwelling units that could be constructed equals the maximum permitted density under the property's current FLUM designation multiplied by the size of the property. b. Proposed FLUM designation: The number of dwelling units that could be constructed equals the maximum permitted density under the property's proposed FLUM designation multiplied by the size of the property.	Potential units: 0 b. Area subject to FLUM amendment - Proposed FLU Designation (Residential C): Permitted by Right: 22.54 AC x 1 du = 22.54 Proposed unit potential: 23 units Density Bonus: 22.54 AC x 3 du = 67.62 Proposed unit potential: 68 units
3.	Census Tract data: Identify the Census Tract where the subject property is located.	The subject property is located within Census Tract 77.53.
4.	The effect of the proposed amendment on population: This is the difference between the Proposed FLUM Designation and the Current FLUM Designation.	The current FLUM designation of the subject site has a potential projection of 0 people. The proposed development would have a potential population increase of 204 people.
5.	Change in number of dwelling units: Subtract the number of dwelling units at the Current FLUM designation from the number of dwelling units at the Proposed FLUM designation.	The current FLUM designation of the subject site has a potential projection of 0 dwelling units. The proposed development would have a potential 68 dwelling units.
6.	All proposed amendments must be reviewed for consistency with the adopted Wellington Comprehensive Plan. To support a residential related proposed amendment, reference specific	The proposed amendment is consistent with Policy 1.3.25 of the Land Use Element of the Comprehensive Plan. The FLUM amendment complies with the density and intensity thresholds established under Policy 1.3.25 for Residential FLU designation.
Section 8 INFRASTRUCTURE: DRAINAGE		
1.	Identify the entity responsible for providing drainage for the subject property. Drainage providers include drainage districts, improvement districts, water control districts, and water management districts.	Village of Wellington and South Florida Water Management District.

2.	Indicate in which drainage basin the subject property is located. The six main drainage basins are: 1) C-18 basin; 2) C-17 basin; 3) C-51 basin; 4) C-16 basin; 5) C-15 basin; and 6) Hillsboro Canal basin.	C-51
3.	Identify the drainage facility that would service the subject property. Facilities include swales, ditches, canals and storm sewers.	See Drainage Statement included in this application.
4.	Identify the level of service standard established for the subject property.	See Drainage Statement included in this application.
5.	Identify what measures will be taken to assure that the volume, rate, timing and pollutant load of runoff based on the proposed FLUM designation of the property is similar to that which occurred based on the property's current FLUM designation. Structural techniques emphasize detention and retention of stormwater to reduce runoff rates and provide settling and filtration of pollutants. Non-structural techniques emphasize preservation or simulation of natural drainage features to promote infiltration, filtering and slowing of runoff.	See Drainage Statement included in this application.
6.	All proposed amendments must be reviewed for consistency with the adopted Wellington Comprehensive Plan.	The proposed amendment is consistent with the adopted Wellington Comprehensive Plan drainage elements.
Section 9 INFRASTRUCTURE: POTABLE WATER		
1.	Identify the entity that would provide potable water service to the subject property.	Village of Wellington Utilities
2.	Identify how far, in feet, the subject property is located from a potable water line. Indicate the street where the nearest line is located.	An 8" water main runs through the site which will be relocated to accommodate the project so there will be 2 points of connection.
3.	Identify the potable water level of service standard established by the potable water provider.	• 24 gpd per 100 sf of office • 628 gpd per 4 bedroom house
4.	The effect on potable water levels of service and system needs.	Current FLUM:

	a. Current FLUM Designation: The demand for potable water based on the property's current Future Land Use Map designation is calculated by multiplying the adopted level of service standard by the population identified in section VII. b. Proposed FLUM Designation: The demand for potable water based on the property's proposed Future Land Use Map designation is calculated by multiplying the adopted level of service standard by the population identified in sectionVII. c. Change in water usage: This is the difference between the Proposed FLUM Designation and the Current FLUM Designation.	• 343,645 sf of Government Office x 0.24 gpd / sf = 82,475 gpd Proposed FLUM: • 68 SF units x 628 gpd = 42,704 gpd. Net decrease of 39,771 gpd
5.	Consistency with the Potable Water Sub-Element. Applicant must demonstrate consistency with the Potable Water Sub-Element.	The project is consistent with the Potable water sub-element.
Section 10 INFRASTRUCTURE: SANITARY SEWER		
1.	Identify the entity that would provide sanitary sewer service to the subject property.	Village of Wellington Utilities
2.	Identify how far, in feet, the subject property is located from a sanitary sewer line. Indicate the street where the nearest line is located.	Gravity sewer runs through the site and there is an existing force main at the NE corner of the Church site along Lake Worth Road.
3.	Identify the sanitary sewer level of service standard established by the potable water provider.	• 15 gpd per 100 sf of office • 400 gpd per 4 bedroom house
4.	The effect on sanitary sewer levels of service and system needs. a. Current FLUM Designation: The demand for sanitary sewer based on the property's current Future Land Use Map designation is calculated by multiplying the adopted level of service standard by the population identified in section VII.	Current FLUM: • 343,645 sf of Government Office x 0.15 gpd / sf = 51,547 gpd Proposed FLUM: • 68 SF units x 400 gpd = 27,200 gpd. Net decrease of 24,347 gpd

	b. Proposed FLUM Designation: The demand for sanitary sewer based on the property's proposed Future Land Use Map designation is calculated by multiplying the adopted level of service standard by the population identified in section VII. c. Change in water usage: This is the difference between the Proposed FLUM Designation and the Current FLUM Designation.	
5.	Applicant must demonstrate consistency with the Sanitary Sewer Sub-Element	Project is consistent with the Sewer Sub-element.
Section 11 INFRASTRUCTURE: AQUIFER RECHARGE		
1.	Identify whether the property is located within a prime aquifer recharge area: If the property is located east of the conservation areas, state that the property is located within both the surficial aquifer system and the Floridian aquifer system. Identify in what zone of the surficial aquifer the property is located. This information is available from the United States Geologic Survey.	The property is not located within a wellfield zone of influence. The project is located within the Water Preserve Area basin per with a 62 foot "thickness of overburden above the production zone of Surficial Aquifer System as measured from the existing ground" as identified on Figure 41-9 referenced in 40E-41.363 FAC. The property is located within 1 mile of a WPA component. Therefore, the lake depth cannot exceed 46.5 feet from existing ground.
2.	Identify, generally, the percentage of the property that will be covered with an impervious surface: Use the following to estimate the percentage of imperious surfaces: i) low residential (1 to 4.99 dwelling units per acre) = 30 percent; ii) medium and high density residential (5 dwelling units per acre and above) = 65 percent; and iii) commercial, industrial and institutional = 85 percent.	Approximately 50% including the lake.
3.	Applicant must demonstrate consistency with the adopted Wellington Comprehensive Plan	The project is consistent with the Aquifer Recharge Sub-Element.

	Aquifer Recharge Sub-Element of the Conservation Element.	
	Section 12 CONSERVATION	
1.	If listed species are present, provide a brief discussion of measures that will be taken to avoid or minimize adverse impacts to these species or their habitat.	An environmental assessment was performed for the subject site. Please see Attachment IV. During the field reconnaissance, there were no listed species within the assessment that were directly observed on the site. The lack of wetland and native upland habitat communities on the site limits the likelihood of occurrence of listed species, and their presence should it occur would likely be transient in nature.
2.	If there are no known or reported occurrences, could listed species reasonably be expected to be present based on the site-specific habitat characteristics? If yes, please provide a brief discussion.	Listed species are not expected to inhabit the project site due to its location surrounded by suburban development and lack of appropriate habitat.
3.	All proposed amendments must be reviewed for consistency with the adopted Wellington Comprehensive Plan. To support the proposed amendment, reference specific Objectives and/or Polices the proposed amendment is consistent with or furthers. For each Objective/Policy referenced, the application must explain in detail how the individual Objective/Policy will be furthered by the proposed amendment.	Not applicable.
	Section 13 RECREATION AND OPEN SPACE	
1.	Identify the following facilities that would service the property: a. Regional parks b. District parks c. Community parks d. Open space	a. No regional park located or established within the subject site. b. No district park located or established within the subject site. c. No community park located or established within the subject site. d. Approximately 0.84 acres of open space/private recreation will be provided on the proposed master plan

2.	Adopted recreation levels of service standard of $885 of total recreational investment per capita.	Acknowledged.
3.	The effect of the proposed FLUM amendment on regional, district and neighborhood parks.	The proposed FLUM amendment will have minimal impact on regional, district and neighborhood parks. The subject site is not in proximity or within a mile of any city, county or state parks. However, Okeeheelee Park is located approximately 5 miles northeast of the subject site, along Forest Hill Blvd. There are also five city parks, Peaceful Waters Sanctuary, Wellington Green Park, Olympia Park, Wellington Village Park and Wellington Community Park which are approximately between 1 and 2 miles from the subject site.
4.	To support the proposed amendment, reference specific Objectives and/or Polices the proposed amendment is consistent with or furthers. For each Objective/Policy referenced, the application must explain in detail how the individual Objective/Policy will be furthered by the proposed amendment.	The proposed amendment shall be consistent with the objectives, goals and policies of the Recreation and Open Space Element of the Comprehensive Plan as specified in Objectives 1.1, 1.2., 1.3 and 1.5. The proposed project will include internal open space within the residential uses and will meet open space standards.
Section 14 FIRE RESCUE		
1.	Identify the fire-rescue facility that would service the subject property: Identify the station number, the street address of the facility, and the distance in tenths of a mile of the facility from the subject property.	The fire-rescue facility that will service the subject property is Palm Beach County #27 located at 3411 South Shore Blvd, Wellington, FL 33414. The fire-rescue facility is approximately 1.5 miles northwest from the subject property.
2.	Identify the response times from the fire-rescue station to the subject property: The response time, in minutes, may be determined by multiplying the number of miles from the station to the property by two.	1.5 miles x 2 = 3 The response time from fire-rescue station PBC 27 to the subject property is approximately 3 minutes.
3.	The effect of the proposed FLUM amendment on the average emergency response time: If the response time is less than five minutes,	The response time from the servicing fire-rescue station is less than five minutes.

	there is a rebuttable presumption that there would be no negative effects on fire-rescue response time. If the response time is greater than five minutes, please identify what actions could be taken to mitigate the Fire-Rescue Department's response time.	
Section 15 HISTORIC PRESERVATION		
1	Identify any historic or architecturally significant resources within 500 feet of the subject property. Historic or architecturally significant resources include buildings, structures and other objects.	The subject property is not located within 500 feet of any historic or architecturally significant resources. Directly south and east of the subject site is a single-family residential development. Located north of the subject site is a public school and small shopping strip of retail uses. Located west of the site, across 120th Ave S are equestrian estates.
2.	Identify any archaeological resources located within 500 feet of the subject property. Archaeological resources include aboriginal mounds, forts, earthworks, village locations, camp sites, middens, burial mounds, missions, or other artifacts at least seventy-five years old.	There are no archaeological resources located within 500 feet of the subject property.
Section 16 PUBLIC EDUCATION		
1.	Identify the name and street address of the public schools that would educate potential school age children, and indicate how far the school is from the subject property, for: a. Elementary Schools b. Middle Schools c. Senior High Schools	a. Elementary Schools: Panter Run Elementary – 1.1 miles 10775 Lake Worth Rd. Lake Worth, FL, 33467 New Horizons Elementary – 2.5 miles 13900 Greenbriar Blvd. Wellington, FL, 33414 b. Middle Schools: Polo Park Middle School – 0.1 miles

		11901 Lake Worth Rd Wellington, FL 33449 c. Senior High Schools Palm Beach Central – 3.8 miles 8499 W Forest Hill Blvd Wellington, FL 33411 Wellington High School – 2.5 miles 2101 Greenview Shores Blvd Wellington, FL 33414
2.	All proposed amendments must be reviewed for consistency with the adopted Wellington Comprehensive Plan. To support the proposed amendment, reference specific Objectives and/or Polices the proposed amendment is consistent with or furthers. For each Objective/Policy referenced, the application must explain in detail how the individual Objective/Policy will be furthered by the proposed amendment.	The proposed amendment is consistent with the goals, objectives and policies of the Public School Facilities Element of the Comprehensive Plan. As specified in Objective 1.1, the proposed amendment shall ensure the capacity of schools is sufficient to support student growth at the adopted level of service standard.
Section 17 INTERGOVERNMENTAL COORDINATION		
1.	Identify all local governments (including special districts) located within one-mile of the subject property:	The local governments and districts located within one mile of the subject property include Unincorporated Palm Beach County, ACME Improvement District and Lake Worth Drainage District.
2.	Indicate whether or not a municipality has initiated annexation of the property. If annexation was attempted by a city, indicate when and the name of the city. In addition, identify whether the subject property is located within the future annexation area of any local government.	The site has been annexed into the Village of Wellington.
3.	Applicant must demonstrate the impact of the proposed amendment on the Intergovernmental Coordination Element.	The proposed amendment is consistent with the objectives, goals and policies of the

		Intergovernmental Element of the Comprehensive Plan.
Section 18 EQUESTRIAN ELEMENT		
1.	Applicant must demonstrate the impact of the proposed amendment on the Equestrian Element.	The proposed amendment shall have no impact on the Equestrian Element of the Comprehensive Plan, as the subject site is not located within the Equestrian Preserve boundaries.

RECORD AND RETURN To: Vicki Medina
UNIVERSAL TITLE INSURORS, LLC
750 N.W. 107 AVENUE #115
MIAMI, FL 33172

Nov-05-1999 11:44am 99-443508
ORB 11441 Pg 1099
Con 1,680,000.00 Doc 11,760.00

Prepared by:
Gerald L. Knight, Esq.
Holland & Knight LLP
One East Broward Boulevard
Suite 1300
Fort Lauderdale, FL 33301

NOT A CERTIFIED COPY

STATUTORY WARRANTY DEED

THIS INDENTURE made this 1st day of November, 1999, between LENNAR LAND PARTNERS, a Florida general partnership, whose address is c/o Lennar Homes, Inc., South Florida Business Division, 8190 State Road 84, Davie, FL 33324 "Grantor", and Anthony J. O'Connell, as Bishop of the Diocese of Palm Beach, his successors in office and assigns forever, a corporation sole, whose address is 9995 North Military Trail, Attn: Real Estate Department, P. O. Box 109650, Palm Beach Gardens, FL 33410-9650, and whose Federal Tax Identification Number is 59-2438903, "Grantee".

WITNESSETH, that Grantor, for and in consideration of the sum of Ten ($10.00) Dollars and other valuable considerations to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Palm Beach County, Florida, to-wit:

See **Exhibit "A"** attached hereto

SUBJECT TO: See **Exhibit "B"** attached hereto

The Tax Folio Number for this real property is 73-41-44-26-00-000-3000
73-41-44-26-00-000-1090

and Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Karen B Miller
Name printed: Karen B Miller

Jana R. Block
Name printed: Jana R. Block

LENNAR LAND PARTNERS, a Florida general partnership

By: LENNAR HOMES, INC., a Florida corporation, its Attorney-In-Fact, pursuant to Power of Attorney recorded in Official Records Book 10092, Page 423, in the Public Records of Palm Beach County, Florida.

By: Doyle Dudley
Doyle Dudley, Vice President

ORB 11441 Pg 1100

STATE OF FLORIDA)
)ss.
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 30th day of ~~November~~ October, 1999 by Doyle Dudley, Vice President Lennar Homes, Inc., a Florida corporation, as Attorney-in-Fact, pursuant to that certain Power of Attorney recorded in Official Records Book 10092, Page 423 in the Public Records of Palm Beach County, Florida, of Lennar Land Partners, a Florida general partnership, on behalf of the corporation and partnership, who is personally known to me or has produced _____ as identification.

