

RESOLUTION APPROVING ZONING PETITION EAC80-212(F)
DEVELOPMENT ORDER AMENDMENT
PETITION OF FL ONE CONSTRUCTION/PIPERS GLEN
BY ROBERT BENTZ, AGENT
(PIPERS GLEN, POD J)

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 EAC80-212(F) was presented to the Board of County Commissioners at a public hearing conducted on January 30, 1997; 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 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 EAC80-212(F), the petition of FL One Construction/Pipers Glen, by Robert Bentz, agent, for a Development Order Amendment (DOA) to Modify Condition A.8 (Exhibit E - site plan for Pod J) of Resolution R-95-1479 to add clubhouse and pool in Pod J, 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 January 30, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 30, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Robert Bentz*
COUNTY ATTORNEY

BY: *Joan Hawley*
DEPUTY CLERK

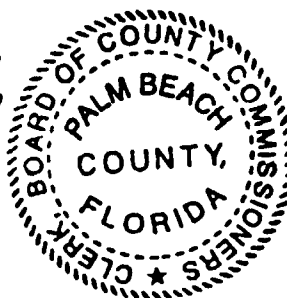


EXHIBIT A

LEGAL DESCRIPTION

LAND DESCRIPTION

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 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 A 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°46'37" 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 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 L-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.

CONTAINING 10.81 ACRES, MORE OR LESS.

letters\pipers.lgl

EXHIBIT B
VICINITY SKETCH

PALM BEACH COUNTY
VICINITY SKETCH / ZONING

FILE COPY

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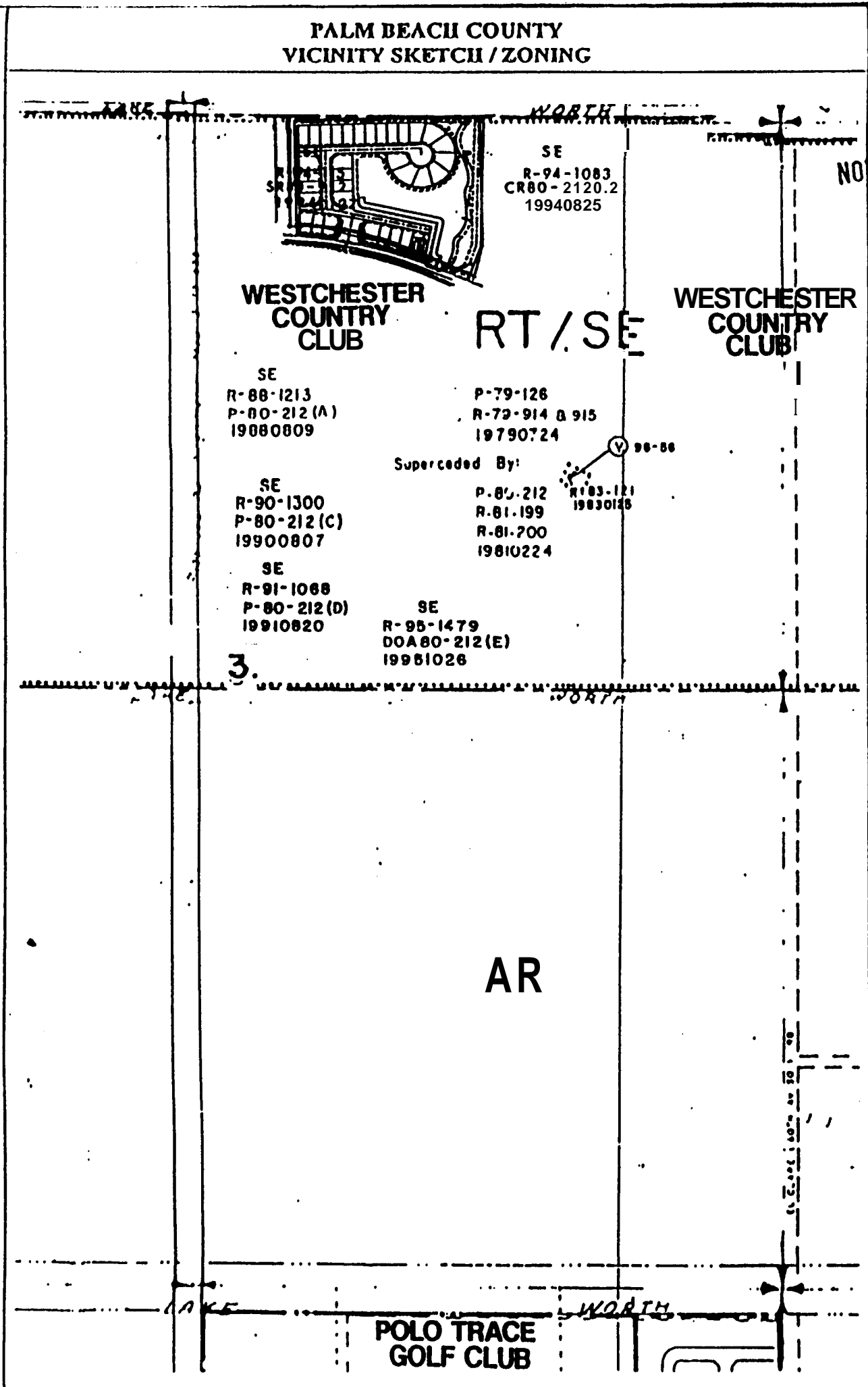


