

RESOLUTION NO. R-2010-1481

RESOLUTION APPROVING ZONING APPLICATION ZV/Z/CA-2010-01211
(CONTROL NO. 1999-00083)
a Conditional Use Class A
APPLICATION OF Lost Tree Club Inc
BY Cotleur & Hearing, Inc., AGENT
(Lost Tree Village Golf Course)

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, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application ZV/Z/CA-2010-01211 was presented to the Board of County Commissioners at a public hearing conducted on September 30, 2010; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Conditional Use Class A .

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application ZV/Z/CA-2010-01211, the petition of Lost Tree Club Inc, by Cotleur & Hearing, Inc., agent, for a Conditional Use Class A to allow a golf course in the RT Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on September 30, 2010, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

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

Commissioner Burt Aaronson, Chair
Commissioner Karen T. Marcus, Vice Chair
Commissioner Shelley Vana
Commissioner Steven L. Abrams
Commissioner Jess R. Santamaria
Commissioner Priscilla A. Taylor

- Aye
- Absent
- Aye
- Aye
- Absent
- Aye
-

The Chairperson thereupon declared that the resolution was duly passed and adopted on September 30, 2010.

Filed with the Clerk of the Board of County Commissioners on October 13th, 2010

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LOST TREE GOLF COURSE

A tract of land in Section 33, Township 41 South, Range 43 East, and Sections 3 and 4, Township 42 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

From a point in the center line of State Road No. 703, said point being shown as Station 336 + 39.63 on the right-of-way map of said State Road No. 703, recorded in Road Plat Book 1, Page No. 21, Public Records of Palm Beach County, Florida, run Northeasterly along a line, making an angle with center line of said State Road No. 703, measured from Southeast to Northeast, of $90^{\circ}00'00''$, a distance of 413 feet to the **POINT OF BEGINNING** of the tract of land hereinafter described; thence South $13^{\circ}21'41''$ East, and parallel to the center line of said State Road No. 703, a distance of 425.24 feet to the beginning of a curve concave to the Northeast, having a radius of 100 feet and a central angle of $75^{\circ}42'22''$ (the South line of said Section 3 is assumed to bear South $89^{\circ}04'03''$ East and all other bearings shown hereon are relative thereto); thence Southeasterly and Easterly, along the arc of said curve, a distance of 132.13 feet, more or less, to a point in a line parallel to and 1540 feet Northerly from, measured at right angles to the South line of said Section 3; thence South $89^{\circ}04'03''$ East, along said parallel line, a distance of 486.43 feet to the beginning of a curve concave to the Northwest, having a radius of 71.92 feet and a central angle of $120^{\circ}00'00''$; thence Northeasterly, Northerly and Northwesterly along the arc of said curve, a distance of 150.63 feet to the end of said curve; thence North $29^{\circ}04'03''$ West, along the tangent to said curve, a distance of 165.04 feet to the beginning of a