

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 Foster moved for the approval of the Resolution.

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

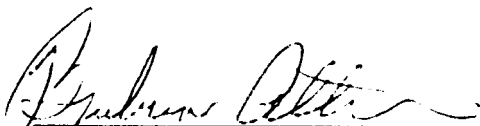
Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Absent
Ken Foster	--	Aye
Karen T. Marcus	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on February 27, 1997.

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

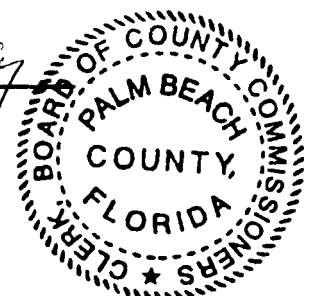


EXHIBIT A

LEGAL DESCRIPTION

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

NOV 20 1996



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

WESTCHESTER
COUNTRY
CLUB

RT/SE

WESTCHESTER
COUNTRY
CLUB

SE
R-88-1213
P-80-212(A)
19080009

P-79-126
R-79-914 & 915
19790724

Superseded By:

SE
R-90-1300
P-80-212(C)
19900807

P-80-212
R-81-199
R-81-700
19810224



SE
R-91-1068
P-80-212(D)
19910820

SE
R-95-1479
DOA80-212(E)
19961026

3.

AR

POLO TRACE
GOLF CLUB

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 A3 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 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. **(ENG)** (Previously Condition A 4 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 ENR-OR-Zoning) (Previously Condition **A.6** 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)

~~It~~ 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 **C.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 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) (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. (DATE: 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.I of Resolution R-95-1479, Petition 80-212(E))

