

RESOLUTION NO. R- 89-961

RESOLUTION APPROVING ZONING PETITION NO. 88-49
SPECIAL EXCEPTION PETITION OF PALM BEACH NATIONAL
GOLF AND COUNTRY CLUB, INC.

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. 88-49 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. 88-49, the petition of PALM BEACH NATIONAL GOLF AND COUNTRY CLUB, INC., by Kieran J. Kilday, for a SPECIAL EXCEPTION TO PERMIT A PLANNED UNIT DEVELOPMENT on a parcel of land being a part or all of Tracts 1 through 64, Block 23, Palm Beach Farms Company, Plat No. 3, according to the Plat thereof, as recorded in Plat Book 2, Page 47, together with the abandoned Rights-of-way lying between the above described tracts; said parcel of land being more specifically described as follows:

From the Southeast corner of Tract 49, Block 23, Palm Beach Farms Company Plat No. 3, according to the Plat thereof, as recorded in Plat Book 2, Page 47: thence Northerly along the East line of said Tract 49, a distance of 330.00 feet: thence Easterly and parallel to the South line of Tract 50 of said Block 23, a distance of 75.00 feet to the Point of Beginning.

Thence, continue Easterly on an assumed bearing of North 90 degrees 00' 00" East, parallel to and 330.00 feet Northerly of the South line of Tract 49 through 64, a distance of 1951.03

feet; thence, south 00 degrees 00' 00" East, a distance of 330.00 feet; thence North 90 degrees 00' 00" East, a distance of 660.00 feet; thence, North 00 degrees 00' 00" East, a distance of 330.00 feet to the Point of Curvature of a Curve Concave to the Northwest, having a central angle of 30 degrees 00' 00", a radius of 500.00 feet and a long chord bearing of North 75 degrees 00' 00" East; thence, Northeasterly along the arc of said curve, a distance of 261.80 feet to the Point of Tangency; thence, North 60 degrees 00' 00" East, a distance of 50.00 feet to the point of Curvature of a Curve to the right, having a central angle of 60 degrees 00' 00" and a radius of 247.39 feet, thence, Easterly along the arc of said curve, a distance of 259.07 feet to the Point of Tangency; thence South 60 degrees 00' 00" East, a distance of 50.00 feet to the Point of Curvature of a Curve to the left having a central angle of 30 degrees 00' 00" and a radius of 500.00 feet; thence, Southeasterly along the arc of said curve, a distance of 261.80 feet to the Point of Tangency; thence North 90 degrees 00' 00" East, a distance of 92.56 feet to the Point of Curvature of a Curve to the left, having a central angle of 12 degrees 15' 53" and a radius of 1000.00 feet; thence Easterly along the arc of said curve, a distance of 214.06 feet to the Point of Tangency; thence North 77 degrees 44' 07" East, a distance of 243.60 feet to the Point of Curvature of a Curve to the left, having a central angle of 51 degrees, 10' 12" and a radius of 250.00 feet: thence Northeasterly along the arc of said curve, a distance of 223.27 feet to the Point of Tangency; thence North 26 degrees 33' 55" East, a distance of 746.13 feet to the Point of Curvature of a Curve to the left, having a central angle of 26 degrees 33' 55" and a radius of 500.00 feet; thence Northerly along the arc of said curve, a distance of 231.83 feet to the Point of Tangency; thence North 00 degrees 00' 00" East, a distance of 91.96 feet to the Point of Curvature of a Curve to the left having a central angle of 90 degrees 00' 00" and a radius of 50.00 feet; thence Northwesterly along the arc of said curve, a distance of 78.54 feet to the Point of Tangency; thence North 90 degrees 00' 00" West, a distance of 45.00 feet to the Point of Curvature of a curve to the left, having a central angle of 25 degrees 00' 00" and a radius of 506.57 feet; thence Southwesterly along the arc of said curve, a distance of 221.03 feet to the Point of Tangency: thence South 65 degrees 00' 00" West, a distance of 380.00 feet to the Point of Curvature of a Curve to the right, having a radius of 180.00 feet and a central angle of 180 degrees 00' 00"; thence Northwesterly along the arc of said curve, a distance of 565.48 feet to the Point of Tangency: thence North 65 degrees 00' 00" East, a distance of 380.00 feet to the point of Curvature of a Curve to the left, having a central angle of 65 degrees 00' 00" and a radius of 227.29 feet: thence Northeasterly along the arc of said curve, a distance of 257.85 feet to the Point of Tangency: thence North 00 degrees 00' 00" West, a distance of 175.20 feet to the Point of Curvature of a Curve to the left, having a central angle of 90 degrees 00' 00" and a radius of 50.00 feet; thence Northwesterly along the arc of said curve, a distance of 78.54 feet to the Point of Tangency; thence North 90 degrees 00' 00" West, a distance of 1480 feet to the Point of curvature of a Curve to the left having a central angle of 90 degrees 00' 00" and a radius of 50.00 feet; thence Southwesterly along the arc of said curve, a distance of 78.54

