

RESOLUTION NO. ZR-97-01

RESOLUTION APPROVING ZONING PETITION CB97-12
CLASS B CONDITIONAL USE
PETITION OF PBC BCC
BY SARA LOCKHART, AGENT
(PBCIA GOLF COURSE)

WHEREAS, the Palm Beach County Zoning Commission, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class B Conditional Uses; 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 CB97-12 was presented to the Zoning Commission at a public hearing conducted on May 1, 1997; and

WHEREAS, the Zoning Commission 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, this approval shall only become effective upon the adoption of a resolution approving Zoning Petition 82-1 90(A) by the Board of County Commissioners; and

WHEREAS, the Zoning Commission made the following findings of fact:

1. This Class B Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class B Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class B Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class B Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county 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 Class B Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class B Conditional Use meets applicable local land development regulations.

7. This Class B Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class B Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards.
9. This Class B Conditional Use, 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 Class B Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
11. This Class B Conditional Use, with conditions as adopted, is consistent with applicable neighborhood plans.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CB97-12, the petition of PBC BCC, by Sara Lockhart, agent, for a Class B Conditional Use (CB) to allow a golf course in the Public Ownership (PO) 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 May 1, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kaplan moved for the approval of the Resolution.

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

Sherry Hyman, Chair	--	Absent
Kevin Foley, Vice Chair	--	Aye
Frank A. Barbieri, Jr.	--	Absent
Peter Carney	--	Aye
Mikel Jones	--	Aye
Allan Kaplan	--	Aye
William Anderson	--	Aye
Herbert Epstein	--	Ay e

The Chair thereupon declared that this resolution shall become effective upon the approval of Zoning Petition DOA82-190(A).

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY

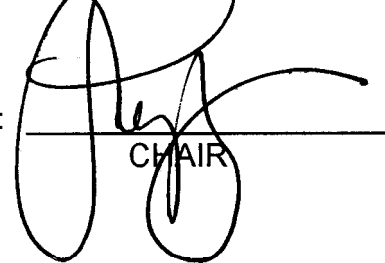
BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1

A PARCEL OF LAND IN SECTION 6, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA BEING A PORTION OF BLOCKS 3 & 4 OF THE PALM BEACH PLANTATIONS PLAT NO. 1, MODEL LAND COMPANY AS RECORDED IN PLAT BOOK 10 AT PAGE 20 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 6 WHICH IS COMMON WITH THE SOUTHWEST CORNER OF BLOCK 3 OF SAID PALM BEACH PLANTATIONS PLAT 1: THENCE N 1'28'45" E ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, 122.55 FEET; THENCE AT RIGHT ANGLES TO THE PRECEDING COURSE S 88'31'15" E, 3.68 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF KIRK ROAD AS SHOWN IN ROAD PLAT BOOK 3 AT PAGE 181 AND AS DEPICTED IN PALM BEACH COUNTY RIGHT-OF-WAY MAP FOR KIRK ROAD --- FOREST HILL BOULEVARD TO SOUTHERN BOULEVARD PROJECT #88564 ON FILE IN THE OFFICE OF THE COUNTY ENGINEER, PALM BEACH COUNTY, AND THE POINT OF BEGINNING; THENCE S 26'45'14" E ALONG SAID EAST RIGHT-OF-WAY TO THE NORTH RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD AS SHOWN ON ROAD PLAT BOOK 3 AT PAGE 181 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND REVISED AND CONSTRUCTED ACCORDING TO PALM BEACH COUNTY RIGHT-OF-WAY MAP - PROJECT #84124 ON RECORD IN THE OFFICE OF COUNTY ENGINEER FOR PALM BEACH COUNTY, 38.06 FEET; THENCE, ALONG SAID NORTH RIGHT-OF-WAY LINE FOR THE NEXT EIGHT COURSES, S 88'31'41" E, 200.0 FEET; THENCE S 85'39'30" E, 180.23 FEET; THENCE S 88'31'41" E, 394.78 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1870.08 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF THE CURVE THRU A CENTRAL ANGLE OF 30'46'39", 1004.55 FEET TO THE POINT OF TANGENCY; THENCE N 60'41'40" E ALONG THE TANGENT, 2023.30 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1950.08 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF THE CURVE THRU A CENTRAL ANGLE OF 30'40'44", 1044.16 FEET TO THE POINT OF TANGENCY; THENCE S 88'37'36" E ALONG THE TANGENT, 726.32 FEET; THENCE N 49'43'22" E, 44.18 FEET; THENCE N 2'31'04" E, 200.0 FEET; THENCE N 6'25'37" E, 150.35 FEET; THENCE N 2'31'04" E TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-5 AS SHOWN OFFICIAL RECORD BOOK 3538, PAGE 1616 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AT THE WEST RIGHT-OF-WAY LINE OF CONGRESS AVENUE AS SHOWN IN ROAD PLAT BOOK 3 AT PAGE 181 AND ROAD PLAT BOOK 5, PAGE 49 OF SAID PUBLIC RECORDS AND AS LAID OUT AND IN USE, 601.32 FEET; THENCE N 88'38'58" W ALONG SAID RIGHT-OF-WAY LINE (LYING 40.0' SOUTH OF AND PARALLEL WITH THE EAST/WEST QUARTER SECTION LINE OF SAID SECTION 6), 5194.0 FEET; THENCE S 3'12'00" W ALONG THE WEST RIGHT-OF-WAY LINE OF KIRK ROAD AS ABOVE REFERENCED, TO THE POINT OF BEGINNING, 2500.58 FEET.
DESCRIBED AS FOLLOWS:
PARCEL CONTAINS 210.521 ACRES (9,170,297.58 SQ. FT.)