Karen B Miller
NOTARY PUBLIC

Notary Public
KAREN B MILLER
State of Florida
My Comm. Exp: 01/28/01
Comm#: CC615995

NOT A CERTIFIED COPY

EXHIBIT "A"

A parcel of land lying in Section 26, Township 44 South, Range 41 East, Palm Beach County, Florida, said parcel being more particularly described as follows:

Commencing at the Northwest corner of said Section 26, thence South 02 degrees 03 minutes 45 seconds West along the Westerly line of said Section 26, a distance of 50.00 feet; thence South 88 degrees 27 minutes 36 seconds East along a line 50.00 feet South of and parallel with the Northerly line of said Section 26, a distance of 233.39 feet to the Point of Beginning, said point being the intersection of the Easterly line of a 50.00 foot wide ACME Drainage District Right-of-Way, recorded in Official Records Book 1921, Page 1331, Public Records of Palm Beach County, Florida and the Southerly line of a 50.00 foot wide ACME Drainage District Canal Right-of-Way as recorded in Deed Book 1037, pages 686 through 692, Public Records of Palm Beach County, Florida; thence continue South 88 degrees 27 minutes 36 seconds East along said Southerly line of ACME Drainage District Canal Right-of-Way, a distance of 1178.54 feet; thence South 43 degrees 27 minutes 36 seconds East, a distance of 35.36 feet; thence South 01 degree 32 minutes 24 seconds West, a distance of 1379.70 feet; thence North 88 degrees 27 minutes 36 seconds West, a distance of 1277.72 feet to a point on said Easterly line of ACME Drainage District Right-of-Way; thence North 04 degrees 33 minutes 46 seconds East along said Easterly line, a distance of 1406.66 feet to the aforedescribed point of beginning.

NOT A CERTIFIED COPY

ORB 11441 Pg 1102
DOROTHY H. WILKEN, CLERK PB COUNTY, F

EXHIBIT "B"

NONE

NOT A CERTIFIED COPY

LAND RESEARCH MANAGEMENT, Inc.
2240 Palm Beach Lakes Blvd., Suite 103, West Palm Beach, FL 33409 Tel: (561)686-2481; Fax: (561) 681-1551

TO: Aimee Craig Carlson, AICP
Director of Land Planning & Entitlement
Pulte Group

FROM: Jim Fleischmann, Vice President
Land Research Management, Inc.

RE: Market Study and Fiscal Impacts Memorandum 22.5 Acre St. Therese Property, Wellington, Florida

DATE: September 4, 2023; Revised December 18, 2023

MEMORANDUM

OBJECTIVE

The objective of this analysis is to assess market-based support for, and basic fiscal impacts of, the proposed Small-Scale Land Use Amendment.

PROPOSED LAND USE AMENDMENT

The site, a 22.5 acre portion of the 38.9 acre St. Therese de Lisieux Catholic Church {St. Therese) property (Ref: Exhibit 1), currently has a Communities Facilities (CF) Future Land Use (FLU) designation. A Residential C FLU designation is proposed to allow development of a 42-lot luxury single family community consisting of estate homes.

SITE LOCATION

The subject property is located at the corner of Lake Worth Road and 120th Avenue, approximately 4 miles west of Florida's Turnpike. The property is located within an existing Planned Unit Development known as Orange Pointe PUD and which served as a civic pod for the master plan when it was approved in 1998. To date that portion of the subject property has not been developed.

The proposed residential community will have access from 120th Avenue south of Lake Worth Road, a major east-west traffic collector. Traveling east on Lake Worth Road, the site is approximately 2 miles from US-441/SR 7 and 4 miles from Florida's Turnpike. These major transportation arteries provide access to major employment and entertainment centers in Palm Beach County and beyond. This location also provides residents with access to the center of the Village's equestrian activities and major municipal downtown areas with less than a 30-minute drive.

NEIGHBORHOOD COMPATIBLITY

The proposed use is compatible with surrounding land uses as it shares a boundary with the balance of the St. Therese property to its north, a luxury residential community, The Isles at Wellington, to the east and south, and horse farms to the west.

EXHIBIT 1 – ST. THERESA PROPERTY



MARKET OVERVIEW

The site is located in the highly desirable Palm Beach County Wellington Market Area, internationally known for its equestrian and polo attractions and luxury residential communities.

Wellington frequently serves as a second/third home area to part-time residents who come for the equestrian recreational activities. Wealthy families are also drawn to the area for the A-rated schools and upscale aesthetics.

Typically, buyers looking in the vicinity prefer to reside within the Village limits as opposed to its periphery. As a result, the market area, for the purposes of the recent sales analysis, is divided into the "Village Market Area" and the "Wellington Sub-Market Area".

The proposed community will attract full and part-time residents looking for the benefits and prestige of a location in the Village Market Area.

One of the unique attributes of the Village Market Area is the absence of new home product. .A search of recent residential sales in the Village and its vicinity supports this conclusion. As a result, competition for the proposed development will likely come primarily from the resales market.

VILLAGE MARKET AND WELLINGTON SUB-MARKET DEMOGRAPHIC SUMMARY

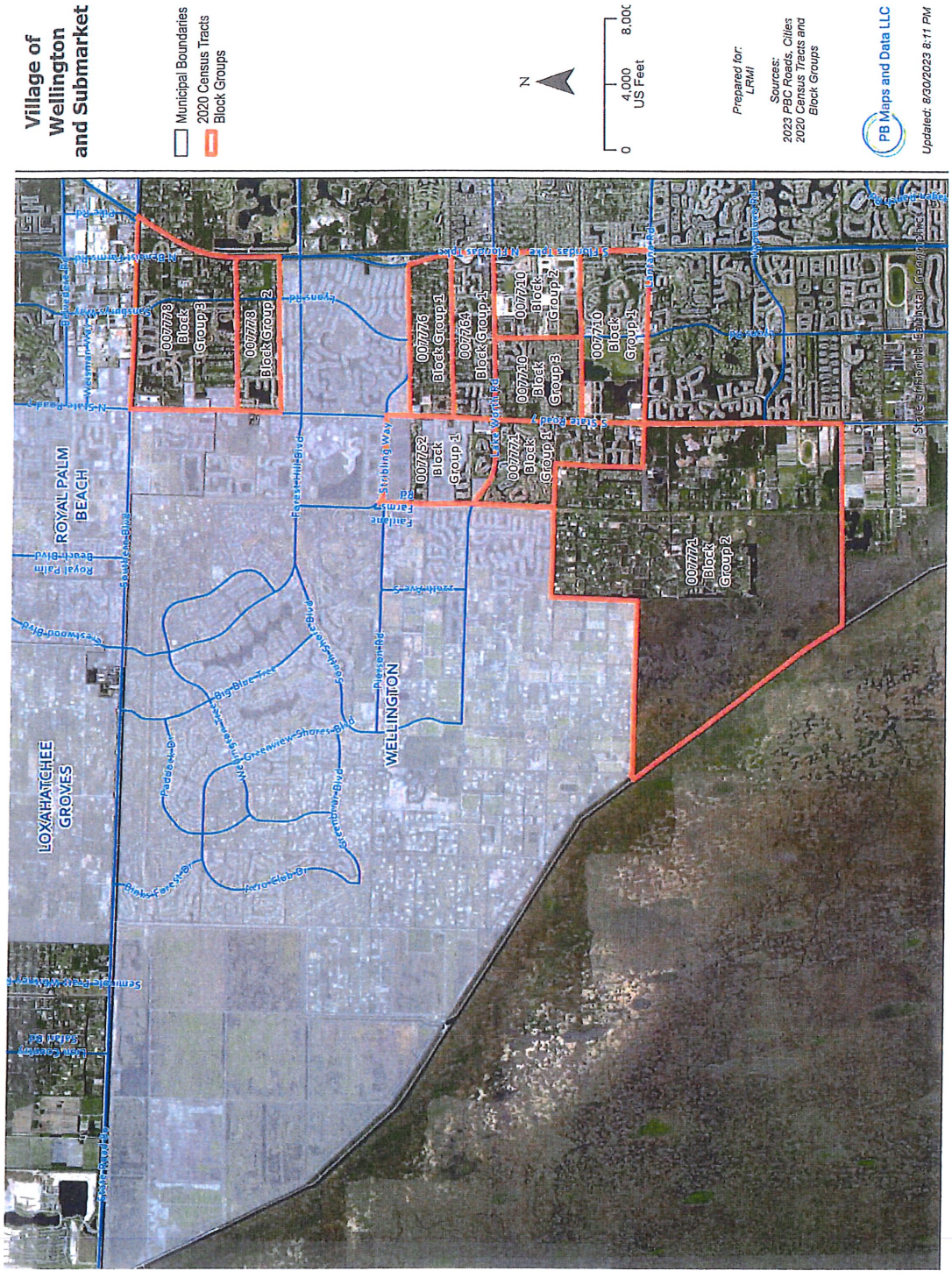
A brief summary of Village Market and Wellington Sub-Market demographic characteristics is presented in Table1. Exhibit 2 illustrates the boundaries of the Village Market and Wellington Sub-Market Areas.

TABLE 1 – Demographic Characteristics Summary

Characteristic	Village	Wellington Sub-Market	Palm Beach County
Population	57,377	24,426	1,469,032
Dwelling Units	22,653	8,493	702,877
One Unit Per Structure Units (Detached)	16,030	7,220	322,681
Households	19,669	7,769	581,119
Median Household Income ($)	98,163	124,476	68,874
Household Income $200,000 or more	3,287	1,814	65,891

Source: American Community Survey Estimate

EXHIBIT 2 –VILLAGE MARKET AREA AND WELLINGTON SUB-MARKET AREAS



The following general observations are made from the data presented in Table 1:

1. High percentages of dwelling units in both the Village (70.8%) and the Wellington Sub-Market (85%) Areas are single-family detached units; substantially higher than countywide (45.9%) rate;

2. The median annual household income in both the Village ($98,163) and the Wellington Sub-Market ($124,476) Areas is substantially higher than the County ($68,874);

3. Household income is reported by the Census in ranges. The highest reported range is $200,000 per year and above. Both the Village (16.7%)) and the Wellington Sub-Market (23.3%) Areas substantially exceed the countywide rate (11.3%).

RECENT VILLAGE MARKET AND WELLINGTON SUB-MARKET AREAS SALES ACTIVITY

Tables 2 and 3 contain recent single-family home sales data for the Village Market Area and Wellington Sub-Market Area, as illustrated in Exhibit 2. Data in these tables summarize single-family home sales in the $300,000 and more price range in each of the defined market segments.

Per Table 2, Sales in the Village Market Area averaged 96 units per month and the Village Sub-Market Area averaged 64 units per month during the 2020 to August 2023 period.. Most recently (i.e. 2023 through August) sales averaged 58 units per month in the Village Market Area and 27 units per month in the Wellington Sub-Market Area.

TABLE 2

Single-Family Sales 2020 to 2023 (1) $300,000 and More

Sale Year	Village Market	Wellington Sub-Market	Total Parcels
2020	846	386	1,232
2021	1,011	482	1,493
2022	759	408	1,167
2023 (1)	465	210	675
Totals	**3,081**	**1,486**	**4,567**

(1) Sales to August 2023

Source: Palm Beach County Property Appraiser Data; August 2023

Table 3, Sales in the Village Market Area and Wellington Sub-Market Area illustrates the previous conclu that virtually all of the single-family detached home sales in both market segments are generated by exis homes as opposed to new construction.

Additional detail regarding luxury home sales, defined as priced from $750,000 and above, for the Village Market Area during the 2000 to 2023 period is presented in Table 4. Monthly average sales rates, by price range in the luxury home market, for the 2020 to 2023 period are summarized as follows:

- $750 t0 $1,000,000 = 12.9 units per month
- $1,000,000 to $2,000,000 = 9.6 units per month
- $2,000,000 to $4,000,000 = 3.5 units per month
- $4,000,000 and more = 1.8 units per month

TABLE 3
Single-Family Sales 2020 to 2023 (1) $300,000 and More by Year Built

Year Built	Village Market	Wellington Sub-Market	Total Parcels
No Year	10	161	171
1940-1949	-	-	-
1950-1959	2	4	6
1960-1969	1	5	6
1970-1979	176	48	224
1980-1989	786	198	984
1990-1999	771	293	1,064
2000-2009	1,166	427	1,593
2010-2019	159	186	345
2020-2021	10	164	174
Totals	**3,081**	**1,486**	**4,567**

(1) Sales to August 2023
Source: Palm Beach County Property Appraiser Data; August 2023

TABLE 4
Village Market Luxury Home Sales 2020 to 2023 (1)

Sales Price	2020 Sales	2021 Sales	2022 Sales	2023 Sales	Total 2020 - 2023
$750K - $1M	46	129	141	97	413
$1M - $2M	36	82	128	63	309
2M - $4M	10	30	43	29	112
$4M and More	6	21	15	14	56
Totals	**98**	**262**	**327**	**203**	**890**

(1) Sales to August 2023
Source: Palm Beach County Property Appraiser Data; August 2023

SINGLE-FAMILY HOUSING GROWTH PROJECTIONS

Census Tract (2020 U.S. Census statistics) and Traffic Analysis Zone (Palm Beach County Planning Division projections) data used in this analysis are included in Attachment A. These data sources are used to project single-family housing growth within the Village Market Area and the tailored 5-mile site radius. The tailored site radius includes that portion of the 5-mile site radius located south of Southern Boulevard and west of Florida's Turnpike and south to Hypoluxo Road (Ref: Attachment A Traffic Analysis Zone Map).

Using the sources in Appendix A, Village Market Area and the tailored 5-mile site radius population, household, housing units and single-family dwelling projections are presented in Tables 5 and 6.

The proposed St. Therese development is projected to be marketing units commencing in 2025. From Table 5, and pending the availability of supply, single-family dwelling growth in the Village Market Area during the 2025 to 2030 period is projected at 594 units, or an average of 99 units per year.

TABLE 5
Village Market Area Single-Family Housing Projections 2020 to 2030

Characteristic	2020	2025	2030
Population	57,377	64,050	66,176
Housing Units	22,653	25,288	26,127
Households	19,669	21,957	22,685
Single-Family Units	16,030	17,894	18,488

Sources: 2020 Census data and Palm Beach County Planning Division Population Projections

TABLE 6
Tailored Five-Mile Radius Single-Family Housing Projections 2020 to 2030

Characteristic	2020	2025	2030
Population	92,590	103,669	108,893
Housing Units	36,183	40,431	42,468
Households	31,376	35,247	37,024
Single-Family Units	29,815	33,174	34,846

Sources: 2020 Census data and Palm Beach County Planning Division Population Projections

FISCAL IMPACTS SUMMARY

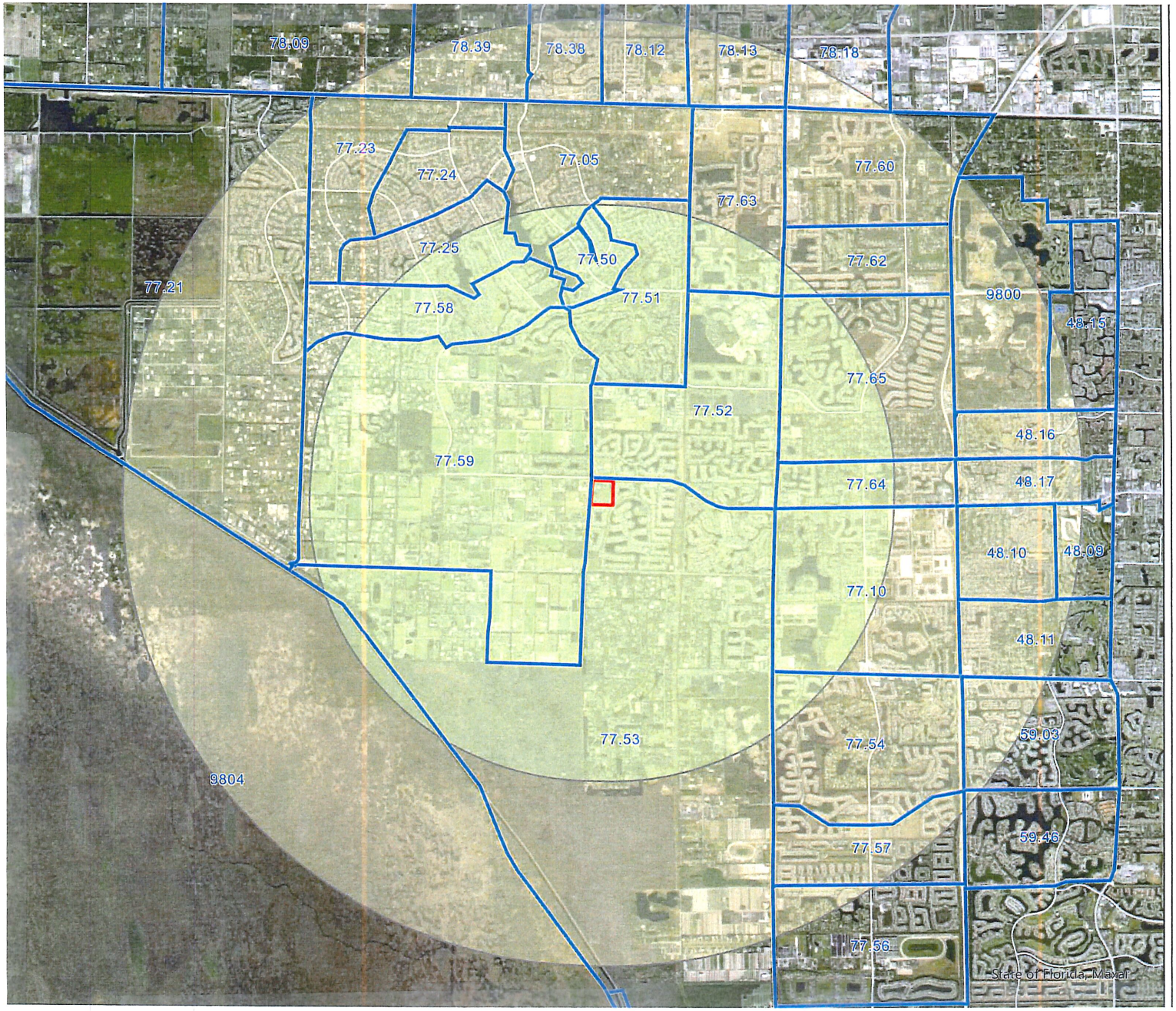
Descriptions of the procedures used to estimate fiscal impacts of the proposed 42unit residential development are presented in Attachments B, C and D. Fiscal impacts estimated include initial year Ad Valorem ($123,189) and Non-Ad Valorem ($30,870) taxes, Building ($17,926) and Engineering ($218,400) permit fees and charges and the distribution of Ad Valorem and Non-Ad Valorem tax revenues ($123,189) among Village operating departments.

