

RESOLUTION NO. R-96-540

RESOLUTION APPROVING ZONING PETITION DOA82-02(A)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF WCI COMMUNITIES LTD.  
BY TIMOTHY L. LUNNEY, AGENT  
BISHOP PROPERTY

April 25 1996

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 DOA82-02(A) was presented to the Board of County Commissioners at a public hearing conducted on March 28, 1996; 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 DOA82-02(A) the petition of WCI Communities Ltd., by Timothy L. Lunney, agent, for a Development Order Amendment (DOA) to delete Condition 9 of Resolution R-82-330 (limitation on use and distribution of excavated material) within a previously approved development order 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 March 28, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 25, 1996.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

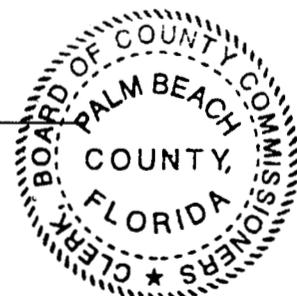
DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION**

The Northwest quarter (NW ¼) of Section 30, Township 47 South, Range 41 East; the South half (S ½) of Section 30, Township 47 South, Range 41 East; the West 118.81 feet of the Northeast quarter (NE ¼) of Section 30, Township 47 South, Range 41 East; all in Palm Beach County, Florida, containing 413.102 acres.

EXHIBIT B  
VICINITY SKETCH

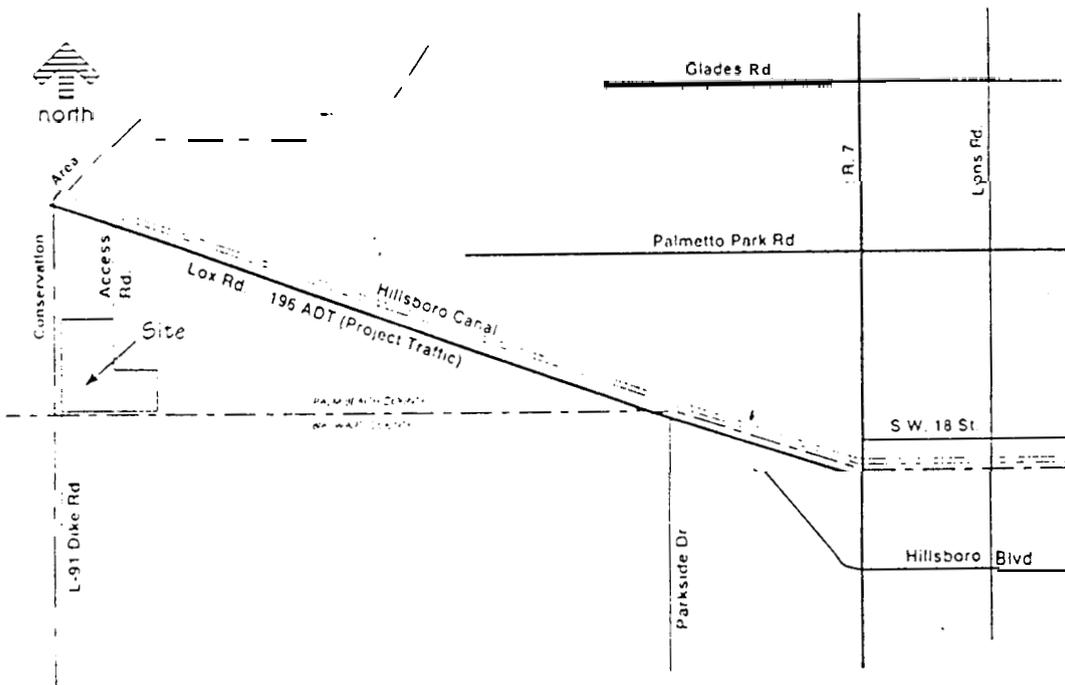


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-82-330 (Petition 82-2) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Condition A.2 of Petition DOA82-02(A), which currently states:

**Petitioner shall obtain a permit from the Land Development Division, Permit Section, for the removal of any fill off-site from the subject parcel.**

Is hereby deleted. (Reason - new condition E.2,c addresses this requirement.)