LESS

FIRE DEPARTMENT PARCEL

A PARCEL OF LAND LYING WITHIN TRACT 5, BLOCK 3, SECTION 6, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH PLANTATIONS, PLAT NO. 1, PALM BEACH COUNTY, FLORIDA AS RECORDED IN PLAT BOOK 10, PAGE 20, PALM BEACH COUNTY PUBLIC RECORDS, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 6, THENCE RUN N 01'28'45" E ALONG THE WEST LINE OF SAID SECTION 6 A DISTANCE OF 680.00 FEET; THENCE RUN S 88'31'41" E ON A LINE PARALLEL WITH THE SOUTH LINE OF SAID SECTION 6 A DISTANCE OF 20.41 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF KIRK ROAD AS SHOWN ON RIGHT-OF-WAY MAP FOR COUNTY ROADS WITHIN SECTION 6, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, AS RECORDED IN ROAD PLAT BOOK 3, PAGE 181 AND 182, PALM BEACH COUNTY PUBLIC RECORDS, AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE S 88'31'41" E A DISTANCE OF 225.00 FEET; THENCE RUN N 03'12'00" E PARALLEL WITH THE EASTERLY RIGHT-OF-WAY LINE OF SAID KIRK ROAD A DISTANCE OF 385.00 FEET; THENCE RUN N 88'31'41" W A DISTANCE OF 225.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID KIRK ROAD RIGHT-OF-WAY; THENCE RUN S 03'12'00" W ALONG THE EASTERLY RIGHT-OF-WAY OF SAID KIRK ROAD A DISTANCE OF 385.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1.988 ACRES (86,585.60 SQUARE FEET)

ALSO LESS

EXHIBIT A

LEGAL DESCRIPTION

CREDIT UNION PARCEL

A PARCEL OF LAND IN TRACT 5, BLOCK 4, SECTION 6, PLAT NO. 1, SHEET 1, P.A.I.M. BEACH PLANTATIONS AS RECORDED IN PLAT BOOK 10, AT PAGE 20, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING AND BEING IN SECTION 6 TOWNSHIP 44 SOUTH, RANGE 43 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 5, SAID POINT ALSO BEING ON THE CENTERLINE OF THE 80 FOOT WIDE DAVIS ROAD RIGHT-OF-WAY; THENCE SOUTH 88°35'21" EAST ALONG THE NORTH LINE OF SAID TRACT 5; A DISTANCE OF 40.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID DAVIS ROAD AND THE POINT-OF-BEGINNING. THENCE CONTINUE SOUTH 88°35'21" EAST ALONG THE NORTH LINE OF SAID TRACT 5; A DISTANCE OF 535.56 FEET; THENCE SOUTH 29°19'55" EAST, A DISTANCE OF 94.73 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE 80.00 FEET WIDE SUMMIT BOULEVARD; THENCE SOUTH 60°40'05" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD, A DISTANCE OF 640.21 FEET TO A POINT OF CURVATURE OF CIRCULAR CURVE CONCAVE NORTHEASTERLY; THENCE SOUTHWESTERLY, WESTERLY, NORTHWESTERLY, AND NORTHERLY ALONG THE ARC OF SAID CIRCULAR CURVE HAVING A RADIUS OF 25 FEET AND A CENTRAL ANGLE OF 121°20'22"; A DISTANCE OF 52.94 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID DAVIS ROAD, SAID POINT ALSO BEING 40.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF SAID TRACT 5; THENCE NORTH 02°00'27" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID DAVIS ROAD AND ALONG A LINE OF 40.00 FEET EAST OF AND PARALLEL WITH AS MEASURED RIGHT ANGLES TO, THE WEST LINE OF SAID TRACT 5, A DISTANCE OF 386.96 FEET TO THE POINT-OF-BEGINNING.

