

RESOLUTION NO. R-95- 1479

RESOLUTION APPROVING ZONING PETITION DOA80-212(E)
DEVELOPMENT ORDER AMENDMENT
PETITION OF WESTCHESTER GOLF & COUNTRY CLUB ASSOCIATES,
C/O RALPH DIGIOVANNI
BY ALAN CIKLIN, AGENT

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, and the Palm Beach County Unified Land Development Code, 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 Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA80-212(E) was presented to the Board of County Commissioners at a public hearing conducted on October 26, 1995; 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 Unified 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 the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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 the standards imposed on it by applicable provisions of the Palm Beach County Unified 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 determination and therefore complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified 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 Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY FLORIDA, that Zoning Petition **DOA80-212 (E)**, the petition of Westchester Golf & Country Club Associates, c/o Ralph DiGiovanni, by Westchester Golf & Country Club Associates, c/o Ralph DiGiovanni, agent, for a Development Order Amendment (DOA) to amend master plan to redesignate recreation land use as residential and add units (48 single family zero lot line), previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 26, 1995, subject to the conditions of approval described in EXHIBIT C, and exhibits as described in Exhibit D and Exhibit E, attached hereto and made a part hereof.

Commissioner McCarty moved for the 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	<u>Aye</u>
Burt Aaronson	<u>Absent</u>
Maude Ford Lee	<u>Aye</u>
Karen T. Marcus	<u>Absent</u>
Mary McCarty	<u>Aye</u>
Warren Newell	<u>Aye</u>
Carol A. Roberts	<u>Aye</u>

The Chair thereupon declared that the resolution was duly passed and adopted this 26th day of October, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN,

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

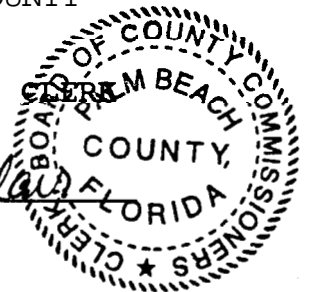


EXHIBIT A

LEGAL DESCRIPTION

EXHIBIT "A"

TRACT "R" OF THE PLAT OF PIPERS GLEN PLAT NO. 1 AS RECORDED IN PLAT BOOK 43, AT PAGES 97 THROUGH 101, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE FOLLOWING DESCRIBED PORTION OF SAID TRACT "R"

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT "R" RUN S02°00'00"W ALONG THE EAST LINE OF SAID TRACT "R" A DISTANCE OF 624.94 FEET; THENCE S22°00'00"W A DISTANCE OF 162.79 FEET; TO A POINT ON THE SOUTH LINE OF SAID TRACT "R"; THENCE N68°00'00"W ALONG SAID SOUTH LINE AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF PIPERS GLEN BOULEVARD (80 FEET WIDE) A DISTANCE OF 113.33 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE RUN N26°58'34"E A DISTANCE OF 72.32 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 100.00 FEET, THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 31°45'37" A DISTANCE OF 55.46 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 50.00 FEET, THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 54°18'53" A DISTANCE OF 47.40 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 125.00 FEET THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 53°52'42" A DISTANCE OF 117.54 FEET TO THE POINT OF TANGENCY; THENCE ALONG SAID TANGENT LINE N04°21'54"W A DISTANCE OF 81.70 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 90.00 FEET, THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 28°10'51" A DISTANCE OF 44.27 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 125.00 FEET, THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 43°59'33" A DISTANCE OF 95.98 FEET TO THE POINT OF TANGENCY; THENCE N20°10'35"W ALONG SAID TANGENT LINE A DISTANCE OF 58.31 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 50.00 FEET, THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°18'41" A DISTANCE OF 12.49 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 120.00 FEET, THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 82°58'54" A DISTANCE OF 173.80 FEET; THENCE ALONG A NON-TANGENT LINE N00°25'19"W A DISTANCE OF 25.57 FEET; TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT TL-28 CANAL; THENCE N89°34'41"E ALONG THE NORTH LINE OF SAID TRACT "R" A DISTANCE OF 86.17 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