CONCLUSION

The proposed Residential C FLU Amendment will allow for the development of a 42-lot luxury single family community consisting of estate homes within the Village Market Area. Data and analysis presented herein support the conclusion that demand within the Village Market Area has historically supported luxury home sales. Further, sales by year-built data indicate that there is little or no newly constructed supply. Assuming the maintenance of recent historical sales rates and population, household and housing growth projected in Attachment A, it is concluded that the proposed Residential C FLU Amendment allowing for the 42 unit community is supported by existing and projected demand for luxury homes within the Village Market and Wellington Sub-Market areas.

Jim Fleischmann

Date: 12/18/23



Village of Wellington and Submarket

Site Location
Census Tracts
3 Mile Radius
5 Mile Radius

N

0 4,000 8,000
US Feet

Prepared for:
LRMI

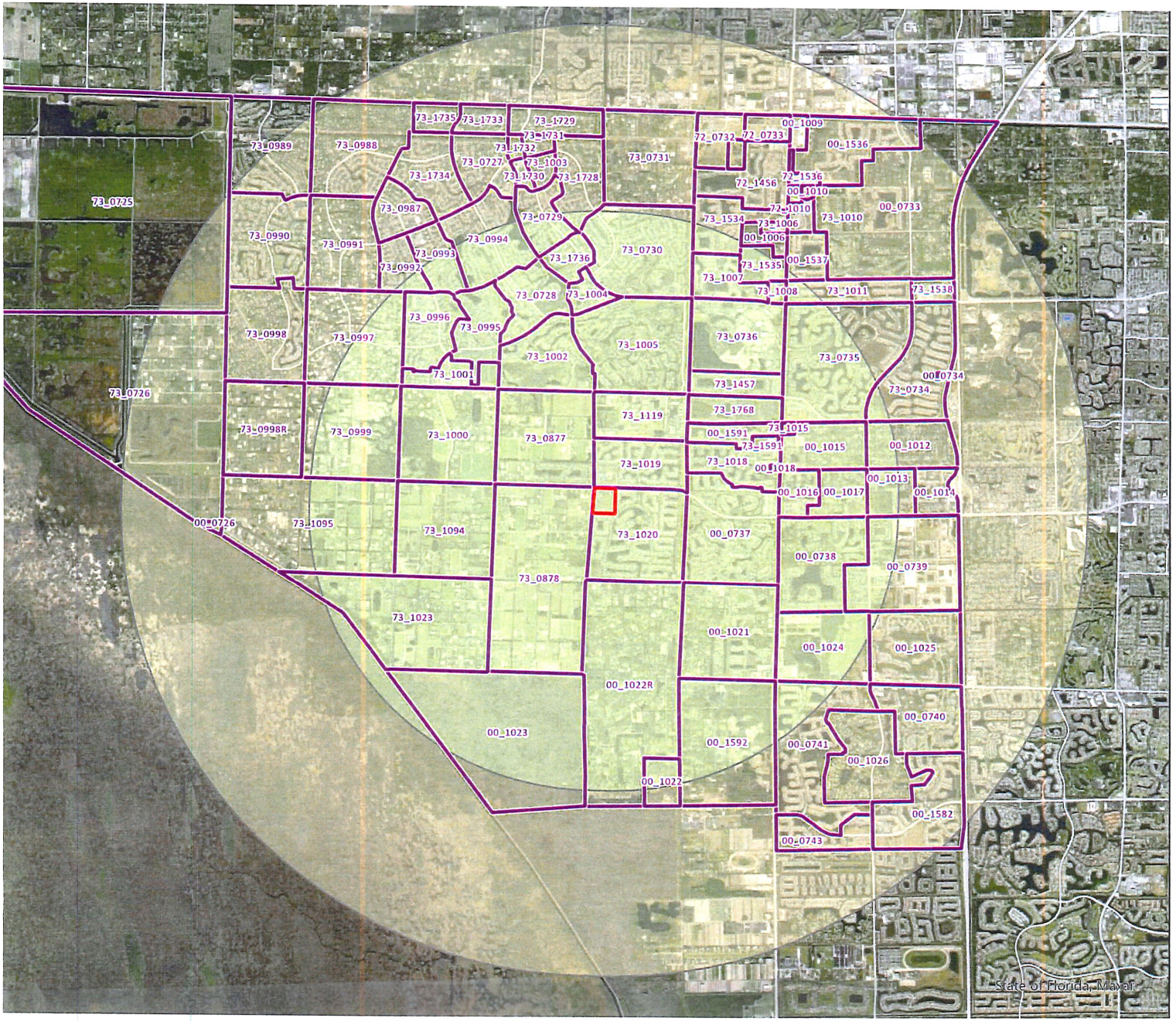
Sources:
2023 PBC Roads, Cities
2020 Census Tracts and Block Groups

PB Maps and Data LLC

Updated: 12/15/2023 11:27 AM

ATTACHMENT A

Wellington Demographics within Southern, Turnpike and Hypoluxo				
Geography	**Population**	**Households**	**Housing Units**	**SF Units**
Census Tract 77.05	4,142	1,371	1,596	1,457
Census Tract 77.10	7,626	2,360	2,833	2,654
Census Tract 77.21	4,948	1,645	1,911	1,858
Census Tract 77.23	2,769	761	940	913
Census Tract 77.24	6,061	2,501	2,171	1,534
Census Tract 77.25	5,792	2,024	2,143	1,893
Census Tract 77.50	4,435	1,466	1,687	1,206
Census Tract 77.51	3,540	1,486	1,784	1,406
Census Tract 77.52	7,504	2,278	2,887	2,120
Census Tract 77.54	4,915	2,156	2,465	2,485
Census Tract 77.58	5,649	1,929	2,321	1,296
Census Tract 77.59	1,943	474	1,226	734
Census Tract 77.63	8,167	2,562	3,075	1,600
Census Tract 77.64	2,061	739	781	792
Census Tract 77.70	2,976	899	951	940
Census Tract 77.71	3,870	1,371	1,704	1,548
Census Tract 77.75	8,022	2,159	2,716	2,716
Census Tract 77.76	1,366	382	473	468
Census Tract 77.78	6,804	2,813	2,519	2,195
Total	**92,590**	**31,376**	**36,183**	**29,815**
Sources:	*P1 2020 Decennial Census*	*DP02 2022 ACS 5 yr Est*	*H1 2020 Decennial Census*	*2023 PBC Existing Land Use LivUnit*


Village of Wellington and Submarket
Site Location
3 Mile Radius
5 Mile Radius
JTAZ
N
0
4,000
8,00
US Feet
Prepared for:
LRMI
Sources:
2023 PBC Roads. Cities
2022 PBC Population Allocation Model
PB Maps and Data LLC
Updated: 12/18/2023 9:17 AM
State of Florida, Maxar

JUR	TAZ	JTAZ	POP2022	POP2025	POP2030	POP2035	POP2040	POP2045	POP2050
00	1592	00_1592	80	84	112	128	223	257	269
73	1728	73_1728	1,382	1,386	1,401	1,418	1,428	1,432	1,434
73	1729	73_1729	298	299	299	300	300	301	303
73	1730	73_1730	155	155	159	162	162	162	164
73	1731	73_1731	117	117	117	117	117	117	119
73	1732	73_1732	58	58	58	58	58	58	60
73	1733	73_1733	202	204	212	214	215	216	218
73	1734	73_1734	2,320	2,325	2,329	2,336	2,336	2,343	2,345
73	1735	73_1735	165	165	165	168	168	169	171
73	1736	73_1736	1,492	1,493	1,496	1,517	1,525	1,530	1,532
73	1768	73_1768	581	582	771	784	794	796	884
73	725	73_0725	-	-	-	-	-	-	-
00	726	00_0726	-	-	-	-	-	-	-
73	726	73_0726	191	192	199	215	226	235	242
73	727	73_0727	1,648	1,657	1,662	1,682	1,702	1,708	1,710
73	728	73_0728	3,082	3,101	3,126	3,143	3,150	3,159	3,161
73	729	73_0729	1,346	1,350	1,362	1,389	1,399	1,403	1,405
73	730	73_0730	5,100	5,110	5,133	5,159	5,160	5,175	5,177
73	731	73_0731	329	333	336	350	384	440	492
72	732	72_0733	9	346	921	951	1,074	1,110	1,142
72	732	72_0732	1,042	1,617	2,035	2,090	2,137	2,150	2,192
00	733	00_0733	2,227	2,276	2,431	2,620	2,739	2,822	2,882
00	734	00_0734	-	-	-	-	-	-	-
73	734	73_0734	1,806	1,824	1,829	1,839	1,840	1,846	1,848
73	735	73_0735	5,978	5,989	5,998	6,016	6,020	6,025	6,042
73	736	73_0736	1,851	2,245	2,280	2,299	2,342	2,399	2,442
00	737	00_0737	1,902	1,909	1,912	1,932	1,940	1,946	1,948
00	738	00_0738	1,552	1,634	1,721	1,864	1,945	1,962	1,964
00	739	00_0739	5,225	5,397	5,817	6,510	6,585	6,625	6,642
00	740	00_0740	1,047	1,059	1,279	1,282	1,300	1,305	1,307
00	741	00_0741	2,498	2,509	2,516	2,537	2,555	2,563	2,565
00	743	00_0743	1,268	2,041	2,169	2,181	2,199	2,207	2,209
73	877	73_0877	273	606	716	722	730	732	734
73	878	73_0878	79	84	93	99	102	120	132
73	987	73_0987	1,976	1,999	2,017	2,027	2,043	2,049	2,051
73	988	73_0988	2,054	2,073	2,079	2,085	2,089	2,095	2,097
73	989	73_0989	1,984	2,026	2,040	2,074	2,131	2,148	2,150
73	990	73_0990	1,699	1,707	1,939	1,955	1,983	1,990	1,992
73	991	73_0991	466	476	486	494	502	504	506
73	992	73_0992	1,569	1,585	1,595	1,603	1,603	1,608	1,610
73	993	73_0993	1,128	1,138	1,150	1,173	1,247	1,260	1,262
73	994	73_0994	2,959	2,978	3,015	3,033	3,040	3,049	3,051
73	995	73_0995	1,150	1,154	1,181	1,194	1,241	1,252	1,254
73	996	73_0996	1,401	1,410	1,420	1,559	1,606	1,639	1,641
73	997	73_0997	450	463	466	468	468	469	471
73	998	73_0998R	173	180	183	184	184	185	187
73	998	73_0998	1,077	1,245	1,390	1,401	1,421	1,426	1,428
73	999	73_0999	205	346	499	540	606	640	692

Source: 2022 Palm Beach County Population Allocation Model

JUR	TAZ	JTAZ	POP2022	POP2025	POP2030	POP2035	POP2040	POP2045	POP2050
00	1592	00_1592	80	84	112	128	223	257	269
73	1728	73_1728	1,382	1,386	1,401	1,418	1,428	1,432	1,434
73	1729	73_1729	298	299	299	300	300	301	303
73	1730	73_1730	155	155	159	162	162	162	164
73	1731	73_1731	117	117	117	117	117	117	119
73	1732	73_1732	58	58	58	58	58	58	60
73	1733	73_1733	202	204	212	214	215	216	218
73	1734	73_1734	2,320	2,325	2,329	2,336	2,336	2,343	2,345
73	1735	73_1735	165	165	165	168	168	169	171
73	1736	73_1736	1,492	1,493	1,496	1,517	1,525	1,530	1,532
73	1768	73_1768	581	582	771	784	794	796	884
73	725	73_0725	-	-	-	-	-	-	-
00	726	00_0726	-	-	-	-	-	-	-
73	726	73_0726	191	192	199	215	226	235	242
73	727	73_0727	1,648	1,657	1,662	1,682	1,702	1,708	1,710
73	728	73_0728	3,082	3,101	3,126	3,143	3,150	3,159	3,161
73	729	73_0729	1,346	1,350	1,362	1,389	1,399	1,403	1,405
73	730	73_0730	5,100	5,110	5,133	5,159	5,160	5,175	5,177
73	731	73_0731	329	333	336	350	384	440	492
72	732	72_0733	9	346	921	951	1,074	1,110	1,142
72	732	72_0732	1,042	1,617	2,035	2,090	2,137	2,150	2,192
00	733	00_0733	2,227	2,276	2,431	2,620	2,739	2,822	2,882
00	734	00_0734	-	-	-	-	-	-	-
73	734	73_0734	1,806	1,824	1,829	1,839	1,840	1,846	1,848
73	735	73_0735	5,978	5,989	5,998	6,016	6,020	6,025	6,042
73	736	73_0736	1,851	2,245	2,280	2,299	2,342	2,399	2,442
00	737	00_0737	1,902	1,909	1,912	1,932	1,940	1,946	1,948
00	738	00_0738	1,552	1,634	1,721	1,864	1,945	1,962	1,964
00	739	00_0739	5,225	5,397	5,817	6,510	6,585	6,625	6,642
00	740	00_0740	1,047	1,059	1,279	1,282	1,300	1,305	1,307
00	741	00_0741	2,498	2,509	2,516	2,537	2,555	2,563	2,565
00	743	00_0743	1,268	2,041	2,169	2,181	2,199	2,207	2,209
73	877	73_0877	273	606	716	722	730	732	734
73	878	73_0878	79	84	93	99	102	120	132
73	987	73_0987	1,976	1,999	2,017	2,027	2,043	2,049	2,051
73	988	73_0988	2,054	2,073	2,079	2,085	2,089	2,095	2,097
73	989	73_0989	1,984	2,026	2,040	2,074	2,131	2,148	2,150
73	990	73_0990	1,699	1,707	1,939	1,955	1,983	1,990	1,992
73	991	73_0991	466	476	486	494	502	504	506
73	992	73_0992	1,569	1,585	1,595	1,603	1,603	1,608	1,610
73	993	73_0993	1,128	1,138	1,150	1,173	1,247	1,260	1,262
73	994	73_0994	2,959	2,978	3,015	3,033	3,040	3,049	3,051
73	995	73_0995	1,150	1,154	1,181	1,194	1,241	1,252	1,254
73	996	73_0996	1,401	1,410	1,420	1,559	1,606	1,639	1,641
73	997	73_0997	450	463	466	468	468	469	471
73	998	73_0998R	173	180	183	184	184	185	187
73	998	73_0998	1,077	1,245	1,390	1,401	1,421	1,426	1,428
73	999	73_0999	205	346	499	540	606	640	692

Source: 2022 Palm Beach County Population Allocation Model

ATTACHMENT B
VILLAGE AD VALOREM AND NON-AD VALOREM TAX GENERATION TABLES

B-1 Village Annual Ad Valorem and Non-Ad Valorem Tax Calculation Table

Ad Valorem Tax Factors	Single Unit	42 Unit Development
Selling Price	($)1,650,000	$69,300,000
Market Value (1)	($)1,237,500	$51,975,000
Taxable Value (2)	($)1,187,500	$49,875,000
Village Millage Rate	2.47 Mills	2.47 Mills
Village Ad Valorem Tax Revenue (3)	**$2,933**	**$123,189**

(1) – 75% of Selling Price (2) - Market Value less $50,000 Homestead + Additional Homestead Exemptions (3) – Taxable Value x millage rate

B-2 Village Annual Non-Ad Valorem Tax Calculation Table

Non- Ad Valorem Tax	Single Unit (1)	42 Unit Development
Acme Improvement District	$255	$10,710
Solid Waste Authority	$190	$ 7,980
Wellington Solid Waste	$290	$12,180
Non-Ad Valorem Tax Revenue	**$735**	**$30,870**

(1) - Palm Beach County Property Appraiser files

B-3 Village Annual Ad Valorem and Non-Ad Valorem Tax Summary Table

Tax Revenue Category	Single Unit (1)	42 Unit Development
Ad Valorem Tax Revenue	$2,933	$123,186
Non-Ad Valorem Tax Revenue	$735	$30,870
Total Ad Valorem + Non-Ad Valorem	**$3,668**	**$154,056**

Initial year Village Ad Valorem tax revenue, assuming a tax rate of 2.47 mills, sale of all 42 units and homestead exemptions (total of $50,000 per unit), is projected at $123,186. Village Non-Ad Valorem tax revenue for the three taxing authorities, assuming full occupancy and FY 2023/24 tax rates is projected at $30,870. Total Ad Valorem and Non-Ad Valorem Tax revenue, based upon the assumptions, is $154,056.