curve concave to the Southwest, having a radius of 100 feet and a central angle of $25^{\circ}24'53''$; thence Northwesterly along the arc of said curve a distance of 44.36 feet to a point of reverse curvature; thence Northwesterly, Northerly and Northeasterly and Southeasterly, along the arc of a curve, concave to the Southeast having a radius of 210 feet, and a central angle of $230^{\circ}49'46''$, a distance of 846.03 feet to a point of reverse curvature; thence Southeasterly along the arc of a curve concave to the East, having a radius of 100 feet and a central angle of $25^{\circ}24'53''$, a distance of 44.36 feet to the end of said curve; thence South $29^{\circ}04'03''$ East, along the tangent to said curve, a distance of 416.96 feet to the beginning of a curve concave to the Southwest, having a radius of 959.42 feet and a central angle of $13^{\circ}33'01''$; thence Southeasterly along the arc of said curve, a distance of 226.90 feet to a point of reverse curvature; thence Southeasterly and Easterly along the arc of a curve concave to the Northeast, having a radius of 100 feet and a central angle of $73^{\circ}33'01''$, a distance of 128.37 feet to the end of said curve and a point in a line parallel to and 1330 feet Northerly from, (measured at right angles to) the South line of said Section 3; thence South $89^{\circ}04'03''$ East along said parallel line a distance of 231.10 feet to the beginning of a curve concave to the Northwest having a radius of 100 feet and a central angle of $90^{\circ}00'00''$; thence Easterly, Northeasterly and Northerly along the arc of said curve, a distance of 157.08 feet to a point of compound curvature; thence Northerly and Northwesterly along the arc of a curve concave to the West, having a radius of 519.15 feet and a central angle of $20^{\circ}56'10''$, a distance of 189.70 feet to the end of said curve; thence North $20^{\circ}0'13''$ West, along the tangent to said curve, a distance of 178.71 feet to the beginning of a curve concave to the Northeast, having a radius of 8725.33 feet and a central angle of $3^{\circ}10'51''$; thence Northwesterly along the arc of said curve, a distance of 484.40 feet to a point of reverse curvature; thence Northwesterly along the arc of a curve concave to the Southwest, having a radius of 2000 feet and a central angle of $5^{\circ}26'21''$, a distance of 189.86 feet to a point of reverse curvature; thence Northwesterly and Northerly along the arc of a curve concave to the East, having a radius of 2000 feet and a central angle of $20^{\circ}0'23''$ a distance of 698.35 feet to a point of reverse curvature; thence Northerly along the arc of a curve concave to the West having a radius of 1000 feet and a central angle of $7^{\circ}50'16''$, a distance of 136.80 feet to the end of said curve; thence North $10^{\circ}05'36''$ West, along the tangent to said curve, a distance of 911.65 feet to the beginning of a curve concave to the Southwest, having a radius of 3831.62 feet and a central angle of $6^{\circ}40'00''$; thence Northwesterly along the arc of said curve, a distance of 445.83 feet to a point of compound curvature; thence Northwesterly, Westerly and Southwesterly along the

