

RESOLUTION NO. R-2018- 0801

RESOLUTION APPROVING ZONING APPLICATION DOA-2017-01815
(CONTROL NO. 1981-00006)
a Development Order Amendment
APPLICATION OF Bocaire Country Club Inc, AKLS Bocaire, LLC, Joy Dorfman
BY JMorton Planning & Landscape Architecture, AGENT
(Bocaire Golf and Country Club PUD)

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;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA-2017-01815 was presented to the Board of County Commissioners at a public hearing conducted on May 24, 2018;

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;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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 DOA-2017-01815, the Application of Bocaire Country Club Inc, AKLS Bocaire, LLC, and Joy Dorfman, by JMorton Planning & Landscape Architecture, Agent, for a Development Order Amendment to reconfigure the Master Plan, to re-designate Recreation (Golf Course) to Residential; and, modify and delete Conditions of Approval (All Petitions, Health, Planned Development), on a parcel of land generally described as shown on the legal description 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 May 24, 2018, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick 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 Melissa McKinlay, Mayor	-	Absent
Commissioner Mack Bernard, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Absent
Commissioner Paulette Burdick	-	Aye
Commissioner Dave Kerner	-	Absent
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on May 24, 2018.

Filed with the Clerk of the Board of County Commissioners on June 4th, 2018.

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

A PORTION OF SECTION 36, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE NORTH, ALONG THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 2110.03 FEET; THENCE, DEPARTING SAID WEST LINE, SOUTH 89° 40' 13" EAST ALONG A LINE PARALLEL WITH THE SOUTH LINE OF SECTION 36, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING OF THAT PORTION DESCRIBED HEREIN; THENCE NORTH, ALONG A LINE 40.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE WEST LINE OF SECTION 36, SAID LINE ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 3131.34 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL L-38; THENCE SOUTH 89°57'05" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 3328.88 FEET; THENCE SOUTH 89°58'37" EAST, CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL L-38, A DISTANCE OF 1758.10 FEET; THENCE, DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE, ALONG THE EAST LINE OF BOCAIRE GOLF CLUB NO. 2, AS RECORDED IN PLAT BOOK 46, PAGE 38, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, SOUTH 00°01'23" WEST A DISTANCE OF 500.00 FEET; THENCE SOUTH 12°13'56" WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 2117.99 FEET TO SOUTHEAST CORNER OF SAID BOCAIRE GOLF CLUB NO. 2; THENCE, ALONG THE SOUTH LINE OF SAID BOCAIRE GOLF CLUB NO. 2, THE FOLLOWING ELEVEN (11) COURSES, NORTH 89°50'20" WEST, A DISTANCE OF 554.00 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 926.00 FEET FROM WHICH A RADIAL LINE BEARS SOUTH 84°01'44" WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 2°59'58", A DISTANCE OF 48.50 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1289.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°16'17", A DISTANCE OF 388.56 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1877.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 4°29'43", A DISTANCE OF 147.27 FEET; THENCE SOUTH 56°21'15" WEST, A DISTANCE OF 120.17 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1757.00 FEET FROM WHICH A RADIAL LINE BEARS SOUTH 59°27'58" WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 2°18'12", A DISTANCE OF 70.63 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 83.48 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°48'13", A DISTANCE OF 132.30 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 56°21'15" WEST, A DISTANCE OF 186.36 FEET; THENCE NORTH 33°38'45" WEST, A DISTANCE OF 577.63 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 800.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 56°21'15", A DISTANCE OF 786.85 FEET TO THE POINT OF TANGENCY; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 113.49 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 650.00 FEET; THENCE SOUTH 32°55'09" EAST, A DISTANCE OF 1017.27 FEET; THENCE SOUTH 07°34'51" EAST, A DISTANCE OF 507.04 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF PHEASANT WAY AND A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 1487.00 FEET FROM WHICH A RADIAL LINE BEARS NORTH 07°14'51" WEST; THENCE WESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12°37'46", A DISTANCE OF 327.78 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 2400.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC

OF SAID CURVE THROUGH A CENTRAL ANGLE OF 9°12'16", A DISTANCE OF 385.55 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 2400.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°10'31", A DISTANCE OF 468.11 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 193.97 FEET; THENCE NORTH 89°40'13" WEST, A DISTANCE OF 174.00 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 190.50 FEET; THENCE NORTH 89°40'13" WEST, A DISTANCE OF 1660.15 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 13,008,663 SQUARE FEET / 299.101 ACRES, MORE OR LESS