EXHIBIT C

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-95-1479 (Petition 80-212(E)), remain **in effect** unless expressly modified. (ONGOING: MONITORING-Zoning)

B. 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. **(COATTY)** (Previously Condition **A 1** of Resolution R-95-1479, Petition 80-212(E))
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. (BLDG - Zoning)(Previously Condition A.2 of Resolution R-95-1479, Petition **80-212(E)**)
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 pm. 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. (BLDG - Zoning) (Previously Condition A.3 of Resolution R-95-1479, Petition **80-212(E)**)
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 **O**. 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. **(ENG)** (Previously Condition **A4** of Resolution R-95-1479, Petition 80-212(E))

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. **(BLDG - Zoning)** (Previously Condition **A.5** of Resolution R-95-1479, Petition 80-212(E))
6. Prior to commencement of construction, the petitioner shall place the subject property on a regular grass-cutting schedule. **(CODE E/FOR-Zoning)** (Previously Condition **A6** of Resolution R-95-1479, Petition 80-212(E))
7. Trees shall not be removed from the subject property, except upon receipt of all applicable governmental permits. **(BLDG/ERM - Zoning)** (Previously Condition A.7 of Resolution R-95-1479, Petition 80-212(E))
8. Condition A 8 of Resolution R-95-1479, Petition 80-212(E) which currently states:

The site plan certified by the Development Review Committee for Pod J shall be consistent with Exhibit **E (ZONING)**

is hereby amended to read:

The site plan certified by the Development Review Committee for Pod J shall be consistent with Exhibit **F** dated November 20, 1996. **(DRC: ZONING)**

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. **(ENG)** (Previously Condition C.1 of Resolution R-95-1479, Petition 80-212(E))
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. **(ENG - Zoning)** (Previously Condition 2.2 of Resolution R-95-1479, Petition 80-212(E))
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. **(ENG)** (Previously Condition C.3 of Resolution R-95-1479, Petition 80-212(E))
4. **All** utilities shall be underground pursuant to Section **6.8.A.23.d(5)** of the ULDC. **(ENG)** (Previously Condition C.4 of Resolution R-95-1479, Petition 80-212(E))

E. ENGINEERING

1. The property owner shall construct an additional **24** inch **RCIP** 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) (Previously Condition E.1 of Resolution R-95-1479, Petition 80-212(E))

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. (BLDG - Eng) (Previously Condition E.2 of Resolution R-95-1479, Petition 80-212(E))
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 COORD) (Previously Condition E.3 of Resolution R-95-1479, Petition 80-212(E))
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 Division 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. (ENG) (Previously Condition E.4 of Resolution R-95-1479, Petition 80-212(E))
5. Prior to July 1, 1997, the developer of Parcel "J" shall complete the installation of the drainage pipe under Pipers Glen Boulevard and the installation of the outfall structure along the North Property Line. (CATE: MONITORING - 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.