CONTAINING 3.386.. ACRES MORE OR LESS,

LESS THAT PORTION OF SAID PARCEL LYING SOUTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD AS LAID OUT AND IN USE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL SAID TO BE LYING ON THE NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD (ROAD PLAT BOOK 3, PAGE 181 - PALM BEACH COUNTY PUBLIC RECORDS); THENCE N 29°19'55" W (N 29°20'02" W MEASURED) TO THE NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD AS NOW LAID OUT AND IN USE (PALM BEACH COUNTY RIGHT-OF-WAY MAP PROJECT #84124), 0.47(M)0.35(C) FEET; THENCE S 60°41'40" W ALONG SAID RIGHT-OF-WAY, 645.80 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 25.0 FEET, WHOSE RADIUS AT THIS POINT BEARS N 62°52'25" E; THENCE SOUTHEASTERLY ALONG THE ARC OF THE CURVE THRU A CENTRAL ANGLE OF 13°02'32", 5.69 FEET TO THE POINT OF TANGENCY; THENCE N 60°40'05" E ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD (ROAD PLAT BOOK 3, PAGE 181) (N 60°40'42" E - MEASURED) 640.16 (MEASURED: 640.21 DEED) TO THE POINT OF BEGINNING.

CONTAINING 358.92 SQUARE FEET -- 0.0082 ACRES

NET PARCEL CONTAINS 3.378 ACRES.

(SEE SURVEYORS NOTE 6)

ALSO LESS

DAVIS ROAD SEGMENT

A PARCEL OF LAND IN SECTION 6, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING PORTIONS OF TRACT 8, BLOCK 3 AND TRACT 5, BLOCK 4 OF THE PLAT OF PALM BEACH PLANTATIONS PLAT 1 MODEL LAND COMPANY AS RECORDED IN PLAT BOOK 10, PAGE 20 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF TRACT 5, BLOCK 4 OF SAID PALM BEACH PLANTATIONS; THENCE S 88°35'06" E ALONG THE NORTH LINE OF TRACT 5, TO AN IRON ROD, 40.05 FEET; THENCE S 2°01'06" W TO AN IRON ROD, 386.96 FEET AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 25.0 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF THE CURVE THRU A CENTRAL ANGLE OF 108°20'03" 47.27 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD AS LAID OUT AND IN USE ACCORDING TO PALM BEACH COUNTY RIGHT-OF-WAY MAP, PROJECT #84124 ON RECORD IN THE OFFICE OF THE COUNTY ENGINEER FOR SAID PALM BEACH COUNTY; THENCE S 60°41'40" W ALONG SAID NORTHERLY RIGHT-OF-WAY, 160.18 FEET TO A POINT OF CUSP OF A CURVE CONCAVE NORTHWEST HAVING A RADIUS 50.0 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF THE CURVE THRU A CENTRAL ANGLE OF 8°41'22", 51.22 FEET TO A POINT OF TANGENCY; THENCE N 2°00'27" E TO THE NORTH LINE OF TRACT 8, BLOCK 3 OF SAID PALM BEACH PLANTATIONS PLAT 1, 450.34 FEET; THENCE S 88°35'06" E ALONG SAID NORTH LINE TO THE POINT OF BEGINNING 0.00 FEET

PARCEL CONTAINS 0.848 ACRES (36,915.55 SQUARE FEET)

LSO LESS

EXHIBIT A

LEGAL DESCRIPTION

CRIMINAL JUSTICE COMPLEX ANNEX

A PARCEL OF LAND IN SECTION 6, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACTS 2 & 3, BLOCK 4, PALM BEACH PLANTATIONS, PLAT 1, MODEL LAND COMPANY AS RECORDED IN PLAT BOOK 10 AT PAGE 20 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: (SEE SURVEYOR'S NOTE 1)