ATTACHMENT C
BUILDING AND ENGINEERING PERMIT FEES ESTIMATE

Fee Category	Fee Estimate ($)
Building Permit Fee Per Construction Cost	11,250.00
Department of Business & Professional Regulation	112.50
Building Code Administrator's Fund Surcharge	168.75
Building Plan Review	5,765.00
Land Development Application Fee	1,000.00
Engineering Permit and Fee Per Site Improvements Cost	217,400.00
Total Building and Engineering Fees	**235,696.25**

Building Permit Fees Based upon a building improvements estimate of $27,300,000. Land Development and Engineering Fees based upon a site improvements cost estimate of $9,870,000. Building Permit fees are generated by applying Village fee schedules to building improvements costs ($650,000 per unit or a total of $27,300,000). Building Permit fees are estimated at $17, 296.25. Land Development and Engineering Permit fees are estimated by applying Village fee schedules to site improvements ($235,000 per unit or a total of $9,870,000). Land Development and Engineering Permit fees are estimated at $218,400. Total Building Permit, Land Development and Engineering fees are estimated at $235,696.25

ATTACHMENT D
FY 2023/24 GENERAL FUND BUDGET CONTRIBUTION TABLE

General Budget Categories (1)	Single Unit ($)	42 Unit Development ($)
Safety and Security	577.39	24,250.38
Village Appearance & Mobility	285.18	11,977.56
Protecting Our Investment	487.53	20,476.26.
Community Investment	79.11	3,322.62
Quality of Life	365.81	15,364.02
Infrastructure Improvements	263.15	11,052.30
Economic Outreach	102.73	4,314.66
Responsive Governance	772.23	32,431.66
Total General Budget Contribution	**2933.13**	**123,189.46**

Source: Wellington FY 2023/24 Preliminary Budget Tax Receipt.

Estimated Ad Valorem tax revenues ($123,189) are distributed among Village budget categories using the FY 2023/24 Preliminary Budget Tax Receipt calculator. Category detail is summarized as follows:

Safety and Security - Code Compliance, Emergency Management, and Law Enforcement

Village Appearance & Mobility - Landscape and Road)Maintenance

Protecting Our Investment - Building & Custodial Maintenance, Athletic Facility & Neighborhood Parks; and Environmental Services

Community Investment - Community Services and Community Development Block Grant

Quality of Life - Special Events & Concerts and Recreation Programs

Infrastructure Improvements - Protecting Our Investment)

Economic Outreach - Comprehensive Planning

Responsive Governance - Administration and Internal Services

ATTACHMENT III

RESOLUTION NO. R- 80-500

RESOLUTION APPROVING ZONING PETITION

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. 79-283 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 27 March 1980; 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 proposal would be in harmony and compatible with the present and future development of the area concerned

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 27th day of March, 1980, that Petition No. 79-283 the petition of ORANGE POINT CORPORATION, by Charles J. Simmons of Gee & Jenson Engineers-Architects, Inc., Agent, for the REZONING, FROM AG-AGRICULTURAL DISTRICT TO RE-RESIDENTIAL ESTATE DISTRICT on that part of Section 23, Township 44 South, Range 41 East, described

79-283

as follows: Commencing at the Northwest corner of said Section 23; thence South 01°20'56" East, a distance of 2605.43 feet, to the POINT OF BEGINNING; thence continue South 01°20'56" East, a distance of 2824.25 feet, to a point 228.05 feet East of the Southwest corner of said Section, and 4.85 feet North of the South Section line; thence South 89°32'56" East a distance of 5272.86 feet, to a point on the East line of said Section, 11.45 feet North of the Southeast corner thereof; thence North 01°35'56" West along the East line of said Section, a distance of 2712.56 feet, to the East 1/4 corner thereof; thence North 01°13'12" East continuing along said East line a distance of 88.08 feet; thence North 89°17'20" West, a distance of 5265.75 feet to the POINT OF BEGINNING. Said property located approximately one (1) mile west of S.R. 7 (U.S. 441), and approximately 1.5 mile south of West Forest Hill Boulevard in an AG-Agricultural District, was approved as advertised.

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

Dennis Koehler, Chairman	-	Aye
Frank Foster, Vice Chairman	-	Aye
Bill Bailey, Member	-	Aye
Norman R. Gregory, Member	-	No
Peggy B. Evatt, Member	-	Absent

The foregoing resolution was declared duly passed and adopted this 15th day of April, 1980, confirming action of 27 March 1980.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: _____
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

_____
County Attorney

RESOLUTION NO. R-80-501

RESOLUTION APPROVING ZONING PETITION

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. 79-283 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 27 March 1980; 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 proposal would be in harmony and compatible with the present and future development of the area concerned

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 27th day of March, 1980, that Petition No. 79-283 the petition of ORANGE POINT CORPORATION, by Charles J. Simmons of Gee & Jenson Engineers-Architects, Inc., Agent, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on that part of Section 23, Township 44 South, Range 41 East, described as follows:

Commencing at the Northwest corner of said Section 23; thence South 01°20'56" East, a distance of 2605.43 feet, to the POINT OF BEGINNING; thence continue South 01°20'56" East, a distance of 2824.25 feet, to a point 228.05 feet East of the Southwest corner of said Section, and 4.85 feet North of the South Section line; thence South 89°32'56" East a distance of 5272.86 feet, to a point on the East line of said Section, 11.45 feet North of the Southeast corner thereof; thence North 01°35'56" West along the East line of said Section, a distance of 2712.56 feet, to the East 1/4 corner thereof; thence North 01°13'12" East continuing along said East line a distance of 88.08 feet; thence North 89°17'20" West, a distance of 5265.75 feet to the POINT OF BEGINNING. Said property located approximately one (1) mile west of S.R. 7 (U.S. 441), and approximately 1.5 mile south of West Forest Hill Boulevard in an AG-Agricultural District, was approved as advertised subject to the following conditions:

1. Petitioner shall convey to Palm Beach County one hundred twenty (120) feet for the ultimate right-of-way for Lake Worth Road.

2. Petitioner shall construct Lake Worth Road from S.R. 7 west to project's westernmost access drive.

3. Petitioner shall construct:
   a. right turn lane, north approach, on S.R. 7 at Lake Worth Road
   b. left turn lane, south approach, on S.R. 7 at Lake Worth Road
   c. left turn lane, west approach, on Lake Worth Road at S.R. 7
   d. right turn lane, east approach, on Lake Worth Road at project's access drive
   e. project's access drive to have one lane entering and two lanes exiting.

4. Petititioner shall signalize the intersection of Lake Worth Road and S.R. 7 when warranted, as determined by the County Engineer.

5. Petitioner shall contribute the pro rata share for the cost of constructing a four-lane bridge at the intersection of Lake Worth Road and S.R. 7.

6. Petitioner shall contribute Sixty-eight Thousand Seventy-five Dollars ($68,075.00) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). The fee schedule for this project has been calculated in accordance with Ordinance 79-7 as follows:

Single Family	$220.51/d.u.
Villas	147.16/d.u.
Recreation and Clubhouse	625.00 total
General Commercial	0.125/sq. ft.

However, regardless of the present or future status of this Ordinance, this development shall be required to provide the above Sixty-eight Thousand Seventy-five Dollars toward alleviating some of its direct and identifiable traffic impact.

7. Petitioner shall enter into a formal contract with the School Board of Palm Beach County to contribute four-tenths (4/10) of one percent (1%) of the selling price of each residential dwelling unit in this planned unit development on a one time initial sales basis. However, if an ordinance dealing with this subject matter is adopted, this condition will be superseded by that ordinance; except that regardless of the form or status of any ordinance, this development shall be required to provide as a minimum the above 4/10ths of 1% of the initial sales price toward alleviating some of the development's school impact.

8. Petitioner must dedicate the civic site to Palm Beach County, without cost, at the time of the filing of the first plat.

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

Dennis Koehler, Chairman	-	Aye
Frank Foster, Vice Chairman	-	Aye
Bill Bailey, Member	-	Aye
Norman R. Gregory, Member	-	No
Peggy B. Evatt, Member	-	Absent

The foregoing resolution was declared duly passed and adopted this 15th day of April, 1980, confirming action of 27 March 1980.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: _____
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

_____
County Attorney

RESOLUTION NO. R-80-502

RESOLUTION APPROVING ZONING PETITION

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. 79-284 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 27 March 1980; 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 proposal would be in harmony and compatible with the present and future development of the area concerned

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 27th day of March, 1980, that Petition No. 79-284 the petition of ORANGE POINT CORPORATION, by Charles Simmons of Gee and Jenson, Inc., Agent, for the REZONING, FROM AG-AGRICULTURAL DISTRICT TO RE-RESIDENTIAL ESTATE on all of Section 34, Township 44 South, Range 41 East, and part of Sections 23 and 26 as described

79-284

in Official Records Book 836 at page 385, less the Easterly 1,534.25 feet of the Northerly 2,663.56 feet as described in Official Records Book 986 at page 210, and the Northerly 1,336.38 feet of the Westerly 3,738.89 feet as described in Official Records Book 1125 at page 134, all in Range 41 East, Township 44 South; SUBJECT to a right-of-way agreement over a portion of the above described premises from C. Oliver Wellington and Lucile Wellington, his wife, to Florida Power & Light Company, dated January 2, 1953, filed for record on January 9, 1953, and recorded in Deed Book 1003, at page 511; SUBJECT to right-of-way over a portion of the premises described above given by C. Oliver Wellington and Lucile Wellington, his wife, to the Board of Supervisors of Acme Drainage District, filed for record on December 9, 1953, and recorded in Deed Book 1037, at page 686; SUBJECT to all easements and rights-of-way of record not specifically related in the above description. Said property located approximately .9 mile west of S.R. 7 (U.S. 441) and approximately 1.7 miles south of West Forest Hill Boulevard, was approved as advertised.

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

Dennis Koehler, Chairman	-	Aye
Frank Foster, Vice Chairman	-	Aye
Bill Bailey, Member	-	Aye
Norman R. Gregory, Member	-	No
Peggy B. Evatt, Member	-	Absent

The foregoing resolution was declared duly passed and adopted this 15th day of April, 1980, confirming action of 27 March 1980.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: _____
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

_____
County Attorney

RESOLUTION NO. R-80-588

R-80-588

RESOLUTION CORRECTING CONDITION #6
OF RESOLUTION #R-80-501 APPROVING
ZONING PETITION #79-283

WHEREAS, at its public hearing of March 27, 1980, the Board of County Commissioners approved Zoning Petition #79-283 as to the SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT; and

WHEREAS, on April 15, 1980, the Board adopted Resolution #R-80-501 confirming its action of March 27, 1980; and

WHEREAS, Condition #6 set forth the contribution for the project's direct and identifiable traffic impact and incorrectly stated the General Commercial contribution as 0.125/sq. ft; and

WHEREAS, the General Commercial contribution should be 12.50/sq. ft.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Condition #6 of Resolution #R-80-501 approving the SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT of Petition #79-283 is amended as to the General Commercial contribution as follows:

General Commercial 12.50/sq. ft.

The foregoing Resolution was offered by Commissioner Foster, who moved for its adoption. The motion was seconded by Commissioner Bailey, and upon being put to a vote, the vote was as follows:

DENNIS P. KOEHLER	Aye
FRANK H. FOSTER	Aye
PEGGY B. EVATT	Aye
NORMAN R. GREGORY	Absent
BILL BAILEY	Aye

The Chairman thereupon declared the Resolution duly passed and adopted this 29th day of April, 1980.

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

JOHN B. DUNKLE, Clerk

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

79-283

RESOLUTION NO. R-80-501

RESOLUTION APPROVING ZONING PETITION

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. 79-283 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 27 March 1980; 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 proposal would be in harmony and compatible with the present and future development of the area concerned

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 27th day of March, 1980, that Petition No. 79-283 the petition of ORANGE POINT CORPORATION, by Charles J. Simmons of Gee & Jenson Engineers-Architects, Inc., Agent, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT on that part of Section 23, Township 44 South, Range 41 East, described as follows:

Commencing at the Northwest corner of said Section 23; thence South 01°20'56" East, a distance of 2605.43 feet, to the POINT OF BEGINNING; thence continue South 01°20'56" East, a distance of 2824.25 feet, to a point 228.05 feet East of the Southwest corner of said Section, and 4.85 feet North of the South Section line; thence South 89°32'56" East a distance of 5272.86 feet, to a point on the East line of said Section, 11.45 feet North of the Southeast corner thereof; thence North 01°35'56" West along the East line of said Section, a distance of 2712.56 feet, to the East 1/4 corner thereof; thence North 01°13'12" East continuing along said East line a distance of 88.08 feet; thence North 89°17'20" West, a distance of 5265.75 feet to the POINT OF BEGINNING. Said property located approximately one (1) mile west of S.R. 7 (U.S. 441), and approximately 1.5 mile south of West Forest Hill Boulevard in an AG-Agricultural District, was approved as advertised subject to the following conditions:

1. Petitioner shall convey to Palm Beach County one hundred twenty (120) feet for the ultimate right-of-way for Lake Worth Road.

2. Petitioner shall construct Lake Worth Road from S.R. 7 west to project's westernmost access drive.

3. Petitioner shall construct:
   a. right turn lane, north approach, on S.R. 7 at Lake Worth Road
   b. left turn lane, south approach, on S.R. 7 at Lake Worth Road
   c. left turn lane, west approach, on Lake Worth Road at S.R. 7
   d. right turn lane, east approach, on Lake Worth Road at project's access drive
   e. project's access drive to have one lane entering and two lanes exiting.

4. Petititioner shall signalize the intersection of Lake Worth Road and S.R. 7 when warranted, as determined by the County Engineer.

5. Petitioner shall contribute the pro rata share for the cost of constructing a four-lane bridge at the intersection of Lake Worth Road and S.R. 7.

6. Petitioner shall contribute Sixty-eight Thousand Seventy-five Dollars ($68,075.00) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). The fee schedule for this project has been calculated in accordance with Ordinance 79-7 as follows:

Single Family	$220.51/d.u.
Villas	147.16/d.u.
Recreation and Clubhouse	625.00 total
General Commercial	0.125/sq. ft.

