

RESOLUTION NO. R-94- 488

RESOLUTION APPROVING ZONING PETITION **DOA86-104(B)**
DEVELOPMENT ORDER AMENDMENT
PETITION OF WYCLIFFE GOLF & COUNTRY CLUB

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition **DOA86-104(B)** was presented to the Board of County Commissioners at a public hearing conducted on April 28, 1994; and

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

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Land Development Code 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency exemption and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Zoning Petition **DOA86-104(B)**, the petition of Wycliffe Golf & Country Club, for a DEVELOPMENT ORDER AMENDMENT in the Residential Transitional Suburban (RTS) Zoning District, to amend master plan to transfer units & add access point, previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on April **28**, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of April, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

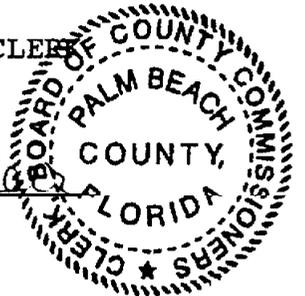


EXHIBIT A

LEGAL DESCRIPTION

TWO PARCELS OF LAND SITUATE IN SECTION 25, TOWNSHIP 13 N, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 25; THENCE N02°39'47"E, ALONG THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 155.91 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF AN 80 FOOT RIGHT-OF-WAY FOR HAWKLAND ROAD AS RECORDED IN OFFICIAL RECORD BOOK 5642 AT PAGE 1591. SAID POINT ALSO BEING THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING, CONTINUE N02°39'47"E, ALONG THE WEST LINE OF SAID SECTION 25, DISTANCE OF 2540.54 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 25; THENCE N02°39'47"E, AND CONTINUING ALONG SAID WEST SECTION LINE, A DISTANCE OF 2424.84 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF A 20 FOOT WIDE RIGHT-OF-WAY FOR LAKE WORTH ROAD AS RECORDED IN OFFICIAL RECORD BOOK 5642 AT PAGE 1602, SAID POINT BEING ON THE ARC OF A CURVE HAVING A RADIUS OF 2804.79 FEET AND FROM WHICH A RADIAL LINE BEARS S25°24'28"W (SAID POINT ALSO BEING S02°39'47"W AND 271.62 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 25); THENCE, EASTERLY, DEPARTING FROM SAID WEST SECTION LINE, AND ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR LAKE WORTH ROAD, AND ALONG THE MC OF SAID CURVE, A DISTANCE OF 517.35 FEET (THROUGH AN ANGLE OF 10°34'06"); THENCE S50°11'26"E, A DISTANCE OF 554.40 FEET TO THE BEGINNING OF A CURVE HAVING A RADIUS OF 2924.79 FEET AND FROM WHICH A RADIAL LINE BEARS N39°31'34"E, THENCE, EASTERLY, A DISTANCE OF 2001.54 FEET (THROUGH AN ANGLE OF 40°46'36"); THENCE N89°01'58"E, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1516.46 FEET; THENCE S87°18'19"E, A DISTANCE OF 250.51 FEET; THENCE N89°01'58"E, A DISTANCE OF 358.08 FEET; THENCE S44°37'40"E, A DISTANCE OF 54.13 FEET TO A POINT ON THE ULTIMATE WEST RIGHT-OF-WAY LINE OF A 200 FOOT WIDE RIGHT-OF-WAY FOR STATE ROAD 7 AS RECORDED IN OFFICIAL RECORD BOOK 5642 AT PAGE 1610; THENCE DEPARTING FROM SAID SOUTH RIGHT-OF-WAY LINE FOR LAKE WORTH ROAD, S01°28'38"W, ALONG SAID WEST RIGHT-OF-WAY LINE FOR STATE ROAD 7, A DISTANCE OF 375b.97 FEET TO A POINT ON THE AFOREMENTIONED NORTH RIGHT-OF-WAY LINE OF HAWKLAND ROAD; THENCE DEPARTING FROM SAID WEST RIGHT-OF-WAY LINE FOR STATE ROAD 7, N88°26'38"W, ALONG SAID NORTH RIGHT-OF-WAY LINE FOR HAWKLAND ROAD, A DISTANCE OF 2467.23 FEET; THENCE N88°26'28"W, CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 2576.31 FEET TO THE BEGINNING OF A CURVE, HAVING A RADIUS OF 1782.67 FEET AND FROM WHICH A RADIAL LINE BEARS N01°33'36"E; THENCE, WESTERLY, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, A DISTANCE OF 58.20 FEET (THROUGH AN ANGLE OF 01°52'14"), TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL B:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 25; THENCE S89°07'37"E, ALONG THE NORTH LINE OF SAID SECTION 25, A DISTANCE OF 1489.61 FEET; THENCE S00°52'23"W AND PERPENDICULAR TO THE PRECEDING COURSE, A DISTANCE OF 75.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF A 75 FOOT WIDE ACNE IMPROVEMENT DISTRICT RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORD BOOK 1081 A? PAGE 623. SAID POINT ALSO BEING THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING, THENCE S89°37'07"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1100.31 FEET; THENCE S89°02'48"E, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1566.68 FEET; THENCE, DEPARTING FROM SAID SOUTH RIGHT-OF-WAY LINE, S01°42'43"W, A DISTANCE OF 1286.50 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE AFOREMENTIONED LAKE WORTH ROAD; THENCE S89°01'58"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1356.21 FEET TO THE BEGINNING OF A CURVE HAVING A RADIUS OF 2904.79 FEET AND FROM WHICH A RADIAL LINE BEARS N06°58'02"W; THENCE WESTERLY, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND ALONG THE MC OF SAID CURVE, A DISTANCE OF 1332.63 FEET (THROUGH AN ANGLE OF 27°13'22") TO A POINT ON A NON-TANGENT LINE; THENCE, DEPARTING FROM SAID NORTH RIGHT-OF-WAY LINE, N00°52'23"E, A DISTANCE OF 1090.22 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCELS CONTAIN, IN THE AGGREGATE, 540.212 ACRES MORE OR LESS. PARCEL A CONTAINS 460.887 ACRES MORE OR LESS. PARCEL B CONTAINS 79.325 ACRES MORE OR LESS.