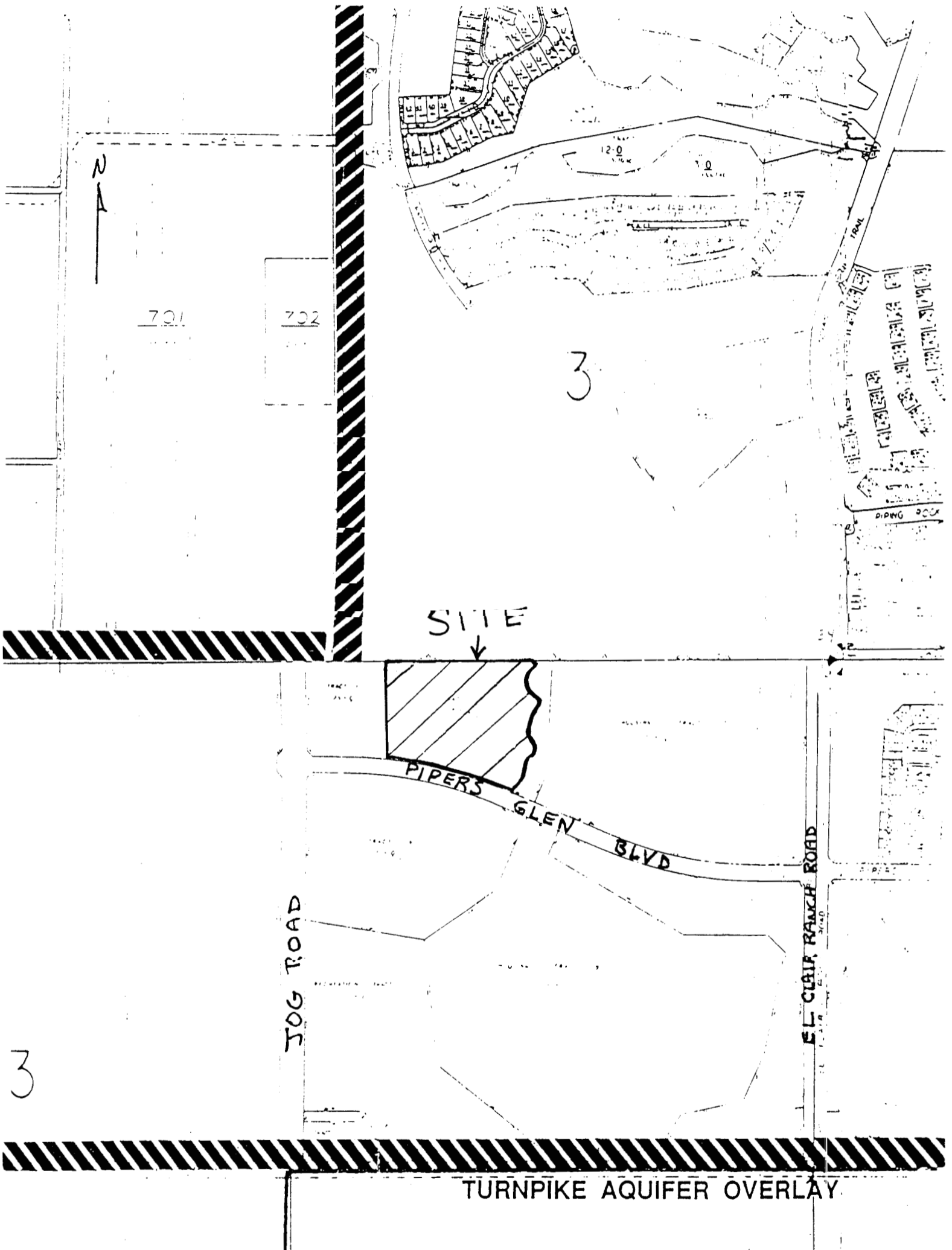


EXHIBIT C

CONDITIONS OF APPROVAL

A. **GENERAL** (Pod J only)

1. Prior to certification of a site plan for Pod J by the Development Review Committee, the property owner shall prepare and record a Restrictive Covenant on the balance of the Par 3 golf course, located on the south side of Pipers Glen Boulevard east of Jog Road, restricting it to golf course, recreational and open space uses in perpetuity, in a manner and form acceptable to the County Attorney. (COUNTY ATTORNEY)
2. The petitioner shall prepare and submit a landscape plan for the area along the east side of Pod J. The landscape plan shall be prepared with the input of the Lakeridge Homeowners Association or its designated representatives. All improvements required by the plan shall be installed and completed prior to issuance of the first Certificate of Occupancy (CO) in Pod J. (BUILDING-Zoning)
3. The petitioner shall install, at its expense, a water aerator or fountain in the lake area lying between the subject property and the Lakeridge subdivision, subject to approval by any required permitting agency. The aerator/fountain shall be on West Chester lake property and include an automatic shutoff mechanism so that it does not operate past 10:00 p.m. nightly. The fountain shall be equipped with colored lights to further enhance the aesthetics of the aerator/fountain. The petitioner shall seek the input of the Lakeridge Homeowners Association or its designees in selecting the aerator/fountain and lights. The petitioner, or its successors or assigns, shall maintain the aerator/fountain at its expense, including the payment of all electrical and maintenance bills associated with its operation. The aerator/fountain shall be installed prior to issuance of the first Certificate of Occupancy (CO) in Pod J. (BUILDING-Zoning)
4. The petitioner shall repair the portion of the lake to the east of the subject property. A sketch of the affected area is attached as part of Exhibit D. The work shall include 4x4's and railroad ties to prevent further erosion. The work shall be 1) completed during the construction of the drainage facilities for the subject property; 2) subject to receipt of any permits required by governmental agencies; and 3) completed in accordance with engineering plans to be submitted and completed at the petitioners expense. (ENGINEERING)
5. The petitioner shall, at its sole expense, implement and construct the drainage improvements submitted by its engineer and approved by Palm Beach County. These improvements shall include a drainage outfall to the LWDD Canal L-28 to the north, with a "screwgate", subject to receipt of all required permits by the applicable governmental agencies. These drainage improvements shall be constructed as part of the subject property's infrastructure construction and completed prior to issuance of the first building permit. (BUILDING-Zoning)
6. Prior to commencement of construction, the petitioner shall place the subject property on a regular grass-cutting schedule. (CODE ENFORCEMENT-Zoning)