arc of a curve concave to the Southwest, having a radius of 50 feet and a central angle of $90^{\circ}00'00''$ a distance of 78.54 feet to the end of said curve; thence South $73^{\circ}14'24''$ West, a distance of 259.82 feet to the beginning of a curve concave to the Southeast, having a radius of 320 feet and a central angle of $67^{\circ}29'51''$; thence Southwesterly and Southerly along the arc of said curve, a distance of 376.98 feet to the end of said curve; thence South $5^{\circ}44'33''$ West, along the tangent to said curve, a distance of 159.82 feet to the beginning of a curve concave to the Northeast having a radius of 559.20 feet and a central angle of $33^{\circ}54'55''$; thence Southerly and Southeasterly along the arc of said curve a distance of 331.01 feet to a point of reverse curvature; thence Southeasterly and Southerly along the arc of a curve concave to the Southwest having a radius of 2031.19 feet and a central angle of $18^{\circ}22'09''$, a distance of 651.20 feet to a point of compound curvature; thence Southerly, Southwesterly, Westerly, Northwesterly and Northerly along the arc of a curve concave to the North, having a radius of 230 feet and a central angle of $208^{\circ}35'53''$, a distance of 837.37 feet to a point of reverse curvature; thence Northerly, Northwesterly, Westerly and Southwesterly along the arc of a curve concave to the Southwest, having a radius of 147.34 feet and a central angle of $131^{\circ}18'47''$ a distance of 337.68 feet to the end of said curve; thence South $67^{\circ}28'53''$ West, a long the tangent to said curve, a distance of 167.63 feet to the beginning of a curve concave to the Northeast, having a radius of 330 feet and a central angle of $110^{\circ}41'07''$; thence Southwesterly, Westerly, Northwesterly and Northerly along the arc of said curve, a distance of 637.50 feet to a point of reverse curvature; thence Northerly and Northwesterly along the arc of a curve concave to the Southwest, having a radius of 1170.27 feet and a central angle of $19^{\circ}49'40''$ a distance of 404.98 feet to a point of reverse curvature; thence Northwesterly, Northerly and Northeasterly along the arc of a curve concave to the Southeast having a radius of 447.72 feet and a central angle of $94^{\circ}54'04''$, a distance of 741.58 feet to the end of said curve; thence North $73^{\circ}14'24''$ East, along the tangent to said curve, a distance of 1218.91 feet to the beginning of a curve concave to the Northwest, having a radius of 50 feet and a central angle of $85^{\circ}48'27''$; thence Northeasterly and Northerly along the arc of said curve, a distance of 74.88 feet to a point of reverse curvature; thence Northerly along the arc of a curve concave to the Northeast, having a radius of 3096.09 feet and a central angle of $6^{\circ}03'09''$, a distance of 327.06 feet to a point of reverse curvature; thence Northerly, Northwesterly and Westerly along the arc of a curve concave to the Southwest, having a radius of 50 feet and a central angle of $89^{\circ}37'19''$, a distance of 78.21 feet to a point of compound curvature; thence Westerly and Southwesterly along the arc of a curve concave to the Southeast, having a radius of 4680.75 feet and a central angle of $12^{\circ}28'41''$, a distance of 1019.39 feet to a point of reverse curvature; thence Southwesterly, Westerly, Northwesterly, Northerly, Northeasterly and Easterly, along the arc of a curve concave to the East, having a radius of 280 feet and a central angle of $205^{\circ}13'11''$ a distance of 1002.89 feet to the end of said curve; thence South $83^{\circ}23'43''$ East, along the tangent to said curve, a distance of 409.14 feet to the beginning of a curve concave to the North, having a radius of 420 feet and a central angle of $18^{\circ}11'20''$; thence Easterly and Northeasterly along the arc of said curve, a distance of 133.33 feet to a point of compound curvature; thence Northeasterly and Northerly along the arc of a curve concave to the Northwest, having a radius of 84.28 feet and a central angle of $87^{\circ}02'40''$, a distance of 128.04 feet to the end of said curve; thence North $8^{\circ}37'43''$ West, along the tangent to said curve, a distance of 45.33 feet to the beginning of a curve concave to the Southwest, having a radius of 220 feet and a central angle of $46^{\circ}26'40''$; thence Northerly and Northwesterly, along the arc of said curve, a distance of 178.33 feet to the end of said curve; thence North $55^{\circ}04'23''$ West, along the tangent to said curve, a distance of 810.50 feet to the beginning of a curve concave to the Southeast, having a radius of 320 feet and a central angle of $116^{\circ}30'00''$; thence Northwesterly, Westerly, Southwesterly and Southerly along the arc of said curve, a distance of 650.66 feet to the end of said curve; thence South $8^{\circ}25'37''$ West, along the tangent to said curve, a distance of 938.46 feet to the beginning of a curve concave to the East, having a radius of 2175.97 feet and a central angle of $18^{\circ}33'05''$; thence Southerly, along the arc of said curve, a distance of 704.54 feet to a point of reverse curvature; thence Southerly, along the arc of a curve concave to the West, having a radius of 2439.54 feet and a central angle of $13^{\circ}46'14''$, a distance of 586.32 feet to a point of reverse curvature; thence Southerly along the arc of a curve concave to the East, having a radius of 2306.73 feet and a central angle of $15^{\circ}20'00''$ a distance of 617.32 feet to the end of said curve; thence South $11^{\circ}41'14''$ East, along the tangent to said curve, a distance of 302.03 feet; thence South $78^{\circ}18'46''$ West, a distance of 150 feet; thence South $11^{\circ}41'14''$ East, a distance of 125 feet to the