EXHIBIT "A"

PREPARED BY JOHN B. DUNKLE CLERK CIRCUIT COURT

088 5678 Pg 616

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

EXHIBIT B
VICINITY SKETCH

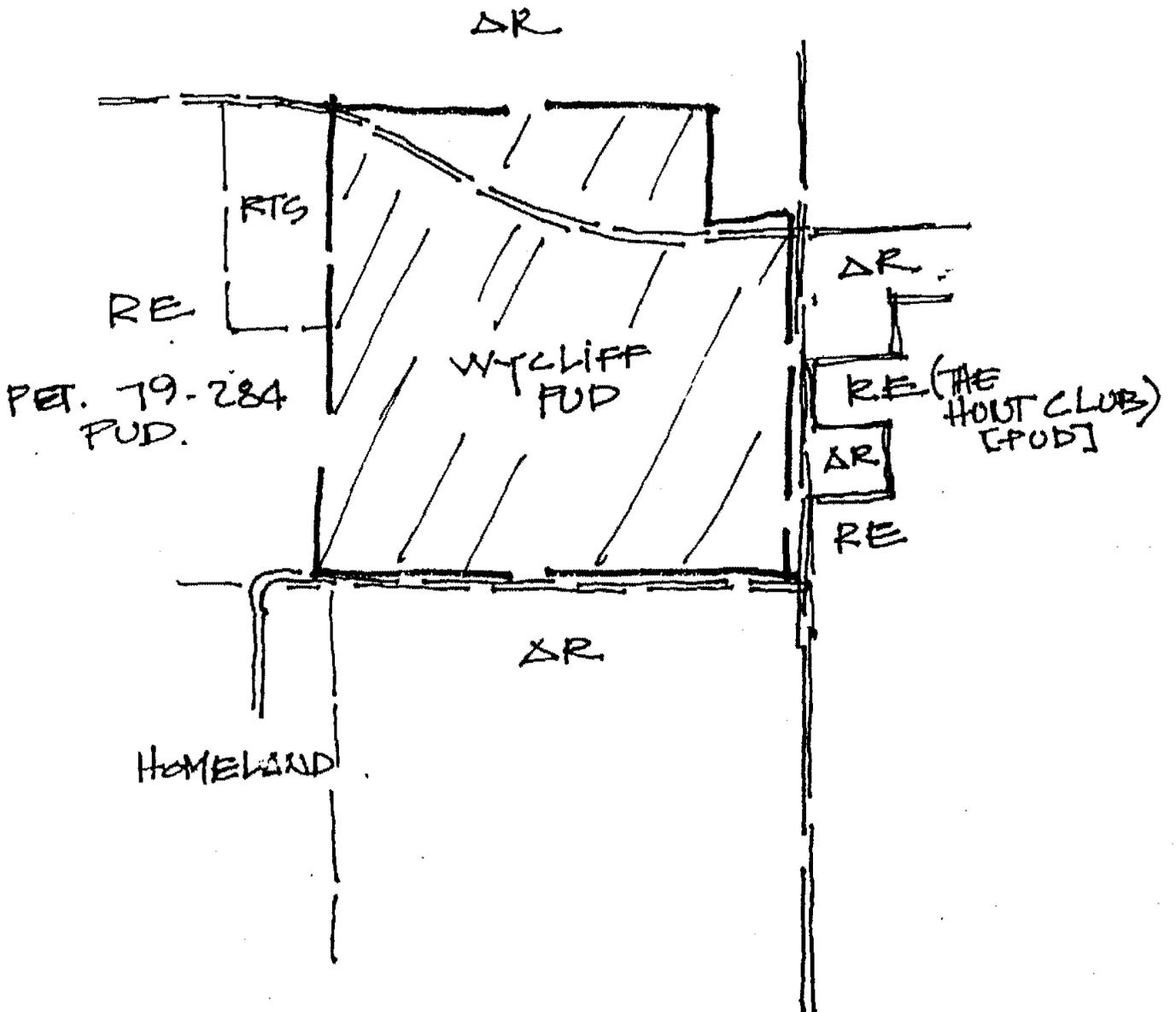


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-87-429, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, unless expressly modified. (MONITORING)
2. Prior to master plan certification, the master plan shall be **amended** to reflect the following:
 - a. required number of trees to be preserved or planted
 - b. a minimum of 15.6 acres of land for recreational purposes
 - c. separate the cypress data from the "government services" parcel
 - d. indicate the access to the "government services*@ parcel. (Previously Condition No. 1 of Resolution R-87-429) (ZONING)
3. 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 P.U.D. (Previously Condition No. 2 of Resolution R-87-429). (ZONING/COUNTY ATTORNEY)
4. Condition No. 4 of Resolution R-87-429 which currently states:

Maximum residential density shall be limited to two (2) dwelling units per acre.

Is hereby deleted. [REASON: COMP PLAN REQUIREMENT]

B. HEALTH

1. Since sewer and/or water service is/are available to the **property**, septic tank and/or well shall not be approved for use on said property. (Previously Condition No. 3 of Resolution R-87-429). (HEALTH)

E. ENGINEERING

1. Condition No. 5 of Resolution R-87-429, which currently states:

This development shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of permit application, but as a minimum, the development shall retain **onsite** the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the Drainage System is not adequately maintained to the satisfaction of the County Engineer, the matter shall be submitted to the Code Enforcement Board for review and possible citation.

Is hereby deleted. [REASON: CODE REQUIREMENT]

2. The property owner shall convey from the subject property and the adjacent outparcel for the ultimate right-of-way of:
 - a. Lake Worth Road, **one** hundred twenty (120) total feet of right-of-way **on an** alignment approved by the County Engineer.
 - b. State Road 7, 200 feet west of the existing east right-of-way line of State Road 7
 - c. The additional right-of-way required for the **"Special intersection"** as shown in Palm Beach Thoroughfare Right-of-Way Protection Map
 - d. Homeland Road, eighty (80) feet **along** the project's south property line (to be dedicated to the public).
 - e. Lake Worth Road for the construction of a right turn lane, east approach and a right turn lane, west approach on Lake Worth Road at the project's entrance road. This shall be a minimum of twelve (12) feet in width, one hundred fifty (**150**) feet in length, with a taper length of **one** hundred eighty (180) feet.