However, regardless of the present or future status of this Ordinance, this development shall be required to provide the above Sixty-eight Thousand Seventy-five Dollars toward alleviating some of its direct and identifiable traffic impact.

7. Petitioner shall enter into a formal contract with the School Board of Palm Beach County to contribute four-tenths (4/10) of one percent (1%) of the selling price of each residential dwelling unit in this planned unit development on a one time initial sales basis. However, if an ordinance dealing with this subject matter is adopted, this condition will be superseded by that ordinance; except that regardless of the form or status of any ordinance, this development shall be required to provide as a minimum the above 4/10ths of 1% of the initial sales price toward alleviating some of the development's school impact.

8. Petitioner must dedicate the civic site to Palm Beach County, without cost, at the time of the filing of the first plat.

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

Dennis Koehler, Chairman	-	Aye
Frank Foster, Vice Chairman	-	Aye
Bill Bailey, Member	-	Aye
Norman R. Gregory, Member	-	No
Peggy B. Evatt, Member	-	Absent

The foregoing resolution was declared duly passed and adopted this 15th day of April, 1980, confirming action of 27 March 1980.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: _____
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

_____
County Attorney

ORANGE POINT

RESOLUTION NO. R-1834

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 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 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 HUGH JANOW, AS TRUSTEE By F. 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. 79-283 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, 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 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, 80.00 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, 5404.29 feet to a point on the South line of a parcel as described in Official Record Book 3203, 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 described in Official Record Book 1125, Page 134; thence South 02 degrees 39'49" 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, 3739.22 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 04 degrees 33'44" West along said East line, 4068.48 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 orded in Deed Book 1037, 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 Forest 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, 120 foot on an alignment approved by the County Engineer.
b) South Road, 80 foot 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.

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 projects 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.

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 lanes, 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 101st 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 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 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

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, east 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.

(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.

(c) Transfer of the title and warranty deed, and survey showing and describing the meets 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 11) from active development until all other portions of the PUD have been developed. The active agricultural production on this land shall 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 Koehler , and upon being put to a vote, the vote was as follows:

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 11 1984 , confirming action of 26th July 1984.

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

JOHN B. DUNKLE, Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____ County Attorney

By: Donna McWilliams Deputy Clerk

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: 23 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

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 trials 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:

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 acquisitior. 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 cn 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

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.

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

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: _____
COUNTY ATTORNEY

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

JOHN B. DUNKLE, CLERK

BY: _____
DEPUTY CLERK

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

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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 111; 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."

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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 Ccunty district park with active recreational facilitie:; is planned for the property abutting this development on the north.

D. COMPLIANCE

1. As provided in Zoning Code Sections 400.2 and 4C2.6, 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 sukject property; and/or

b. The revocation. of the Special Exception and any zoning which was approved concurrently with the

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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 urit of certiorari to the Fifteenth Judicial Circuit.

3. The approval of this petition shall not affect any Zoning Code Section **402.9** (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

BY: _____
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

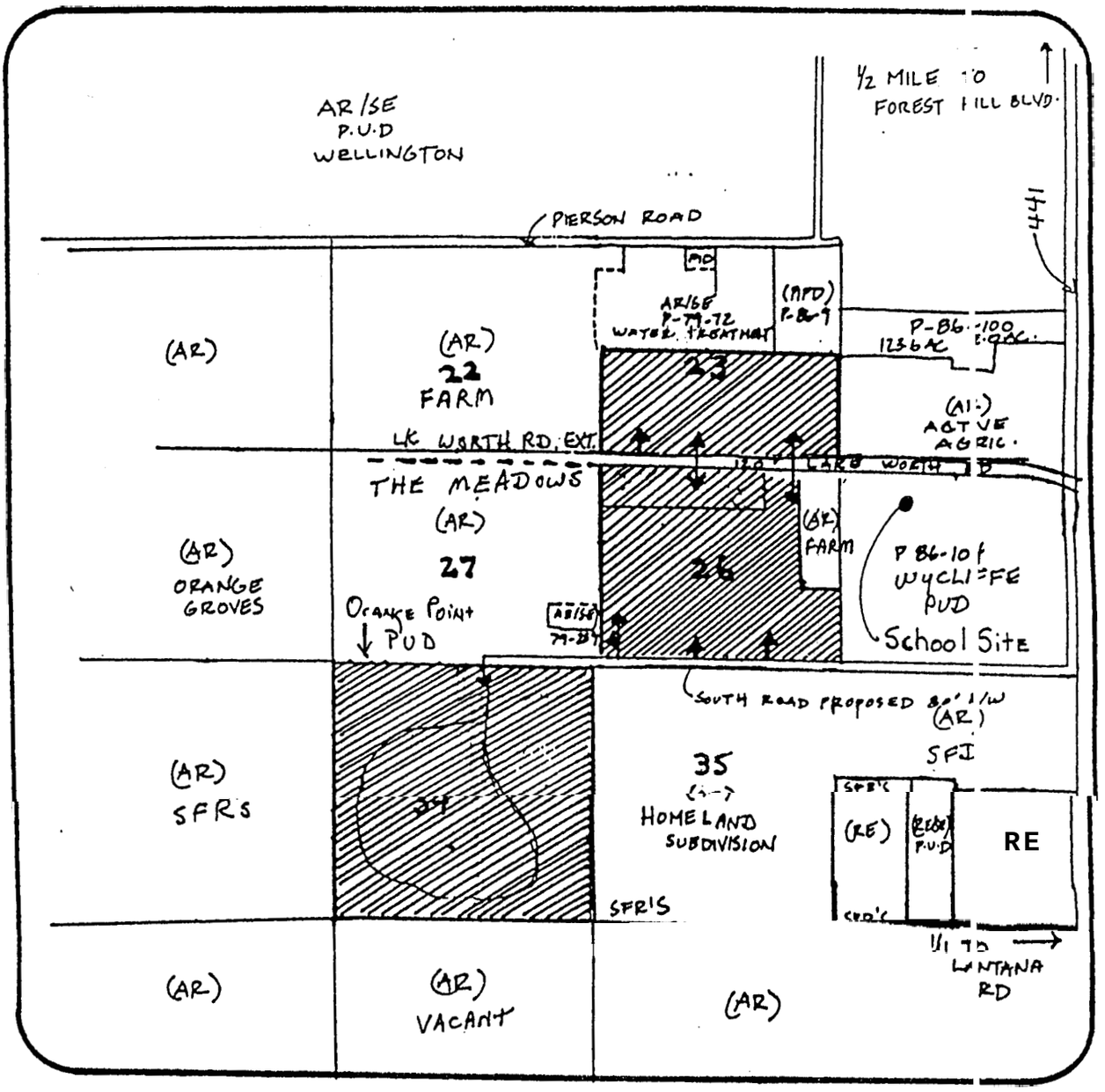
MILTON T. BAUER, CLERK

BY: _____
DEPUTY CLERK

R92 362

Sec. 26 Twp. 44 Rng. 41
Quadrant Sheet: 63
Aerial Page: 233

Vicinity Sketch



Request:

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

J

PETITION NO: 84-98(B) **BCC DISTRICT: 6**

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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 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 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 Janow, 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

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 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, 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 an RE-Residential Estate Zoning District, is approved, subject to the following conditions

1 The petitioner shall comply with all previous conditions of approval unless expressly modified herein

2 Condition number B1b of Resolution R-92-362 (P-84-98(B)) which currently states

Developer shall construct 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 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, PUD (Condition No B 1 of Zoning

Petition No 84-98(B))

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 projects 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 plats 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 Developers 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 Elmquist moved for approval of the Resolution

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 ELMQUIST	--	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, 1992

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

MILTON T BAUER, CLERK

BY
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°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., 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 moved for approval of the Resolution.

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: _____

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: _____
DEPUTY CLERK

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.

3. The proposed uses have been found to be compatible with surrounding uses.

4. There are no environmental concerns associated with this petition, and the applicants will have to comply with all provisions of the Code and Comprehensive Plan with regard to the environment.

5. There are adequate public services and facilities available to service the subject site.

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

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

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

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

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

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

LESS THE FOLLOWING DESCRIBED PARCEL:

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

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

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

CONTAINING 525.285 ACRES MORE OR LESS.

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

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

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23; THENCE SOUTH 00_ 18' 47_ EAST, ALONG THE EASTERLY LINE OF THE ACME DRAINAGE DISTRICT'S CANAL RIGHT OF WAY AS RECORDED IN OFFICIAL RECORDS BOOK 1548 AT PAGE 388 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 2505.40 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00_ 18' 47_ EAST, ALONG SAID LINE, A DISTANCE OF 2826.25 FEET TO A POINT 228.06 FEET EAST OF THE SOUTHWEST CORNER OF SAID SECTION 23 THENCE SOUTH 88_ 31' 53_ EAST, A DISTANCE OF 5273.77 TO A POINT ON THE EAST LINE OF SAID SECTION 23 AND 11.45 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION 23; THENCE NORTH 00_ 33' 30_ WEST, ALONG THE EAST LINE OF SAID SECTION 23, A DISTANCE OF 2712.61 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 02_15' 44_ EAST, ALONG SAID EAST LINE, A DISTANCE OF 88.08 FEET; THENCE NORTH 88_ 14' 59_ WEST, A DISTANCE OF 5266.98 FEET TO THE POINT OF BEGINNING.

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

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

LEGAL DESCRIPTION

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

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

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

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

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

LEGAL DESCRIPTION

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

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

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

2. 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.

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

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.

12. 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, fee 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;

b) minimum native tree planting requirement; and

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

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.

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.

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.

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.

18. 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.

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.

20. Property owner shall fund the cost of signalization at any of the projects' entrances 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.

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.

22. 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 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.

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

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

25. The 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 plats for more than twenty (20) units being filed or prior to the issuance of a building permit, whichever shall first occur.

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

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

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

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

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

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

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

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

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

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

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

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

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

12. Pod "K" has been modified and shifted easterly and changed in size from 47 townhomes on 13.8 acres to 47 townhomes on 29.17 acres. A 2.45-acre water body tract has been added internal to Pod "K." A 100-foot landscape buffer has been placed around the 3.0-acre FPL sub-station.

13. Pod "M" has been modified from 86 single-family dwelling units on 34.7 acres to 140 single-family, zero lot line dwelling units on 27.32 acres. A 15-foot landscape buffer with a 6-foot wall has been placed on the easterly and southern portions of revised Pod "M." This pod is adjacent to the approved Orange Grove Estates single-family residential development. Both developments share a similar product type and are compatible. This replaces a 25-foot buffer originally contemplated.

14. Pod "E" does not change from the current platted approvals.

15. The 2.7-acre civic site located at the northeast corner is now depicted with a 20-foot landscape buffer from Pod "E" and a 15-foot landscape buffer from the civic site.

16. The front of the Orange Point project on Lake Worth Road has a 75-foot landscape buffer; the main entrance has a minimum 80-foot right-of-way.

17. The main internal spine roadway will be an 80-foot right-of-way throughout the development. The approved master plan depicts an 80-foot right-of-way in the north and 50-foot right-of-way in the east and west. The original internal roadway had a 15-foot Type "D" buffer on both sides (Type "D" buffer is from the County Code). The developer has proposed a 50-foot buffer on the inside of the internal roadway. The 50-foot buffer includes a bike/pedestrian path. The exterior of the roadway will include a 30-foot buffer. The only exception is Pod "D-1" and "E" which is approved and platted with a 20-foot buffer. Both sides of the internal roadway will have increase in buffering from the original plan.

18. From east to west, the south end of this section will have a 100-foot landscape buffer. With the reconfiguration of Pod "H," the 100-foot landscape buffer will increase from the original proposal of 25 feet modified Type "D".

19. The landscape buffer surrounding the equestrian center has increased from 35 feet to west.

20. All water bodies will include a 10-foot, maximum 4:1 slope and a 20-foot lake maintenance easement.

21. Each pod shall have a 50-foot right-of-way from the internal access road. Only Pod "N" has two entrances on the internal access road.

22. The original 10-foot landscape buffer between Pod "M" and the FPL easement is modified to provide a 14.68-acre water body tract located completely outside the FPL 180-foot easement.

23. The zero lot line patio homes depicted on the master plan are increased from 392 units on 78.87 acres to 506 units on 119.31 acres.

24. The 10-acre commercial pod at the southwest corner of Section 26 has been re-designated from commercial to equestrian center and shall be limited to a maximum of 2 acres of equestrian-related retail uses such as tack shops, feed and grain sales, and other similar commercial equestrian establishments. The remaining 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.

SECTION 4. This Resolution shall become effective immediately upon adoption.

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

ATTEST:

VILLAGE OF WELLINGTON, FLORIDA

BY: Awilda Rodriguez
Awilda Rodriguez, Village Clerk

BY:
Carmine A. Priore, DDS, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY:
Attorney for the Village

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RESOLUTION NO. R-84-1834

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 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 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 HUGH 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 328.85 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 88 feet North of the Southeast corner of Section 23; thence North 00 degrees 37'37" West along the East line of said Section, 2742.62 feet to the East 1/4 corner of Section 23; thence North 02 degrees 13'28" East along said East line, 88.88 feet; thence North 88 degrees 22'50" 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 28'08" East (state plane grid bearing datum) along the South line of said Section, 5488.17 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 39'09" East along said parallel line, 5484.29 feet to a point on the South line of a parcel as described in Official Record Book 3283, 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 described in Official Record Book 1125, Page 134; thence South 02 degrees 19'19" 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, 3739.22 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 1311; thence South 04 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 reservation as 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 Forest 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, 120 foot on an alignment approved by the County Engineer.
   B) South Road, 80 foot 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.

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 projects 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.

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 lanes, 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 48 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.

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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 35.

10. The bridge and the intersection improvements as outlined in Condition No. 4, shall be credited toward the Fair Share Impact Fee of $322,779.00 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.

(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.

(c) Transfer of the title and warranty deed, and survey showing and describing the metes and bounds of the school site shall be delivered to the School Board prior to the filing of the first plat.

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(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 uncontined 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 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 Koehler, and upon being put to a vote, the vote was as follows:

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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

JOHN B. DUNKLE, Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By _____ By _____
County Attorney Deputy Clerk

FILED THIS DAY OF DEC 1 1 1984 19
AND RECORDED IN RESOLUTION
MINUTE BOOK NO. 379 AT
PAGE 371 - 375 RECORD VERIFIED
JOHN B. DUNKLE, CLERK
BY DC

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RECEIVED
MAY 24 2007

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

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 trials 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:

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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

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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

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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

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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.

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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

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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 Alterman
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: June J. Hardy
DEPUTY CLERK

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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

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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°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."

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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

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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 402.9 (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	--	Aye
Carol J. Elmquist	--	Absent
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

BY: _____
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

MILTON T. BAUER, CLERK

BY: _____
DEPUTY CLERK

E-R 5-0
MCH P. ABSENT

Agenda Item #: 3K-1

R-92-937 THRU
R-92-943.

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: July 7, 1992 | [X] Consent [ ] Ordinance | [ ] Regular [ ] Public Hearing

Department

Submitted By: Planning, Zoning and Building Department/Zoning

Submitted For:

APPROVED
BY BOARD OF COUNTY COMMISSIONERS
AT MEETING OF 7/7/92
MINUTES & RECORDS SECTION D.C.

I. EXECUTIVE BRIEF

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	AMENDING CONDITIONS OF APPROVAL
938 CR 87-13/2	REVOKE SPECIAL EXCEPTION & IMPOSE ENTITLEMENT RESTRICTIONS
939 SR 87-128	AMENDING CONDITIONS OF APPROVAL
940 SR 88-8.2	REZONING
941 SR 88-37	AMENDING CONDITIONS OF APPROVAL
942 SR 89-92	AMENDING CONDITIONS OF APPROVAL
943 CR 90-42/F2.2	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: _____ 6/9/92
Department Director Date

Approved by: _____ 6/23/92
Assistant County Administrator Date

REP SPS

R92 937

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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.

OFMB

Contract Administration

B. Legal Sufficiency:

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.)