7. Trees shall not be removed from the subject property, except upon receipt of all applicable governmental permits. (BUILDING/ERM-Zoning)
8. The site plan certified by the Development, Review Committee for Pod J shall be consistent with Exhibit E. (ZONING)

B. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

C. PLANNED UNIT DEVELOPMENT (Pod J only)

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

E. ENGINEERING

1. The property owner shall construct an additional 24 inch RCP pipe under Pipers Glen Boulevard at the project's east property line to connect to the existing lake system to the south as determined by the County Engineer in accordance with the property owner's approved drainage study for this POD if it is determined by the County Engineer that the drainage improvements set forth in Conditional A-5 have not satisfactorily drained Pipers Glen Boulevard during normally heavy rainfall. This obligation shall remain in effect for 2 years from the date of construction of the improvements in Condition A-5. (BUILDING - Engineering)
2. The Property owner shall construct a left turn lane, west approach on Pipers Glen Boulevard at the project's entrance road. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING - Engineering)
3. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition Number 80-212(E), to be paid at the time of issuance of the Building Permit presently is \$1,650.00 per approved single family dwelling unit (10 trips X \$165.00 per trip). (IMPACT FEE COORDINATOR)
4. Prior to the issuance of the technical compliance for the proposed plat of the site, the property owner shall convey to Palm Beach County **Land Development Divisor**, by road right-of-way warranty deed for an isosceles trapezoid connecting the required corner clips across this property owners road right of way to be conveyed to Palm Beach County. This conveyance shall be in the form of a roadway easement. Construction within such area shall conform to Palm Beach County Standards. (ENGINEERING)

Exhibit D

LR3
RS
DIAN SPRINGS

TEL NO:
LR3
AR
FARMLAND

#150 P05
FOREST GR
PATIO HOM

2681.21'

20' TYPE B BUFFER

COMMUNITY
SOCIAL
CENTER
AC.