All within ninety (90) days of approval of the **Resolution** approving this project. (Previously Condition No. 6 of Resolution R-87-429). (ENGINEERING)

3. The property owner shall construct the following turn lanes:
At the intersection of Lake Worth Road and the project's entrance road.
 - a. Left turn lane, **north** approach
 - b. Left turn lane, south approach
 - c. Left turn lane, east approach
 - d. Left turn lane, west approach
 - e. Right turn lane, west approach
 - f. Right turn lane, east approach. (Previously Condition No. 7 of Resolution R-87-429). (ENGINEERING)
4. The property shall provide to Palm Beach County a road drainage easement within the project's internal lake system to accommodate the runoff of Lake Worth Road and State Road 7 along the project's frontage and for a maximum **400** foot distance each side of the property boundary lines along State Road 7 and Lake worth Road. The drainage system within the project shall have sufficientretreation/deteatioA capacity to meet the storm water discharge requirements of the applicable **County** Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff. (Previously Condition No. 8 of Resolution R-87-429). (ENGINEERING)
5. The property owner shall pay a Fair Share Fee in the **amount** and manner required by the **"Fair share Contribution for Road Improvements Ordinance"** as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is **\$881,827.00** (10,968 trips X \$80.40 per trip). (Previously Condition No. 9 of Resolution R-87-429). (IMPACT FEE COORDINATOR)

6. Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional **\$594,605.00** toward Palm Beach County's existing Roadway Improvement Program. These total funds of **\$1,476,432.00** shall be paid prior to the issuance of the first building permit or prior to January 1, 1988, whichever shall first occur, **and** this amount shall be credited toward any traffic impact **fees**. (Previously Condition No. 10 of Resolution R-87-429). (ENGINEERING)
7. Surety in the amount **of \$1,476,432.00** shall be furnished to Palm Beach County prior to the issuance **of** a Building Permit or prior to June 1, 1987, whichever shall first occur. (Previously Condition No. 11 of Resolution R-87-429). (ENGINEERING)
8. In order to comply with the mandatory traffic performance standards, the developer shall be limited:
 - a) to **no** more than 150 building permits per year (up to a total **of** 600 building permits) until State Road 7, Lake Worth Road intersection has **been** constructed as a special intersection. This **work** is scheduled to be built by the orange Point PUD and Petition 84-98. Once this **work** is completed, this condition will no longer apply. [Intersection is now complete]
 - b) no more than nine hundred (900) building permits shall be issued until the contract has been let **for** the four (4) laning of Lake Worth Road underneath the **Florida** Turnpike. (Previously Condition No. 12 of Resolution R-87-429). [Complete] (ENGINEERING)
9. The property owner shall install signalization if warranted as determined by the County Engineer at the intersection **of**:
 - a) State Road 7 and Lake Worth Road (Pro rata share with any other 3rd parties).
 - b) The project's entrance road and Lake Worth Road. should signalization not be warranted after 12 months of the final Certificate of Occupancy, **the** property owner shall be relieved from this condition. Surety acceptable to the County Engineer shall be posted within twelve (12) months of Special Exception approval. (Previously Condition No. 13 of Resolution R-87-429). (ENGINEERING)
10. At the time **of** issuance of the first building permit, Lake worth Road shall be constructed **as a** minimum two (2)-lane section from State Road 7 west to the project's entrance. (Previously Condition No. 14 of Resolution R-87-429). (ENGINEERING)
11. should any of the developers of Petition Nos. 86-98, **86-100**, or 86-104 fail to post adequate surety for all required improvements to Lake Worth Road within six (6) months of the date of final adoption of the Resolution approving this project, the three (3) petitions **shall be** reconsidered by the Board **of** County Commissioners pursuant to a staff initiated Zoning Petition. **Prior** to final Board action on the staff initiated petition, no further master plan approvals, site plan approvals, plat approvals, letter of technical compliance approvals, or building permits shall be issued provided, however, that this petitioner may avoid this action by posting the full amount of surety required by all three (3) projects upon the posting of which the Board of County Commissioners shall not reconsider the Zoning status of this project with respect to this petitioner pursuant to this condition. (Previously Condition No. 15 of Resolution R-87-429). (ENGINEERING)

12. The Petitioner shall convey a twenty **(20)** acre governmental services site **for** educational and recreational uses. Conveyance shall be by joint deed to the Board of County commissioners and the Palm Beach County **School** Board within ninety **(90)** days of the final adoption of the Resolution approving this project. The land conveyed shall be improved as a twenty (20) acre site with utilities, drainage, and Lake Worth Road Access. **Such** improvements are to be completed in concurrence with the extension of Lake Worth Road to the site. Drainage **for** the governmental services site shall be accommodated outside the twenty (20) acre site, but within the project's master drainage system. (Previously Condition No. 16 of Resolution R-87-429). (ENGINEERING)