beginning of a curve concave to the Northeast having a radius of 324.71 feet and a central angle of 57°53'46"; thence Southeasterly along the arc of said curve, a distance of 328.11 feet to a point of reverse curvature; thence Southeasterly, along the arc of a curve concave to the Southwest, having a radius of 977.32 feet and a central angle of 28°55'30", a distance of 493.39 feet to the end of said curve; thence North 49°20'30" East, along the Northeasterly extension of a line radial to said curve, a distance of 135.22 feet to a point in the arc of a curve concave to the Southwest, having a radius of 612.44 feet and a central angle of 56°25'01 and whose tangent makes an angle with the preceding course, measured from Northwest to Southwest of 60°52'48"; thence Southeasterly along the arc of said curve, a distance of 603.04 feet, more or less, to the **POINT OF BEGINNING**.

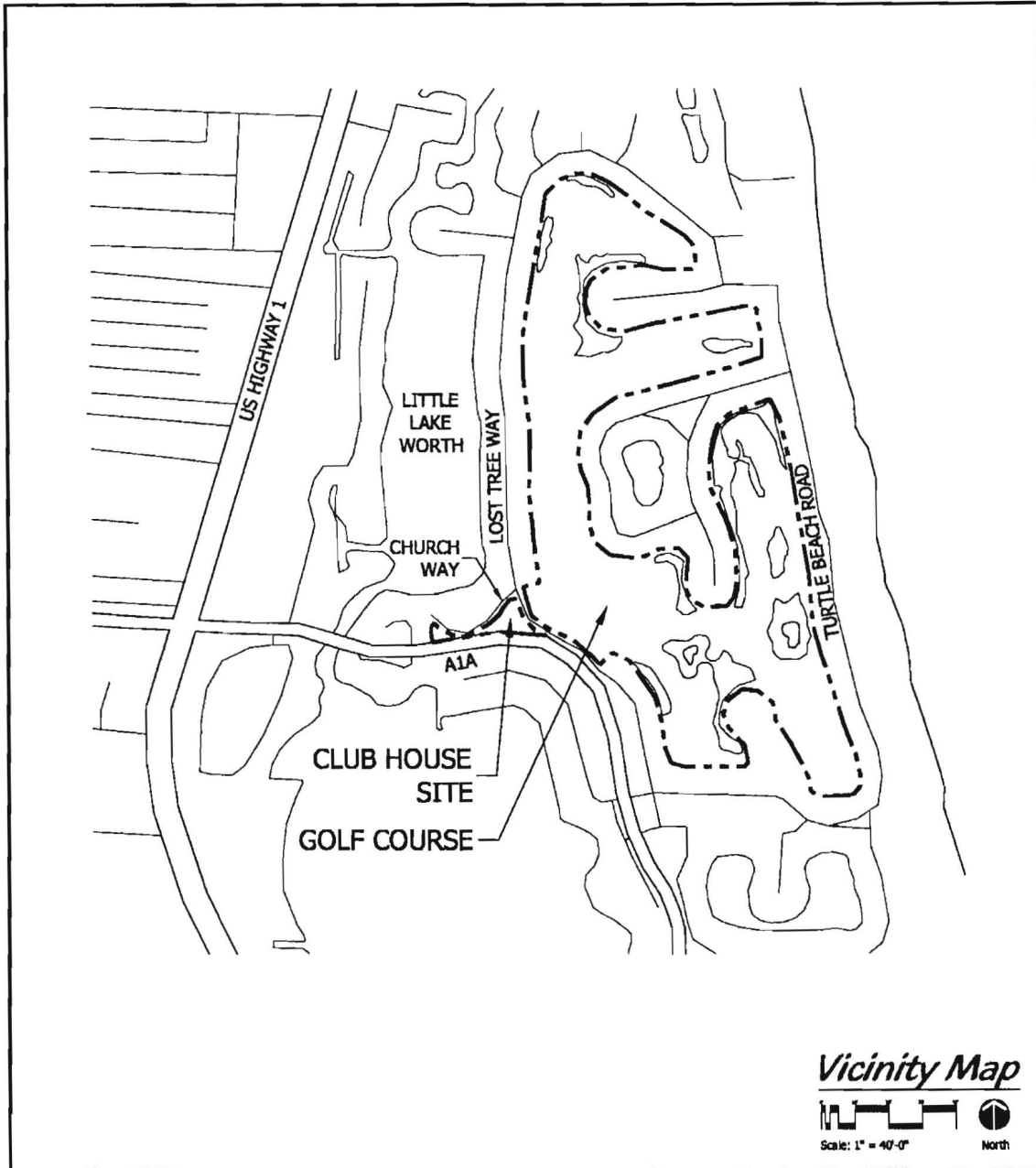
LESS the following described parcel lying Northeasterly and adjacent to Lot 146, **PLAT NO. 2, OLD PORT VILLAGE: BEGINNING** at the Northeast corner of said Lot 146; thence North 63°-21'-40" East a distance of 19.51 feet to a point; thence South 19°-29'-41" East a distance of 128.79 feet; thence South 66°-57'-18" West a distance of 7.5 feet to a point; thence Northwesterly along the arc of a curve concave to the Southwest through a central angle of 3°-35'-38" a distance of 127.41 feet to the POB.