feet to the Point of Tangency; thence South 00 degrees 00' 00" West, a distance of 500.00 feet to the Point of Curvature of a Curve to the right, having a central angle of 180 degrees 00' 00" and a radius of 330.00 feet; thence Westerly along the arc of said curve, a distance of 1036.72 feet to the Point of Tangency; thence North 00 degrees 00' 00" West, a distance of 500.00 feet to the Point of Curvature of a Curve to the left having a central angle of 90 degrees 00' 00" and a radius of 50.00 feet; thence Northwesterly, along the arc of said curve, a distance of 7'8.54 feet to the Point of Tangency; thence North 90 degrees 00' 00" West, a distance of 1507.22 feet to the Point of Curvature of a Curve to the left having a central angle of 126 degrees 20' 00" and a radius of 100.00 feet; thence Southwesterly along the arc of said curve, a distance of 220.49 feet to the Point of Tangency; thence South 36 degrees 20' 00" East, a distance of 885.93 feet to the Point of Curvature of a Curve to the right, having a central angle of 180 degrees 00' 00" and a radius of 180.00 feet; thence, Southwesterly along the arc of said curve, a distance of 565.48 feet to the Point of Tangency; thence North 36 degrees 20' 00" West, a distance of 1050.00 feet; thence South 00 degrees 00' 00" West, a distance of 1659.63 feet to the Point of Curvature of a Curve to the left, having a central angle of 90 degrees 00' 00" and a radius of 50.00 feet; thence Southeasterly along the arc of said curve, a distance of 78.54 feet to the Point of Tangency and the Point of Beginning.

Less, however, a parcel of land lying in Tracts 44 through 47 and Tracts 50 through 53, Block 23, The Palm Beach Farms Company Plat No. 3, according to the Plat thereof as recorded in Plat Book 2, Page 47, being specifically described as follows:

From the Southwest corner of Tract 49 said Block 23, go due East along an assumed bearing, a distance of 355.00 feet; thence due North, a distance of 495.00 feet to the Point of Beginning. said Point of Beginning being, a distance of 115.00 feet due North of the P.R. M that is 35.00 feet due South of the Northeast corner of Lot 92, Palm Beach National Golf and Country Club Estates Plat No. 1 according to the Plat thereof as recorded in Plat Book 27, Page 144; thence continue due North, a distance of 40.00 feet to the Point of Curvature of a Curve concave to the Northwest having a central angle of 56 degrees 36' 58" and a radius of 146.74 feet; thence Northeasterly along the arc of said curve a distance of 145.00 feet to the Point of Tangency; thence North 33 degrees 23' 02" East, a distance of 214.37 feet to the Point of Curvature of a Curve to the right having a central angle of 56 degrees 36' 58" and a radius of 180.00 feet; thence Northeasterly along the arc of said curve, a distance of 177.86 feet to the Point of Tangency; thence due East, a distance of 476.00 feet to the Point of Curvature of a Curve to the right having a central angle of 172 degrees 42' 36" and a radius of 120.00 feet; thence Southerly along the arc of said curve, a distance of 361.72 feet to the Point of Tangency; thence South 82 degrees 42' 36" West, a distance of 792.72 feet to a point on a curve concave to the Northwest having a central angle of 30 degrees 47' 43" and a radius of 186.74 feet; thence Southwesterly along the arc of said curve, a distance of 100.37 feet to the end of said curve and the Point of Beginning.