SPH

R92 937

PALM BEACH COUNTY COMMISSIONERS
SITTING AS THE ZONING AUTHORITY

MAY 28, 1992

THE FOLLOWING PETITIONS WERE APPROVED:

PETITION NO.	PETITIONER/ACTION	VOTE
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 87-13/2 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

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PETITION NO.	PETITIONER/ACTION	VOTE
SR 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).	6-0 ELMQUIST - ABSENT
CR 90-42/F2.2 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

BOOK 1211 PAGE 424 R92 937

RESOLUTION NO. R-92-937

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 JARROW, 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 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 Jarrow, 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

R92 937

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 projects 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 plats 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 Developers 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.

R92 937

Commissioner Elmquist moved for approval of the Resolution.

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. ELMQUIST	--	AYE
CAROL ROBERTS	--	AYE
CAROLE PHILLIPS	--	ABSENT
MARY MCCARTY	--	ABSENT
KEN FOSTER	--	AYE
MADDIE FORD LEE	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 7th day of July, 1992.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: Barbara A. Cheek

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: Rachel B. P. Brown
DEPUTY CLERK

R92 937

BOOK 1211 PAGE 428

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 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., 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 moved for approval of the Resolution.

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: _____

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: _____
DEPUTY CLERK

OF COUNTY COMMISSIONERS ★ CLERK ★ PALM BEACH COUNTY, FLORIDA

XI.35.

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 FACTORS

Consistency with Land Use Plan

D I S C U S S I O N

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.

D E T E R M I N A T I O N

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 it Future Land Use designation.

A S S E S S M E N T

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.

R E C O M M E N D A T I O N

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.

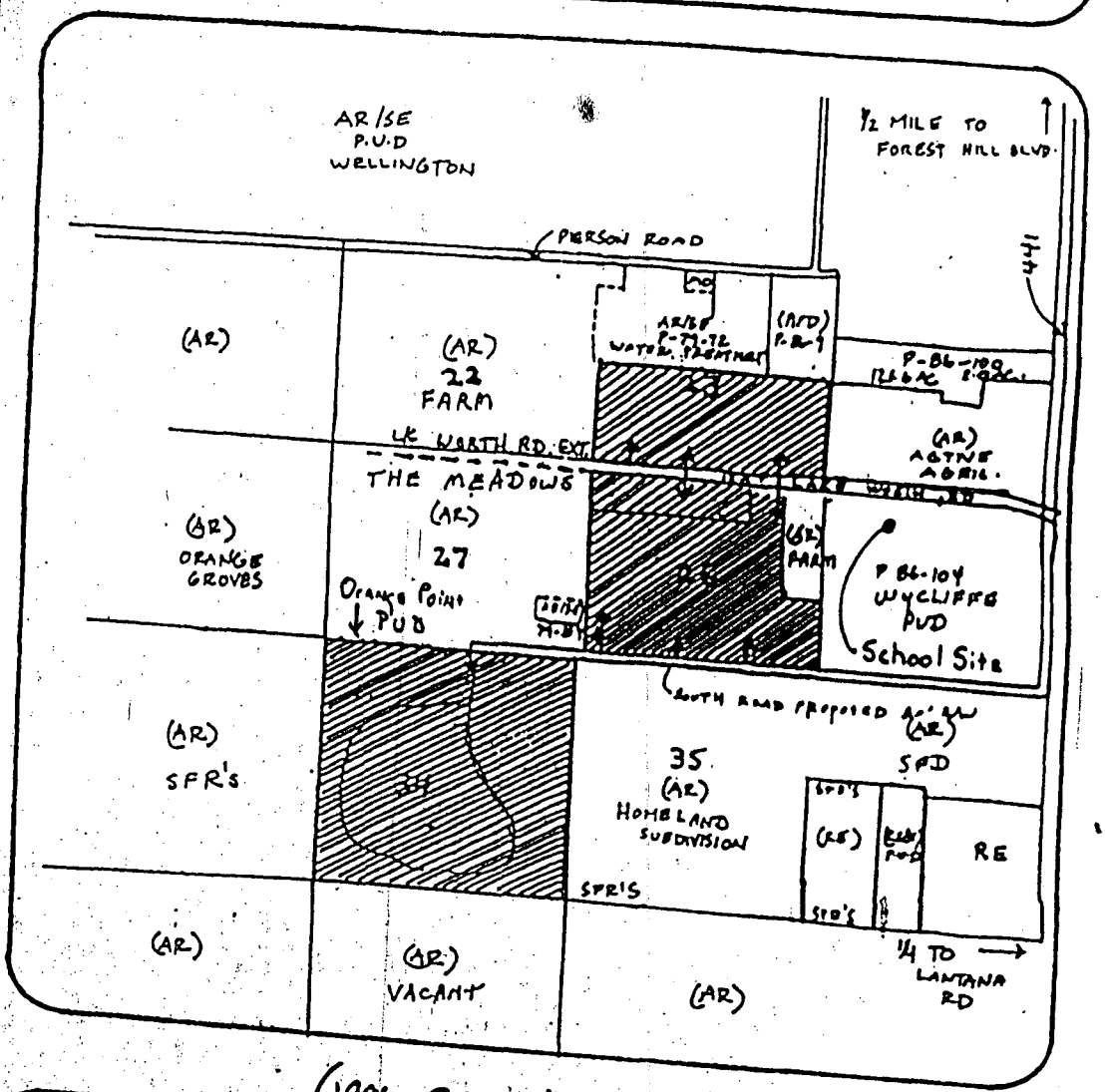
March 1995
Revised April 1995

R95 527 148

2

Sec. 26 Twp. 44 Rng. 41
Quadrant Sheet: 63
Aerial Page: 233

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

R95 527 149

34-44-41

RR10

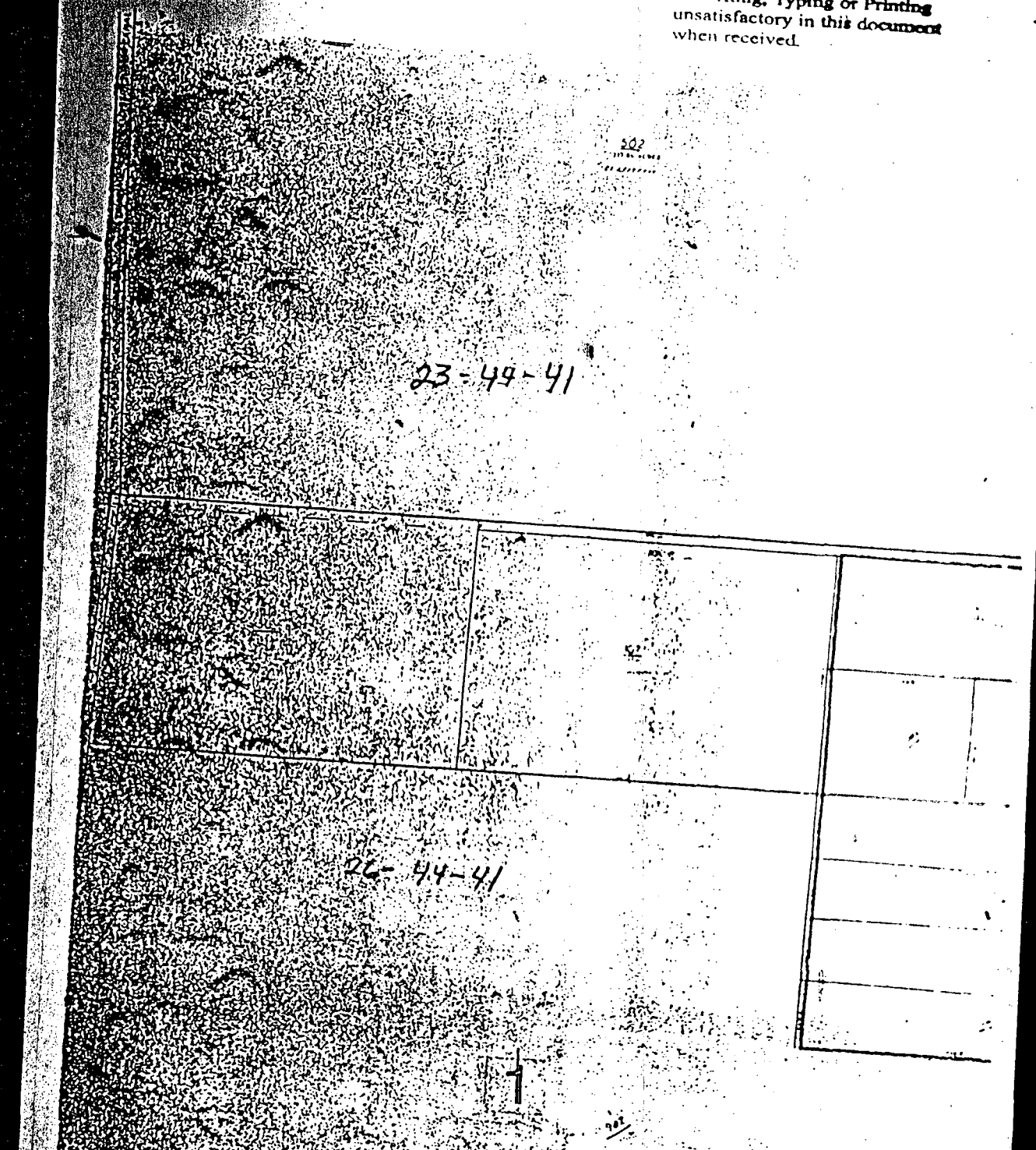
900

6.5 ± AC TOTAL

(619.90 AC IN DRAINAGE)

R95 527, 80.

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



Scrivener's Error
Corrected 10/4/01

RESOLUTION NO. R2001-95

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA APPROVING THE PETITION OF THE DIOCESE OF PALM BEACH, INC. FOR A DEVELOPMENT ORDER AMENDMENT FOR THE ORANGE POINT PUD FOR THE PROPERTY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF LAKE WORTH ROAD AND 120TH STREET, AS DESCRIBED MORE PARTICULARLY HEREIN APPROVING ST. THERESE CATHOLIC CHURCH AS A REQUESTED USE; AND PROVIDING AN EFFECTIVE DATE (1996-3 DOA 2).

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 approved on the Village of Wellington Future Land Use Map as Residential C and has received a Master Plan designation of Private Civic Pod of a residential Planned Unit Development; and

WHEREAS, the proposed modification was reviewed by the Wellington Planning, Zoning and Adjustment Board at a public hearing conducted on September 6, 2001; 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. Environmental Considerations: No adverse environmental impacts are reasonably expected to occur as a result of the approval of this request.

2. Surrounding Use Considerations: The proposed amendment will not affect the surrounding uses since the proposed use was contemplated under the original Orange Point PUD development order.

3. Traffic Considerations: The proposed amendment is in compliance with Palm Beach County traffic performance standards and the Village's adopted standard of level.

4. Comprehensive Plan Considerations: The proposed development is consistent with all Elements of the Comprehensive Plan.

5. Zoning Considerations: The site property was previously approved as a Planned Development with a private civic Pod to be potentially used in the future as church/school. The proposed amendment will not affect the zoning designations or the proposed uses so it is consistent with the Unified land Development Code.

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

SECTION 1. The Development Order Amendment 1996-3 DOA 2, the petition of Kevin McGinley, Agent for Diocese of Palm Beach, Inc., Owner, to allow the requested use of a church or house of worship within the Private Civic Pod "D" of Section 26 of the Orange Point PUD is hereby APPROVED on the following described real property, subject to the conditions of approval contained herein, which are in addition to the general requirements otherwise provided by ordinance:

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 26, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26; THENCE SOUTH 02°03'45" WEST ALONG THE WESTERLY LINE OF SAID SECTION 26, A DISTANCE OF 50.00 FEET; THENCE SOUTH 88°27'36" EAST ALONG A LINE 50.00 FEET SOUTH OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID SECTION 26, A DISTANCE OF 233.39 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE INTERSECTION OF THE EASTERLY LINE OF A 50.00 FOOT WIDE ACME DRAINAGE DISTRICT CANAL RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORD BOOK 1921, PAGE 1331, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE SOUTHERLY LINE OF A 50.00 FOOT WIDE ACME DRAINAGE DISTRICT CANAL RIGHT-OF-WAY AS RECORDED IN DEED BOOK 1037, PAGES 686 THROUGH 692, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE CONTINUE SOUTH 88°27'36" EAST ALONG SAID SOUTHERLY LINE OF ACME DRAINAGE DISTRICT CANAL RIGHT-OF-WAY, A DISTANCE OF 1178.54 FEET TO THE NORTHWEST PLAT CORNER OF THE ISLES OF WELLINGTON PLAT NO. 1; THENCE SOUTH 43°27'36" EAST ALONG THE WEST LINE OF THE ISLES OF WELLINGTON PLAT NO. 1 AS RECORDED IN PLAT BOOK 85, PAGES 87 THROUGH 96, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 35.36 FEET; THENCE SOUTH 01°32'24" WEST, CONTINUING ALONG THE AFORESAID WEST LINE OF THE ISLES OF WELLINGTON PLAT NO. 1, A DISTANCE OF 1379.70 FEET TO THE SOUTHWEST CORNER OF THE ISLES OF WELLINGTON PLAT NO. 1, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE ISLES OF WELLINGTON PLAT NO. 3, AS RECORDED IN PLAT BOOK 88, PAGES 91 THROUGH 96, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°27'36" WEST, ALONG THE NORTHERLY

PLAT BOUNDARY OF THE SAID ISLES OF WELLINGTON PLAT NO. 3, A DISTANCE OF 1277.72 FEET TO A POINT ON SAID EASTERLY LINE OF ACME DRAINAGE DISTRICT CANAL RIGHT-OF-WAY, SAID POINT ALSO BEING THE NORTHWEST PLAT CORNER OF THE ISLES OF WELLINGTON PLAT NO. 3; THENCE NORTH 04°33'46" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1406.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 40.000 ACRES MORE OR LESS.

Conditions of Approval:

1. This approval is based upon a conceptual site plan entitled "St. Therese, Prepared for Catholic Diocese," prepared by Land Design South, dated revised 8-28-01 and consisting of 1 sheet. This PUD amendment approval in no way is to be construed as approval of the conceptual site plan for Phase I development which must receive a separate administrative approval from the Village in the future.

2. The petitioner shall comply with all previous conditions of approval for the Orange Point Planned Unit Development unless expressly modified herein.

3. Section 3.1. of Resolution No. R99-85 is amended to read:

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

a. The development program for Pod "D" (a.k.a. the Private Civic parcel) in Section 26 has been modified to include two (2) phases. Phase I consists of 26,800 square feet of church use facilities on no more than 3.24 acres along the north Pod boundary. The requested use for a church or house of worship is approved on the Phase I site for a limited duration not to exceed six (6) years from the date of Certificate of Occupancy. Two 1-year administrative extensions beyond the 6-year limit may be granted in writing by the Village provided the property owner demonstrates progress toward permanent church planning, funding, and construction.

b. Construction of a permanent church or house of worship will require development order amendment approval. If such approval is not received within the six (6) year period, the subject facilities approved in Phase I must be completely removed from the site at developer expense.

c. Phase II consists of the redevelopment of the Phase I land and future development of the remaining 36.76 acres of the subject parcel; however, no specific uses are currently approved for this phase. Future development of any portion of the Phase II will require approval by the Village Council of a development order amendment to the Orange Point PUD specifying the proposed use and intensity of development. Any future development program proposed as a future PUD amendment for Phase II must encompass the entire 40-acre site, including the coordinated redevelopment of Phase I. At that time, an internal access between the Private Civic parcel and the remainder of Orange Point PUD Section 26 shall be reestablished to relieve external traffic congestion.

4. All development on the 40-acre Private Civic (Pod "D") site shall adhere to the following buffer requirements:

a. A minimum 15-foot wide landscape buffer area will be provided along the entire eastern boundary adjacent to Pod "D1."

b. A minimum 50-foot wide landscape buffer, a 6-foot wall, and an additional 15-foot landscape buffer shall separate Pod "D" from Pod "G" to the south.

c. A minimum 20-foot wide Type 'D' landscape buffer will be installed along the entire Pod "D" north frontage on Lake Worth Road as part of Phase I development.

d. A visual transition buffer will be installed along the north 350 feet of the west property boundary of Pod "D" in Phase I.

The east and south buffers may be penetrated for the purpose of establishing internal PUD access in Phase II.