EXHIBIT B
VICINITY SKETCH

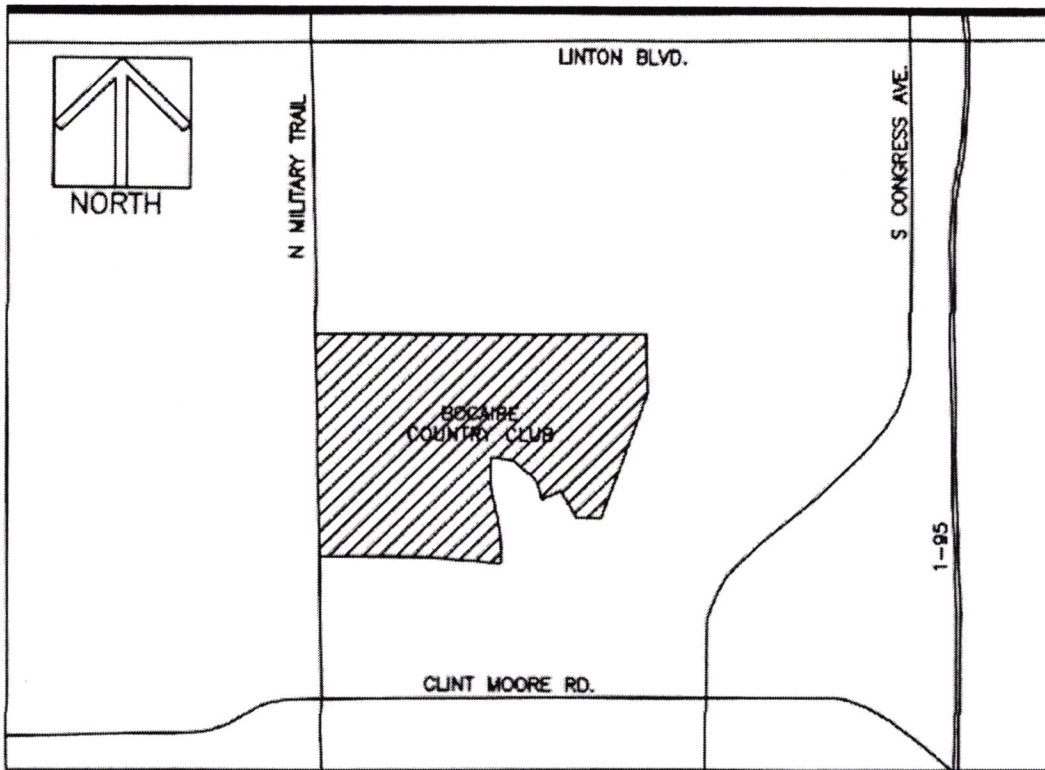


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2000-1700, Control No.1981-00006, which currently states:

All conditions of approval contained in Resolution R-81-0215, Petition 81-006, however, shall remain in full force and effect.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution Nos. R-1981-0215 and R-2000-1700 (Control No. 1981-00006), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. The approved Preliminary Master Plan is dated March 12, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ENGINEERING

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County sixty (60) feet from centerline for the ultimate right-of-way for Military Trail. (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-1981-215, Control No.1981-00006)

2. Petitioner shall convey to Palm Beach County a drainage easement(s) for Military Trail per the County Engineer's approval. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-1981-215, Control No.1981-00006)

3. Petitioner shall construct at the intersection of Military Trail and the project's entrance road:

a. left turn lane, north approach

b. left turn lane, east approach

c. signalization when warranted as determined by the County Engineer [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-1981-215, Control No.1981-00006)

4. Petitioner shall contribute Seventy-eight Thousand Eight Hundred Thirty-eight Dollars (\$78,838.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s). (\$322.00 per dwelling unit). (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-1981-215, Control No.1981-00006)

5. On or before October 1, 2001 the property owner shall Replat Parcel G. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2000-1700, Control No.1981-00006)

6. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2019. A time extension for this condition may be approved by the County Engineer based upon an

approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

7. Prior to the issuance of the first building permit, the Property Owner shall legally create 2 lots out of the golf course tract in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

ENVIRONMENTAL

1. Prior to the approval of the site plan by the Development Review Officer (DRO), a Phase II Environmental Audit shall be submitted to the Department of Environmental Resources Management. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

HEALTH

1. Previous HEALTH Condition 1 of Resolution R-1981-215, Control No.1981-00006, which currently states:

The petitioner will take necessary precautions to prevent run-off of pollutants from this project to nearby surface waters. (ONGOING: MONITORING - Health Department)

Is hereby deleted. [REASON: Code Requirement]

2. The developer will take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from the project do not become a nuisance to neighboring properties. (ONGOING: MONITORING - Health Department) (Previous HEALTH Condition 2 of Resolution R-1981-215, Control No.1981-00006)

PLANNED DEVELOPMENT

1. Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-1981-215, Control No.1981-00006, which currently states:

An amended master plan of the existing Pheasant Walk subdivision must be filed to the Dept. of Planning, Zoning & Building, prior to issuance of building permit(s) for this petition. (BLDGPM: MONITORING - Zoning)

Is hereby deleted. [REASON: There is no Master Plan for Pheasant Walk to amend.]

2. The Unity of Title for Lots 6 & 7, Block J (ORB 4977, Pg. 1395), and Lots 7 & 8, Block H (ORB 4977, Pg. 1510) shall not be released unless the Board of County Commissioners approves the addition of new units through a Development Order Amendment, or for the purpose of combining the lots in accordance with Article 11, Subdivision, Platting and Required Improvements.

a. Prior to the Final Approval by the Development Review Officer, the Applicant shall indicate the above condition on the Final Master and Subdivision Plans. (BLDGPM/DRO/ONGOING: ZONING - Zoning)

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; 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; the 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 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 of Approval; 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)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.