Also, less however, that portion of Tracts 56, 57 and 58, Block 23, Palm Beach Farms Company Plat No. 3, according to the Plat thereof, as recorded in 'Plat Book 2, Page 47, lying South of the North Right-of-way line of St. Andrews Road, as recorded in Official Record Book 3570, Pages 676 through 680; being located on the west side of Pinehurst Drive, and being bounded on the south by St. Andrews Road, approximately .5 mile north of Lake Worth Road, in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to master plan certification, the master plan shall be amended to indicate the following:
 - a. A minimum 50 foot buffer separating all Category "B" housing types from adjacent Category "A" housing types, as defined in Zoning Code Section 402.7. The buffer shall be installed prior to commencement of construction of any improvements on site. The buffer shall be installed as shown on Exhibit No. 22, and as further modified by revised Exhibit No. 25 shown at the Board of County Commissioners' (Zoning Authority) Public Hearing on May 27, 1988. In the alternative, the petitioner may submit an Alternative Landscape Betterment Plan for the southern buffer area. This plan may vary the height and planting pattern as necessary within the fifty (50) foot butter to accommodate desirable views of the golf course from the adjacent single family lots. The purpose of this variation in design shall be to permit neighboring homeowners to view the golf course if they choose. The landscape plan shall not be approved by the Director of the Zoning Division until he determines that each of the eight: (8) owners of the single family lots adjacent to the buffer area has been notified of his or her opportunity to comment on the proposed design.
2. The petitioner shall install a landscape buffer north of the northwestern development pod (Pod 2), comparable to the landscape treatment along the southern boundary of the southwestern pod (Pod 1).
3. The southwestern pod shall be limited to thirty-six (36) multiple family dwelling units. The units shall meet the minimum setbacks from the southern boundary line, as shown on Exhibit No. 25 which was presented at the Board of County Commissioners' (Zoning Authority) Public Hearing on May 27, 1988. The outermost projection of any residential structure shall be no closer than two-hundred sixty-five (265) feet from the property line of any single family lot. The northwestern pod shall be limited to sixty-four (64) two-story multiple family dwelling units. There shall be a minimum two-hundred ninety (290) foot setback from the north property line to the structure. There shall be no recreation facilities to the north of the buffer.

4. The swimming pool shall be relocated a minimum of One-hundred eighty-five (185) feet north to further buffer the residences to the south.'
5. 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.
6. Prior to certification of the project's first site plan, petitioner shall satisfy the requirements of Zoning Code Section 500.21.H which provide:; for dedication by planned unit developments of greater than one-hundred (100) acres of a site for civic use:;. The petitioner may exchange the required on-site dedication of land to Palm Beach County for civic uses either for a parcel of land off-site equal in acreage or for an equal amount in cash. In addition, in the event that the off-site land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications. The value of the on-site land dedication shall be based upon its value as a civic site. This contribution shall be used to offset the identifiable impacts directly attributable to this project. When an off-site land or cash contribution is accepted by Palm Beach County, petitioner shall be deemed to have satisfied the intent of Zoning Code Section 500.21.H.
7. The developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the first one inch of the stormwater runoff. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
8. The property owner shall construct:
 - a) left turn lane north approach, left turn lane south approach, left turn lane east approach and a left turn lane west approach at the intersection of Nassau Road and St. Andrews Road, This construction shall include appropriate canal crossings, as determined by the Lake Worth Drainage District and the Palm Beach County Engineering Division.
 - b) separate right turn lane east approach, left turn lane north approach and a left turn lane south approach at the intersection of Lake Worth Road

and Nassau Road.