5. The Master Plan for Pod "D" (a.k.a. Private Civic parcel) which incorporates this approval is entitled "Orange Point PUD (a.k.a. The Isles of Wellington) Prepared for Lennar Homes, Village of Wellington, Florida, Master Plan for Section 26" prepared by Land Design South, consisting of one sheet and dated last revised 8-28-01. Prior to final Master Plan certification, Note #2 on the Master Plan shall be amended to reflect the conditions of this approval.

SECTION 2. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 11th day of September, 2001.

ATTEST:

BY: Awilda Rodriguez
Awilda Rodriguez, Village Clerk

VILLAGE OF WELLINGTON, FLORIDA

BY: Thomas M. Wenham
Thomas M. Wenham, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: Christine P. Tatum
Village Attorney

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RESOLUTION NO. R2007-59

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, APPROVING A DEVELOPMENT ORDER AMENDMENT FOR THE ORANGE POINT PUD FOR THE PROPERTY LOCATED AT 11800 LAKE WORTH ROAD, ALSO KNOWN AS ST. THERESE DE LESIEUX CATHOLIC CHURCH CONSISTING OF 40-ACRES OF LAND, LOCATED ON THE SOUTHEAST CORNER OF LAKE WORTH ROAD AND 120TH STREET EXTENDING TIMEFRAMES SET FORTH IN CONDITION 3.1.a. OF RESOLUTION NO. R2001-95 TO ALLOW THE EXISTING TEMPORARY FACILITIES FOR HOUSE OF WORSHIP AND ADMINISTRATIVE OFFICES TO REMAIN UNTIL JUNE 1, 2013 (PETITION NUMBER 1996-3 DOA5); 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 Village of Wellington Land Development Regulation is authorized and empowered to consider petitions related to zoning and development orders; and

WHEREAS, the notice and hearing requirements, as provided in Article V of the Land Development Regulations, have been satisfied; and

WHEREAS, the subject site has been approved on the Future Land Use Map for Institutional land uses; and

WHEREAS, the request to allow the existing temporary house of worship and administrative office facilities to remain until June 1, 2013 was reviewed by the Planning, Zoning and Adjustment Board at a public hearing; 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 approved Future Land Use Map as Institutional within the Orange Point Planned Unit Development. The request does not change the project's consistency with both the Comprehensive Plan

and the Land Development Regulations. The request does not propose to change location of the temporary facilities, add square footage, create any adverse environmental impact, or affect the surrounding uses since the temporary facilities are existing. The site is in compliance with the Palm Beach County traffic performance standards.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, THAT:

SECTION 1. The Development Order Amendment Petition 1996-03 DOA5 the petition of St. Therese de LeSieux Catholic Church. Owner, is hereby APPROVED on the real property described in Exhibit "A" subject to the conditions of approval contained herein, which are in addition to the general requirements otherwise provided by ordinance:

Conditions of Approval:

1. The petitioner shall comply with all previous conditions of approval for the Orange Point Planned Unit Development unless expressly modified herein.

2. Section 3.1. of Resolution R2001-95 is amended to read:

   3.1.a. The development program for Pod "D" (a.k.a. the Private Civic parcel) in Section 26 has been modified to include two (2) phases. Phase 1 consists of 26,800 square feet of church use facilities on no more than 3.24 acres along the north Pod boundary. The requested use for a church or house of worship is approved on the Phase 1site for a limited duration not to exceed ~~six (6)~~ twelve (12) years from the date of Certificate of Occupancy. Two 1-year administrative extensions beyond the 6-year limit may be granted in writing by the Village provided the property owner demonstrates progress toward a permanent church planning, funding, and construction.

3. All the previous conditions of approval not amended by this request shall remain effect.

SECTION 2. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 22nd day of May 2007.

ATTEST: **VILLAGE OF WELLINGTON, FLORIDA**

BY: _____
Awilda Rodriguez, Village Clerk

BY: _____
Thomas M. Wenham, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: _____
Jeffrey S. Kurtz, Village Attorney

Exhibit "A"
Legal Description

St. Therese de LeSieux Catholic Church as recorded in Plat Book 97 on Pages 185 thru 186.

EW Consultants, Inc.
Natural Resource Management, Wetland, and Environmental Permitting Services

PULTE GROUP

ST. THERESE PROPERTY- 22.5+/- ACRES

ENVIRONMENTAL ASSESSMENT REPORT

PREPARED FOR:

Pulte Group

PREPARED BY:

EW Consultants, Inc.

August 2023

1000 SE Monterey Commons Boulevard, Suite 208 • Stuart, FL 34996 772-287-8771 • Fax 772-287-2988
www.ewconsultants.com

Introduction –

The following Environmental Assessment Report has been prepared for the Pulte Group regarding the 22.5 +/- acre St. Therese Property located in The Village of Wellington, Palm Beach County, Florida. The subject property is located in Section 26, Township 44 South, Range 41 East. The property is bounded on the north by St. Therese De Lisieux Catholic Church and Lake Worth Road, on the west by equestrian uses, and on the east and south by The Isles at Wellington residential development. Please refer to the Location Map, Quadrangle Map, and Aerial Photo provided in the Appendix.

Natural Resource Inventory –

A review of historic aerial photographs indicates that the site was an active citrus grove from at least the 1980s through 1995. Between 1995 and 1999, the site was converted from citrus grove to row crop agriculture with a network of furrows and ditches. By the year 2000, agricultural activity ceased and a temporary church facility was constructed on the parcel to the north by 2004. By 2010, the current configuration of the church facilities on the parcel to the north was complete. All but two of the remnant agricultural ditches on the subject site were filled and leveled *circa* 2017. Between 2017 and the present, the majority of the site has been regularly mowed and maintained as an open grass field.

Wetlands –

There were no areas observed (field reconnaissance conducted May 2023) on the subject site that meet the definition of a wetland pursuant to the wetland definition in Chapter 62-340 F.A.C. or Section 404 of the Clean Water Act. These findings are consistent with the South Florida Water Management District (SFWMD) permitting history of the subject property summarized as follows.

A Conceptual Environmental Resource Permit (ERP) was issued in July 1999 covering the subject property as part of a larger project (The Isles at Wellington PH 1 Parcels D1 & E, Permit No. 50-00548-S-26). The subject parcel is shown on the permit site map as a school/church site. The environmental summary states that the property was previously under agricultural use as an orange grove, then converted into row crop under a modification to the existing SFWMD permit. At the time of permit issuance, there were no wetlands located on the site thus no adverse impacts to wetlands are expected as a result of the proposed development.

In 2009, SFWMD issued a Construction Permit (Permit No. 50-00548-S-26, Application No. 081202-7) for St. Therese Church which included the area of the subject parcel. The Staff Report section of that permit states as follows:

"The proposed activities will occur over a filled and graded parcel. The filling and grading activities were previously authorized with Permit No. 50-00548-S-26 for the Isles at Wellington development. No wetland areas have been identified within the limits where works are proposed and no adverse impacts to wetlands are anticipated from the proposed activities. Therefore, no wetland mitigation requirements have been included in this permit."

Soils –

A Custom Soil Resource Report for the subject property is provided in the Appendix. This report, prepared by the United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) provides descriptions of the soil types within the St. Therese property along with acreage summaries, soil limitation information, and recommended soil treatments for various proposed land uses.

Land Cover and Vegetative Communities –

The following is a summary of the land cover and vegetative communities identified on the property during May 2023 field reconnaissance. Vegetative community classifications were mapped based on the Florida Land Use, Cover and Forms Classification System (FLUCFCS) developed by the Florida Department of Transportation. Field reconnaissance and aerial photograph interpretation were employed in the mapping of the land cover and vegetative communities on the subject property.

The FLUCFCS classifications observed on the site are described below. A land cover map depicting the observed community types is included in the Appendix of this report. The communities observed on the property are described as follows:

191 – Undeveloped Land Within Urbans Areas – 22.0 +/- Acres –

This area consists of an open field with dominant vegetation cover by various grasses and ruderal weeds. In the western and southern areas, native trees have recruited to the site including live oak, laurel oak, gumbo limbo, and mahogany. Woody invasive non-native trees including Brazilian pepper, white lead tree, and ear leaf acacia occur in patches in the western and southern portions of the subject property.

510 – Ditches – 0.5 +/- Acres –

There are two linear ditches located along the western and southern boundaries of the subject property. These ditches are remnants of the historic agricultural uses on the property. The western ditch, which runs parallel to 120th Street, is mostly clear of vegetation with the exception of floating aquatic plants and patches of cattail. The southern ditch has Carolina willow, Peruvian primrose willow, cattail, and Brazilian pepper growing along the edges and in patches throughout.

Common Wildlife Species –

Wildlife observations conducted in May 2023 included a variety of common avian species including mourning dove, northern mockingbird, northern cardinal, red-shouldered hawk, common grackle, black vulture and several species of warblers. The green heron is a wading bird species that was observed foraging in the western ditch. Indictors of the occurrence of mammals included raccoon, rabbit, and rodents. Reptile species observed include brown anole and common basilisk.

Listed Species Inventory and Evaluation –

The survey methodologies used for determining the status of state and/or federally listed wildlife species occurrence on the site followed generally accepted protocols as specified in state and Federal guidance documents. The geographic range of the property and its associated habitats, vegetative cover types, and natural or disturbed status were the primary considerations in assessing potential occurrence of listed species.

Pedestrian and vehicular surveys were employed to assess relative habitat quality and wildlife utilization. In addition, the protected species evaluations and survey methodologies have been, and will continue to be, addressed on a species-specific basis in accordance with Florida Fish and Wildlife Conservation Commission (FFWCC) and U.S. Fish and Wildlife Service (USFWS) protocols and techniques relative to the species under consideration.

The state and/or federally listed wildlife species known or expected to occur on the subject site are summarized in the following table. Likelihood of occurrence has been indicated based on species-specific evaluations and best professional judgement and noted as either observed during site review or likelihood of occurrence as high, medium, or low.

Table 1. Known and Potentially Occurring Listed Faunal Species

Common Name	Scientific Name	Preferred Habitat	Sampling Method	Occurrence*	Listed Status
					State/Federal
American alligator	*Alligator mississippiensis*	Wetland and aquatic habitat	Pedestrian and vehicular transects	L	FT/SA
Audubon's crested caracara	*Caracara cheriway*	Dry prairie, open rangeland	Pedestrian and vehicular transects	L	FT
Bald eagle	*Haliaeetus leucocephalus*	Nest in tall trees (usually pine) near coasts, rivers, lakes and wetlands	Pedestrian and vehicular transects	L	No longer listed Nest trees protected
Eastern indigo snake	*Drymarchon corais couperi*	A diversity of upland/low land habitat	Pedestrian and vehicular transects	L	FT
Florida bonneted bat	*Eumops floridanus*	A diversity of forested habitats	Acoustic and roost surveys	L	FE
Florida burrowing owl	*Athene cunicularia*	Sandhills, ruderal communities, dry prairies	Pedestrian and vehicular transects	M	ST
Florida pine snake	*Pituophis melanoleucus mugitus*	Well drained sandy soils, moderate to open pine canopy	Pedestrian and vehicular transects	L	ST
Florida sandhill crane	*Grus canadensis pratensis*	Breed in emergent palustrine wetlands; forage in pastures/prairies	Pedestrian and vehicular transects; aerial nest survey	L	ST
Gopher tortoise	*Gopherus polyphemus*	Sandhills, xeric oak scrub, sand pine scrub, scrubby flatwoods; agricultural lands	Burrow survey 100% of suitable habitat	L	ST
Little blue heron	*Egretta caerulea*	Breeding: marshes, swamps, ponds, estuaries, rivers; nest in shrubs and small trees	Pedestrian and vehicular transects	L	ST
Red-cockaded woodpecker	*Picoides borealis*	Mature pine woodlands	Pedestrian and vehicular transects	L	FE
Reddish egret	*Egretta rufescens*	Breeding: marshes, swamps, ponds, estuaries, rivers; nest in shrubs and small trees	Pedestrian and vehicular transects	L	ST

Common Name	Scientific Name	Preferred Habitat	Sampling Method	Occurrence*	Listed Status
Roseate spoonbill	*Ajaia ajaja*	Breeding: marshes, swamps, ponds, estuaries, rivers; nest in shrubs and small trees	Pedestrian and vehicular transects	L	ST
Southeast American kestrel	*Falco sparverius paulus*	Sandhill and open rangeland nest in cavities of dead trees and abandoned woodpecker nests	Pedestrian and vehicular transects	L	ST
Tricolored heron	*Egretta tricolor*	Breeding: marshes, swamps, ponds, nest in shrubs and small trees	Pedestrian and vehicular transects	L	ST
Wood stork	*Mycteria americana*	Estuarine or freshwater wetlands; nest in tops of trees in cypress or mangrove swamps	Pedestrian and vehicular transects	L	FT

O* = Observed; [1] Observed transient ; [2] Observed nesting and/or resident
Probability of Occurrence: H= High probability; M= Medium; L= Low;

FE = Federally-designated Endangered; FT = Federally-designated Threatened; FXN = Federally-designated Threatened Nonessential Experimental Population; FT(S/A) = Federally-designated Threatened species due to similarity of appearance; ST = State-designated Threatened; SSC = State Species of Special Concern

During the field reconnaissance, there were no listed species directly observed on the site. The lack of wetland and native upland habitat communities on the site limits the likelihood of occurrence of listed species, and their presence should it occur would likely be transient in nature.

Gopher tortoises are state listed as a threatened species. Gopher tortoises are typically found in a variety of upland areas, and potentially, in fallow fields and disturbed uplands such as those observed on site. The conversion of the property to agricultural fields, long-standing use of the property as a citrus grove and then row crop farm, and overall isolation of the site from any native or natural upland areas as a result of the surrounding development significantly reduce the potential for occurrence of gopher tortoises on the site.

The preliminary habitat survey revealed that the site includes "marginal but suitable" habitat for gopher tortoises as the herbaceous fields and berms could support a gopher tortoise population. As such, a representative gopher tortoise survey was conducted by Peter Fastuca (Licensed Gopher Tortoise Agent #GTA-21-00060) in May 2023, in accordance with FFWCC gopher tortoise permitting guidelines. This representative survey did not reveal the presence of any potentially occupied gopher tortoise burrows or indicators that would reveal the presence of this species on the subject property. Given the findings of the preliminary habitat survey and preliminary gopher tortoise survey, the presence of gopher tortoises on site is unlikely.

The eastern indigo snake and Florida pine snake are secretive species and not practical to survey for directly. While their presence on site is possible, the potential is low due to the general isolation of the property in an urbanized surrounding landscape and the lack of commensal species. Management provisions during construction are recommended to avoid potential impacts should these species occur.

Listed wading bird species have the potential to forage in and around the ditches on a transient basis. This site offers no suitable nesting habitat for wading birds due to the lack of wetlands and other suitable nesting habitat characteristics of tall grasses, shrubs or trees surrounded by relatively permanently inundated area to offer protection from land predators.

Burrowing owls are state listed as a Threatened species. While not observed on this property, the preliminary survey revealed that the open herbaceous portion of the site offers potential habitat for burrowing owls. Based on publicly available information, there are no known burrowing owl nesting sites or populations in the immediate vicinity of the subject site. Site reconnaissance did not reveal the presence or indicators of the presence of burrowing owls. While no burrows or burrowing owls were observed during site reconnaissance, the suitable habitat (open grass area) on the the subject site has the potential to attract burrowing owls from offsite areas in the future.

The site does not contain suitable foraging or nesting habitat for the Audubon's crested caracara due to the absence of pasture or rangeland. The property does not contain mature cabbage palms, which are the preferred nesting structure for this species. The occurrence and utilization by the crested caracara on this property is not likely.

Environmental Permitting Summary –

Gopher Tortoise Permitting and Relocation –

A representative survey of the 22 +/- acre St. Therese property for the potential occurrence of gopher tortoises was conducted in May 2023. The purpose of this burrow survey was to

identify the presence of gopher tortoises, estimate the gopher tortoise population, and identify potential costs related to the relocation of this species. Gopher tortoises are listed as a threatened species by the Florida Fish and Wildlife Conservation Commission (FFWCC) and thus are protected by law from "taking" due to the impacts of development.

The gopher tortoise burrow survey completed in May 2023 was conducted in accordance with FFWCC guidelines. No potentially occupied gopher tortoise burrows or indicators of their presence were identified on the subject property. No costs related to permitting and relocation of gopher tortoises would be expected for development of this site.