Also **LESS** a parcel of land adjacent to Lots 76 & 77, **PLAT NO. 1, OLD PORT VILLAGE**, recorded in Plat Book 27, Page 18, lying within the Plat of **SEMINOLE BEACH**, recorded in Plat Book 22, Page 37, both in the Public Records of Palm Beach County, Florida, being more particularly described as follows:

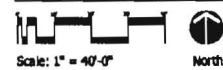
BEGIN at the Southeast corner of said Lot 76;
thence North 13°21'41" West, along the East line of said Lot 76 (the East line of said Lot 76 is assumed to bear North 13°21'41" West and all other bearings are relative thereto), a distance of 63.81 feet to the beginning of a curve concave to the West having a radius of 612.44 feet and a central angle of 00°36'09";
thence Northerly along the arc of said curve and said East line a distance of 6.44 feet to a point on a non-tangent line;
thence North 76°38'17" East a distance of 31.10 feet to a point;
thence South 19°52'10" East a distance of 100.90 feet to a point on the Easterly prolongation of the South line of the North 30 feet of said Lot 77;
thence South 76°38'19" West, along said prolongation, a distance of 42.50 feet to a point on the East line of said Lot 77;
thence North 13°21'41" West along said East line, a distance of 30.00 feet to the **POINT OF BEGINNING**.

Containing in all 145.885 acres, more or less.

EXHIBIT B
VICINITY SKETCH



Vicinity Map



1834 Commerce Lane - Suite 1 - Jupiter - Florida - 33468
861.747.8358 - Fax 861.747.1377 - Lic.# LC-C000299
Landscape Architects | Land Planners | Environmental Consultants
www.cotleurhearing.com

Lost Tree Club

Palm Beach County, Florida

DESIGNED	PK
DRAWN	PK
APPROVED	DEI
JOB NUMBER	10-0501
DATE	05-19-10
REVISIONS	

May 18, 2010 8:18:52 p.m.
Drawing: Vicinity.dwg

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.The preliminary site plan is dated July 19, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ENGINEERING

1.Prior to issuance of the first building permit for Phase II, the property owner shall subdivide the recreation parcel, located at the southwest corner of Church Lane and Lost Tree Way, in accordance with Article 11. (BLDG PERMIT: MONITORING - Eng)

2.Prior to issuance of the first building permit for the Clubhouse Building A, the property owner shall abandon and, if necessary, relocate the existing utility easements within the proposed building footprint. (BLDG PERMIT: MONITORING - Eng)

COMPLIANCE

1.In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2.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 (CO); 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; revocation of any concurrency; 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 Unified Land Development Code (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.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)