- c) left turn lane south approach and left turn Lane west approach at the intersection of Pinehurst Drive and St. Andrews Road. This construction shall include appropriate canal crossings, as determined by the Lake Worth Drainage District and the Palm Beach County Engineering Division. All construction shall be concurrent with the filing of the first plat with construction completed prior to the issuance of the first Certificate of Occupancy.
9. The developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contributor 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 \$562.00 per approved multi family dwelling unit, \$804.00 per approved single family home under 2,000 square feet and \$1,045 per approved single family home over 2,000 square feet,.
 10. Prior to master plan certification, the master plan shall be amended to eliminate the 90 degree turn north of St. Andrews Boulevard and eliminate the existing entrances into the recreation Club House and tennis courts. The proposed 90 degree turn shall be revised to reflect a single road which meets all "Greenbook Standards" with respect to maximum degree of curvature. The existing parking area to the west of Nassau Road shall access the proposed 50 foot roadway into Pod 1. The parking for the recreation area to the east of Nassau Road shall align with the access to Pod 1. All changes shall be subject to approval by the County Engineer.
 11. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
 12. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
 13. The petitioner shall install a solid six (6) foot high hedge and twelve (12) foot native canopy trees along fairway number 10 and fairway number 18 where the putting greens and fairways are adjacent to the proposed interior right-of-way, subject to approval by Palm Beach County Zoning Division.
 14. The balance of the site outside the residential pods shall be maintained as a golf course with accompanying accessory facilities. These recreation facilities shall consist exclusively of those shown on Exhibit No. 20.
 15. No berms or other buffers shall be installed along the project's immediate south property line abutting single

family residences, unless they are subject to a landscape plan approved by the Zoning Division. No site preparation shall take place onsite which is inconsistent with the project's approved landscape plan.

16. No development shall take place in "Pod 2" for a minimum of five (5) years from the date of the resolution approving this project.
17. The proposed landscape buffer along the south property line of the planned unit development presented by the petitioner at the Board of County Commissioners' (Zoning Authority) Public Hearing of May 27, 1988 shall be relocated to run adjacent to the proposed access tract serving "Pod 1". This landscape area shall extend along the tract to the westernmost edge of the southernmost multiple family dwelling unit. This landscape buffer shall be supplemented with a three (3) foot earth berm, and native canopy trees twelve (12) feet to fifteen (15) feet in height upon planting. There shall be understory planting within the landscape area to provide a visual screen a minimum of five (5) feet in height. This understory planting shall be designed to allow natural air flow.
18. The area of "Pod 1" between the single family home lots and the berm shall be continuously maintained as passive open space. Use of the site for disposal of grass clippings, golf course maintenance activities, and other non-open space activities shall be prohibited. The area may be replanted with native species of trees to extend the forest area existing to the west.
19. All graphics shown at the Board of County Commissioners public hearing on May 27, 1988 shall be submitted to and become a part of the official file maintained by the Zoning Division.
20. Written notice of any substantial change in the project in the future, requiring a hearing before the Board of County Commissioners, shall be provided to Palm Beach National Civic Association, their successors in interest, or any other private association representing landowners or residents in Palm Beach National which may exist at the time.
21. 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 violations of the Palm Beach County Zoning Code.

Commissioner Watt 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	--	Nay
Dorothy Wilken	--	Nay
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

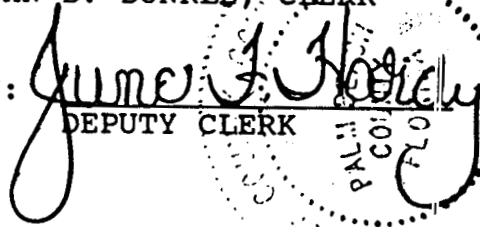
BY :


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :


DEPUTY CLERK