Native Tree Inventory –

In May 2023, a tree inventory was conducted by a Certified Arborist (Peter Fastuca (ISA Certification ID: FL-9368A) in accordance to the Village of Wellington Land Development Code. Trees that measure four inches DBH or greater and palms that have an overall height of eight feet clear trunk or greater are considered protected and were included in this inventory. For the purpose of this tree inventory, trees were identified by their genus and species, common name, size measured and recorded (DBH in inches for trees, clear trunk in feet for palms). Metal tags were affixed with a unique tree number, and approximate location was recorded with handheld GPS. A tabular summary of the tree inventory is provided in the Appendix.

The predominant native tree species present on the St. Therese property consist of live oaks, laurel oaks, and mahogany. The Village of Wellington Land Development Code (Table 7.7-1.) indicates that certain native trees are to be considered as 'specimen' individuals when their trunks measure specific diameters at breast height or greater. Specimen trees are encouraged to be protected before other means of mitigation are implemented. The tree inventory results show that no specimen trees were found to be present on the St. Therese Property.

Cultural Resources –

A site-specific cultural resource assessment survey (CRAS) has not been conducted on the subject property. However, the SFWMD Construction Permit for the subject parent property includes the following statement in regard to cultural resources.

"No information has been received that indicates the presence of archaeological or historical resources or that the proposed activities could cause adverse impacts to archaeological or historical resources."

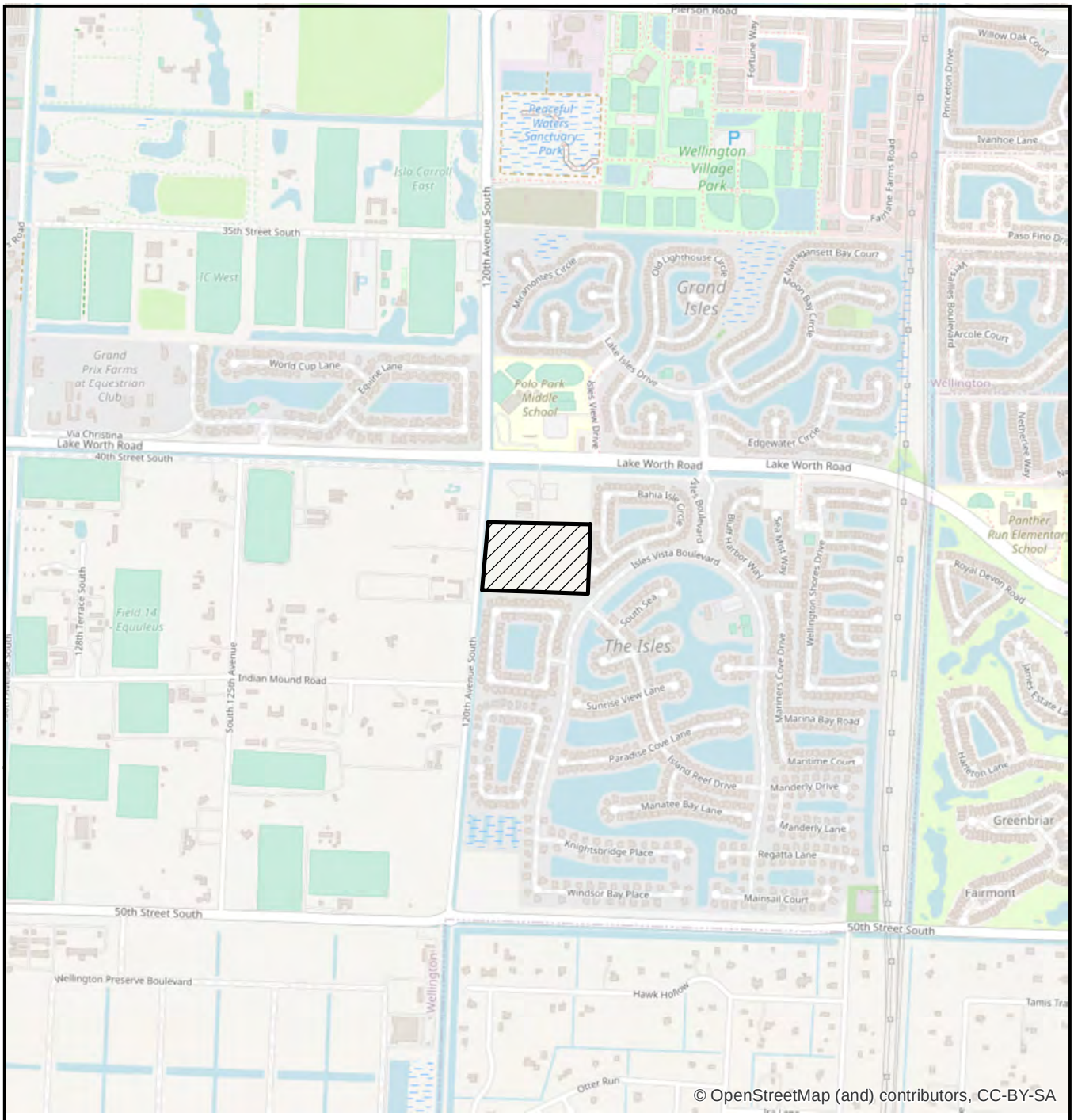
As such, no impacts to cultural resources would be expected as a result of development of the subject site.

Summary –

Permit history for the subject site confirms that there are no wetland present on the site, and there are no native upland habitat areas present. There were no listed wildlife species observed during field reconnaissance in May 2023 and none are expected to occur on the property due to lack of potential habitat.

A tree inventory indicated that there are no "specimen" trees that occur on the site, and a limited number of native trees are present that are below the specimen tree criteria.

APPENDIX



LEGEND

▨ - SITE (22.5+/- AC)

0 2,000 Feet

N

ST. THERESE PROPERTY
LOCATION MAP

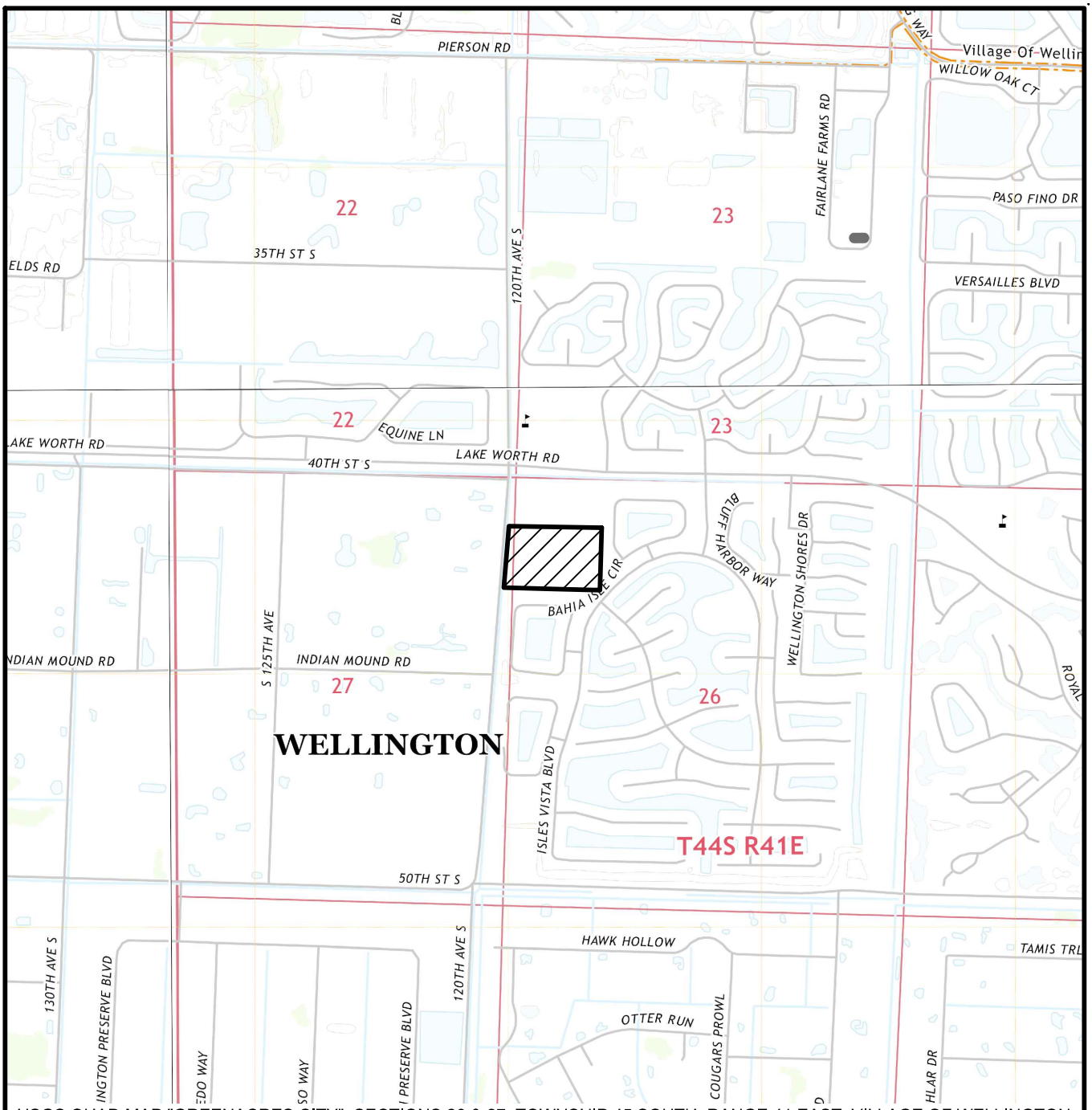
EW CONSULTANTS, INC.

1000 SE Monterey Commons Blvd., Suite 208
Stuart, FL 34996
772-287-8771 Fax 772-287-2988
www.ewconsultants.com

MAY 2023

FIGURE

1



USGS QUAD MAP "GREENACRES CITY", SECTIONS 26 & 27, TOWNSHIP 45 SOUTH, RANGE 41 EAST, VILLAGE OF WELLINGTON, PALM BEACH COUNTY, FLORIDA, LATITUDE 26°37'08" LONGITUDE -80°14'05"

LEGEND

▨ - SITE (22.5 ±AC)

0 2000

SCALE IN FEET

ST. THERESE PROPERTY

QUAD

St Therese Property.dwg QUAD

EW CONSULTANTS, INC.

1000 SE MONTEREY COMMONS BLVD., SUITE 208
STUART, FL 34996
772-287-8771 FAX 772-287-2988
WWW.EWCONSULTANTS.COM

MAY 2023

FIGURE

2



PALM BEACH COUNTY AERIAL DATED 2022

0 500
SCALE IN FEET

ST. THERESE PROPERTY

AERIAL

EW CONSULTANTS, INC.
1000 SE MONTEREY COMMONS BLVD., SUITE 208
STUART, FL 34996
772-287-8771 FAX 772-287-2988
WWW.EWCONSULTANTS.COM

MAY 2023

FIGURE
3

St Therese Property.dwg AERIAL

Soil Map—Palm Beach County Area, Florida
(ST. THERESE PROPERTY)



Map Scale: 1:2,160 if printed on A landscape (11" x 8.5") sheet.

N

Meters
0 30 60 120 180

Feet
0 100 200 400 600

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Palm Beach County Area, Florida
Survey Area Data: Version 19, Sep 1, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jan 14, 2022—Jan 24, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
5	Arents-Urban land complex, organic substratum	0.0	0.0%
29	Pineda-Pineda, wet, fine sand, 0 to 2 percent slopes	4.7	20.8%
36	Riviera fine sand, 0 to 2 percent slopes	17.9	79.2%
Totals for Area of Interest		**22.6**	**100.0%**



PALM BEACH COUNTY AERIAL DATED 2022

LEGEND
191 - UNDEVELOPED LANDS WITHIN URBAN AREAS (22.0± AC)
510 - DITCHES (0.5± AC)
TOTAL SITE (22.5± AC)

0 200
SCALE IN FEET

ST. THERESE PROPERTY FLUCFCS MAP

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MAY 2023
FIGURE 4

St Therese Property.dwg FLUCFCS

ST. THERESE PROPERTY - Tree Inventory							
5.5.2023							
Tree #	**Species Name**	**Common Name**	**DBH (in.)**	**Multi-Trunk**	**Tree Credits**	**Location**	
1	*Quercus virginiana*	Southern Live Oak	11.5	YES (6.5+5)	3	N26 37 04.9	W80 14 00.7
2	*Quercus virginiana*	Southern Live Oak	4		1	N26 37 04.9	W80 14 01.3
3	*Quercus virginiana*	Southern Live Oak	4.5		1	N26 37 04.4	W80 14 01.6
4	*Quercus virginiana*	Southern Live Oak	8.5	YES (4.5+4)	2	N26 37 04.4	W80 14 02.1
5	*Quercus virginiana*	Southern Live Oak	5.5		1	N26 37 04.3	W80 14 02.4
6	*Quercus virginiana*	Southern Live Oak	5.5		1	N26 37 04.5	W80 14 02.7
7	*Quercus virginiana*	Southern Live Oak	4		1	N26 37 05.1	W80 14 04.0
8	*Quercus laurifolia*	Laurel Oak	4.5		1	N26 37 05.1	W80 14 04.8
9	*Quercus virginiana*	Southern Live Oak	5		1	N26 37 05.0	W80 14 09.5
10	*Quercus laurifolia*	Laurel Oak	7		2	N26 37 05.3	W80 14 10.4
11	*Quercus virginiana*	Southern Live Oak	4.5		1	N26 37 05.2	W80 14 10.4
12	*Quercus virginiana*	Southern Live Oak	4.5		1	N26 37 05.1	W80 14 10.4
13	*Quercus virginiana*	Southern Live Oak	9	YES (4.5+4.5)	2	N26 37 05.0	W80 14 10.5
14	*Quercus virginiana*	Southern Live Oak	5.5		1	N26 37 04.8	W80 14 10.7
15	*Quercus virginiana*	Southern Live Oak	6		1	N26 37 05.0	W80 14 10.8
16	*Quercus virginiana*	Southern Live Oak	6		1	N26 37 06.1	W80 14 11.5
17	*Swietenia macrophylla*	Mahogany	4.5		1	N26 37 06.3	W80 14 11.4
18	*Quercus virginiana*	Southern Live Oak	4		1	N26 37 07.8	W80 14 11.3
19	*Quercus virginiana*	Southern Live Oak	4.5		1	N26 37 08.3	W80 14 11.3
20	*Quercus laurifolia*	Laurel Oak	4.5		1	N26 37 08.6	W80 14 11.2
21	*Quercus laurifolia*	Laurel Oak	4.5		1	N26 37 08.6	W80 14 11.2
22	*Quercus virginiana*	Southern Live Oak	5		1	N26 37 08.8	W80 14 11.1
23	*Quercus virginiana*	Southern Live Oak	4		1	N26 37 07.6	W80 14 10.8
24	*Quercus virginiana*	Southern Live Oak	5.5		1	N26 37 07.8	W80 14 10.8
25	*Quercus virginiana*	Southern Live Oak	4		1	N26 37 09.0	W80 14 11.1
26	*Quercus virginiana*	Southern Live Oak	5.5		1	N26 37 09.2	W80 14 11.1
27	*Quercus virginiana*	Southern Live Oak	5		1	N26 37 09.6	W80 14 11.1
28	*Quercus virginiana*	Southern Live Oak	5		1	N26 37 09.6	W80 14 11.2
29	*Quercus virginiana*	Southern Live Oak	12.5	YES (6.5+6)	3	N26 37 10.1	W80 14 11.0
30	*Quercus virginiana*	Southern Live Oak	4		1	N26 37 10.5	W80 14 11.0
31	*Swietenia macrophylla*	Mahogany	9.5		2	N26 37 12.0	W80 14 11.5
32	*Swietenia macrophylla*	Mahogany	13.5		3	N26 37 12.2	W80 14 11.4
33	*Quercus virginiana*	Southern Live Oak	6.5		1	N26 37 12.4	W80 14 11.3
34	*Quercus virginiana*	Southern Live Oak	7.5		2	N26 37 12.5	W80 14 11.3
35	*Bursera simaruba*	Gumbo Limbo	5		1	N26 37 10.5	W80 14 08.1