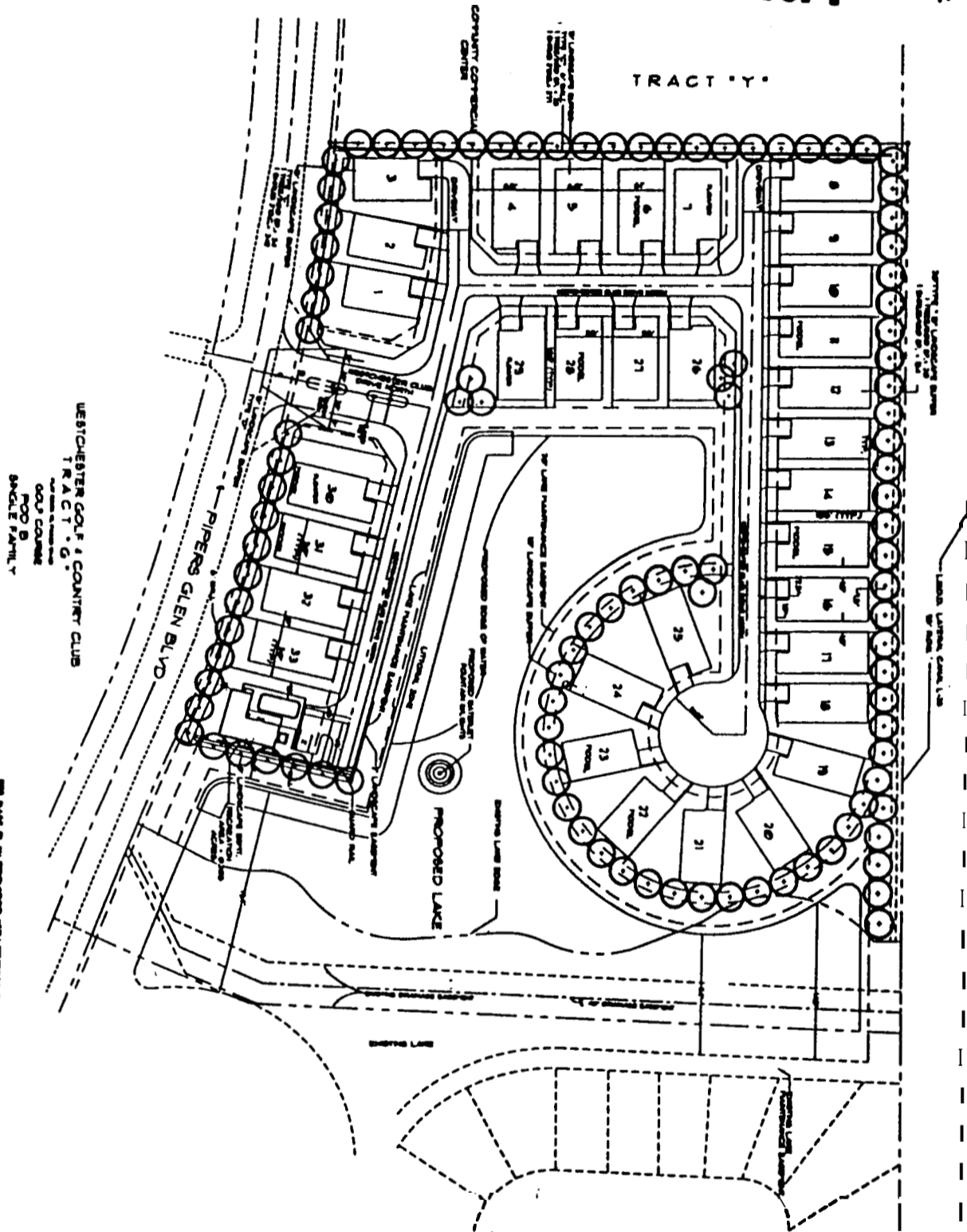
Appeals of any departmental administrative actions **hereunder** may be taken to **the** Palm Beach County Board of **Adjustment** or as otherwise provided **in the** Unified Land Development Code (ULDC), as amended. Appeals of any **revocation of an Official Zoning Map Amendment, Conditional Use, Requested 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) (Previously Condition **B.1** of Resolution **R-95-1479**, Petition 80-212(E))

EXHIBIT F

80-212F

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WESTCHESTER GOLF & COUNTRY CLUB
TRACT G
GOLF COURSE
POD B
SHOCKE FAMILY

DATE PLAN APPROVED BY THE ENGINEER BY SEAL AND ASSOCIATE
PROFESSIONAL P.E. INCLUDES CHANGE NO. 1 TO SHEET PLAN REVIEW

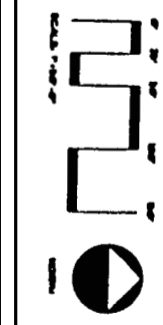
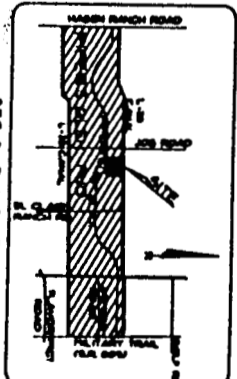
SITE DATA

TOTAL SITE AREA	245 AC
TOTAL NUMBER OF LOTS	35
DENSITY	1.43 DU/AC
REG. AREA PROVIDED	6300 AC
REG. AREA REQUIRED	6000 AC/10 OR 6200 AC
LAKE AREA - ADDITIONAL	1770 AC
LAKE AREA - EXISTING	630 AC
LAKE AREA - PROVIDED	48 AC

NOTES

1. ALL PLANS AND SPECIFICATIONS SHALL BE SUBJECT TO THE DISCRETION OF THE ENGINEER.
2. THE ENGINEER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
3. THE ENGINEER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES INFORMATION.

LOCATION MAP



ENCLAVE AT WESTCHESTER
PREPARED FOR
FLORIDA ONE CONSTRUCTION
PALM BEACH COUNTY, FLORIDA



EXHIBIT 'F'
SHEET 1 OF 1

FAIR

NORTH

DRA

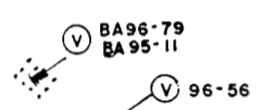
SE
R-94-115
SR80-212
19940127

SE
R-94-1083
CR80-212D.2
19940825

SE
R-97-153
EAC80-212(F)
19970130

RT/SE

SE
R-88-1213
P-80-212(A)
19880809



SE
R-90-1300
P-60-212(C)
19900807

P-80-212
R-80-99
R-80-100
19800224
R-83-121
19830125

SE
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