3. Condition A.3 of Petition DOA82-02 (A), which currently states:

**Petitioner shall contribute One Hundred and Twenty-Five Dollars (\$125.00) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid prior to site plan approval.** (Previously Condition 2 of Resolution R-82-330, Pet 82-2).

Is hereby deleted. (Reason - condition has been satisfied)

4. **Petitioner shall post a \$2,500/acre reclamation surety for each phase prior to excavation permits being issued.** (Previously Condition 3 of Resolution R-82-330, Pet 82-2).

5. **Any structures on site or mobile homes must meet district setback requirements.** (Previously Condition 4 of Resolution R-82-330, Pet 82-2).

6. **The existing stand of Royal Palm trees shall be preserved.** (Previously Condition 5 of Resolution R-82-330, Pet 82-2).

7. Condition A.7 of Petition DOA82-02 (A), which currently states:

**All existing pipes and pumps on L-36, none which were under a South Florida Water Management District (SWMD) except Florida National Property, shall be removed.** (Previously Condition 6 of Resolution R-82-330, Pet 82-2).

Is hereby deleted. (Reason - condition has been satisfied)

8. Condition A.8 of Petition DOA82-02(A), which currently states:

**Petitioner shall supply and install three (3) 72 inch corrugated metal pipes which shall become property of SFWMD. These pipes will provide historical drainage to existing landowners. (Previously Condition 7 of Resolution R-82-330, Pet 82-2).**

Is hereby deleted. (Reason - condition has been satisfied)

9. Condition A.9 of Petition DOA82-02(A), which currently states:

**Petitioner shall permit SFWMD to use petitioner's road for maintenance of the L-36 borrow canal. The road is to be improved to provide a 24 foot-wide top at an elevation of 12.5 NGVD, minimum, and be sloped to drain westerly. (Previously Condition 8 of Resolution R-82-330, Pet 82-2).**

Is hereby deleted. (Reason - condition has been satisfied)

10. **Excavated materials shall be limited to distribution through Broward County Roads only, and shall be limited to the petitioner's own use and not for sale. (Previously Condition 9 of Resolution R-82-330, Pet 82-2).**

Condition deleted. Reason: This request will not limit the excavated fill material to the exclusive use of Broward County Roads.

B. HEALTH

1. Reasonable precautions shall be taken during development to insure that unconfined particulates (dust particles) from the property do not become a nuisance to neighboring properties. (ONGOING: HEALTH / CODE ENF)

E. ENGINEERING

1. The Property owner shall construct a left turn lane, east approach on Lox Road at the project's entrance road prior to fill removal from the site onto Lox Road. 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 and the South Florida Water Management District for this construction shall be obtained prior to the approval of a haul route. (HAUL ROUTE PERMIT: ENG)
2. Prior to final Development Review Committee approval, the property owner shall:
- a) provide evidence of legal access to the site from Lox Road.
  - b) provide an approved hauling route to the Land Development Division for the fill to be removed from the site.
  - c) post surety with the Land Development Division in the amount of \$500 per mile as approved on the property owners haul route. (ONGOING: DRC - Eng)

3. The property owner shall pay a Fair Share Fee for the additional traffic from this lake excavation prior to May 1, 1996. The Fair Share Fee for this project, Zoning Petition Number 82-02(A), presently is \$10,780.00 (196 trips X \$55.00 per trip). (DATE: FAIR SHARE FEE COORDINATOR)
4. The property owner shall pave the existing dirt road from Lox Road south to the project's north property line. This road shall be constructed to collector road standards, 2-12 foot travel lanes and shall be completed prior to June 1, 1996 August 1, 1996. ~~If this road is used by truck traffic prior to the completion of the road, adequate dust measures such as sprinkling or another method as approved by the County Engineer shall be used. This roadway shall not be utilized as a haul route until construction of the roadway has been completed.~~ (DATE: ENG)

F. 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 my 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)