C

31.00 AC.
187 UNITS
6.00 DU./AC.
ZERO LOT LINE
UNDER CONSTRUCTION
1.9 AC. REC
AREA

LAKE

EL CLAIR RANCH ROAD

20' R.O.W. BUFFER TYPE D

20' R.O.W. BUFFER
TYPE D

20' TYP

18
96
33
MULTI
ZONING
46 AC

ENTRANCE
GOLF CLUB
17.00 AC
ENTRANCE
GOLF CLUB
17.00 AC

PIPERS GOLF CLUB

EXISTING
GOLF CART
CROSSING

A

430
15
5.13
ZERO LOT
L
BUILT

RELOCATED
GOLF CART
CROSSING
AT GRADE

LAKE

B

50.58 AC.
165 UNITS
3.26 DU./AC.
SINGLE FAMILY
BUILT
1.49 AC. REC AREA

LAKE

LAKE

TENANCE
14 AC

LAKE

20' TYPE B BUFFER

.14 AC. R

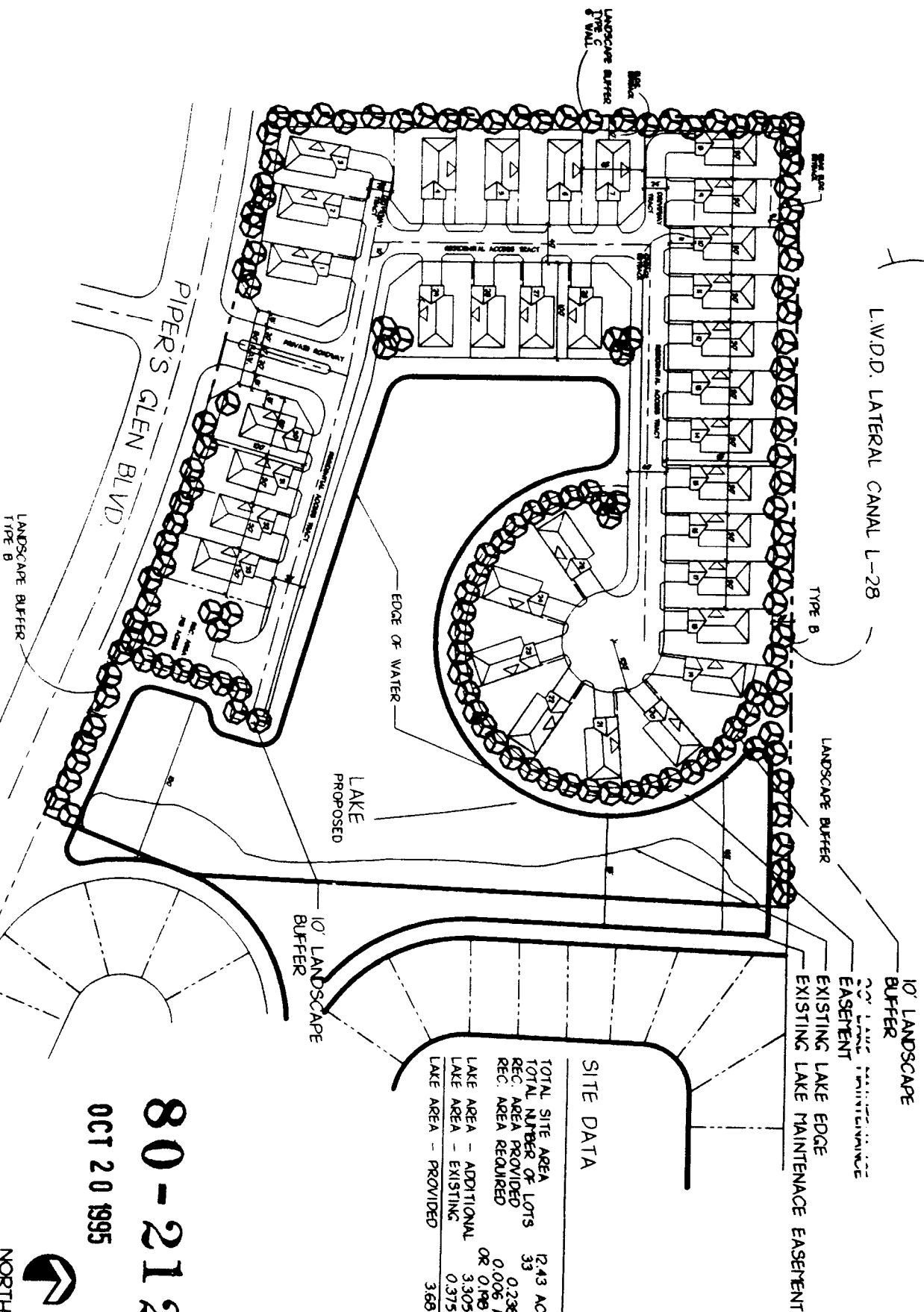
LAKE

EXHIBIT D

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Exhibit E

LANDSCAPING AND BUILDINGS SHOWN FOR GRAPHIC PURPOSES ONLY



SITE DATA

TOTAL SITE AREA	12.43 ACRES
TOTAL NUMBER OF LOTS	33
REG. AREA PROVIDED	0.238 ACRES
REG. AREA REQUIRED	0.006 AC/UNIT OR 0.196 ACRES
LAKE AREA - ADDITIONAL	3.305 ACRES
LAKE AREA - EXISTING	0.375 ACRES
LAKE AREA - PROVIDED	3.66 ACRES

80-212E

OCT 20 1995



NORTH

0 50 100 50

SCALE 1"=50'

Scale	1"=50'	Date	12/10/95
Drawn by	JL	Checked by	JL
File No.	10011	Project No.	10011
Drawing No.	84-7A	Sheet No.	1 of 1
Path	E:\10011\84-7A		
Filename	84017.DWG		
Sheet	1 of 1		

Villas at Westchester Golf and Country Club
 Palm Beach County, Florida
 PRELIMINARY SITE PLAN OPTION 3



Kilday & Associates
 Landscape Architect/Planners
 1551 Forum Place
 Suite 100A
 West Palm Beach, Florida 33401
 (407) 688-5522 • Fax (407) 688-2582