COMMENCE AT THE NORTHEAST CORNER OF BLOCK 4 OF SAID PALM BEACH PLANTATIONS PLAT 1, SAID CORNER BEING COMMON WITH THE EAST QUARTER CORNER OF SAID SECTION 6; THENCE S 2'3 1'04" E ALONG THE EAST LINE OF SECTION 6, A DISTANCE OF 40.01 FEET; THENCE N 88'38'58" W ALONG A LINE 40.0 FEET SOUTH OF AND PARALLEL WITH THE EAST-WEST QUARTER SECTION LINE OF SECTION 6 (SAID LINE BEING 40.0 FEET SOUTH IS THE SOUTH LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-5 PER OFFICIAL RECORD BOOK 3538; PAGE 1616 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY), 936.56 FEET TO THE POINT OF BEGINNING; THENCE S 30'06'40" W, 393.55 FEET; THENCE N 88'38'58" W 617.0 FEET; THENCE N 27'24'36" W TO A POINT ON A LINE 40.0" SOUTH OF AND PARALLEL WITH THE EAST-WEST QUARTER SECTION LINE OF SECTION 6, 393.55 FEET; THENCE S 88'38'58" E TO THE POINT OF BEGINNING, 995.71 FEET. (SEE SURVEYORS NOTE 7)

PARCEL CONTAINS 6.386 ACRES (278, 193.81 SQUARE FEET)

SUBJECT TO AN EASEMENT OVER THE NORTH 20 FEET THEREOF IN FAVOR OF FLORIDA POWER & LIGHT COMPANY PER OFFICIAL RECORD BOOK 1058 AT PAGE 250 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY.

TOGETHER WITH

PARCEL 2

A PARCEL OF LAND IN SECTION 6, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF BLOCK 1 OF THE PALM BEACH PLANTATIONS PLAT 1, MODEL LAND COMPANY, AS RECORDED IN PLAT BOOK 10 AT PAGE 20 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF TRACT 8 OF BLOCK 1 OF SAID PALM BEACH PLANTATIONS PLAT 1, SAID CORNER BEING COMMON WITH THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE N 88'38'58" W ALONG THE SOUTH LINE OF SAID BLOCK 1 AND THE NORTHEAST QUARTER OF SAID SECTION 6 TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CONGRESS AVENUE AS DEPICTED IN ROAD PLAT BOOK 3 AT PAGE 181 OF SAID PUBLIC RECORDS AND AS LAID OUT AND IN USE, 67.01 FEET; THENCE N 2'30'50" E ALONG SAID WEST RIGHT-OF-WAY LINE, SAID LINE LYING 67.0 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6, 40.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 2'30'50" E, 979.15' TO A POINT ON THE PROPOSED SOUTH RIGHT-OF-WAY LINE OF GUN CLUB ROAD AS DEPICTED ON PALM BEACH COUNTY DRAWING C-3-89-017 ON FILE IN THE OFFICE OF THE COUNTY ENGINEER FOR PALM BEACH COUNTY; THENCE ALONG SAID PROPOSED SOUTH RIGHT-OF-WAY LINE THE FOLLOWING SIX COURSES, N 87'29'10" W, 28.0 FEET; THENCE N 42'29'11" W, 56.57 FEET; THENCE N 87'29'12" W, 115.0 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 984.08 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF THE CURVE THRU A CENTRAL ANGLE OF 19'20'18", 332.14 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE; THENCE N 64'39'05" W ALONG SAID NON-TANGENT LINE 180.34 FEET; THENCE N 68'08'54" W, 5.91 FEET; THENCE, S 2'30'50" W, DEPARTING SAID PROPOSED RIGHT-OF-WAY LINE, TO THE NORTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-5 AS RECORDED IN OFFICIAL RECORD BOOK 3538 AT PAGE 1616 OF SAID PUBLIC RECORDS 1160.43 FEET; THENCE S 88'38'58" E ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING, 680.79 FEET.

PARCEL CONTAINS 16.487 ACRES (718184.93 SQUARE FEET)

NET PARCEL CONTAINS 214.409 ACRES MORE OR LESS (9,339,652.31 SQUARE FEET)

EXHIBIT B
VICINITY SKETCH

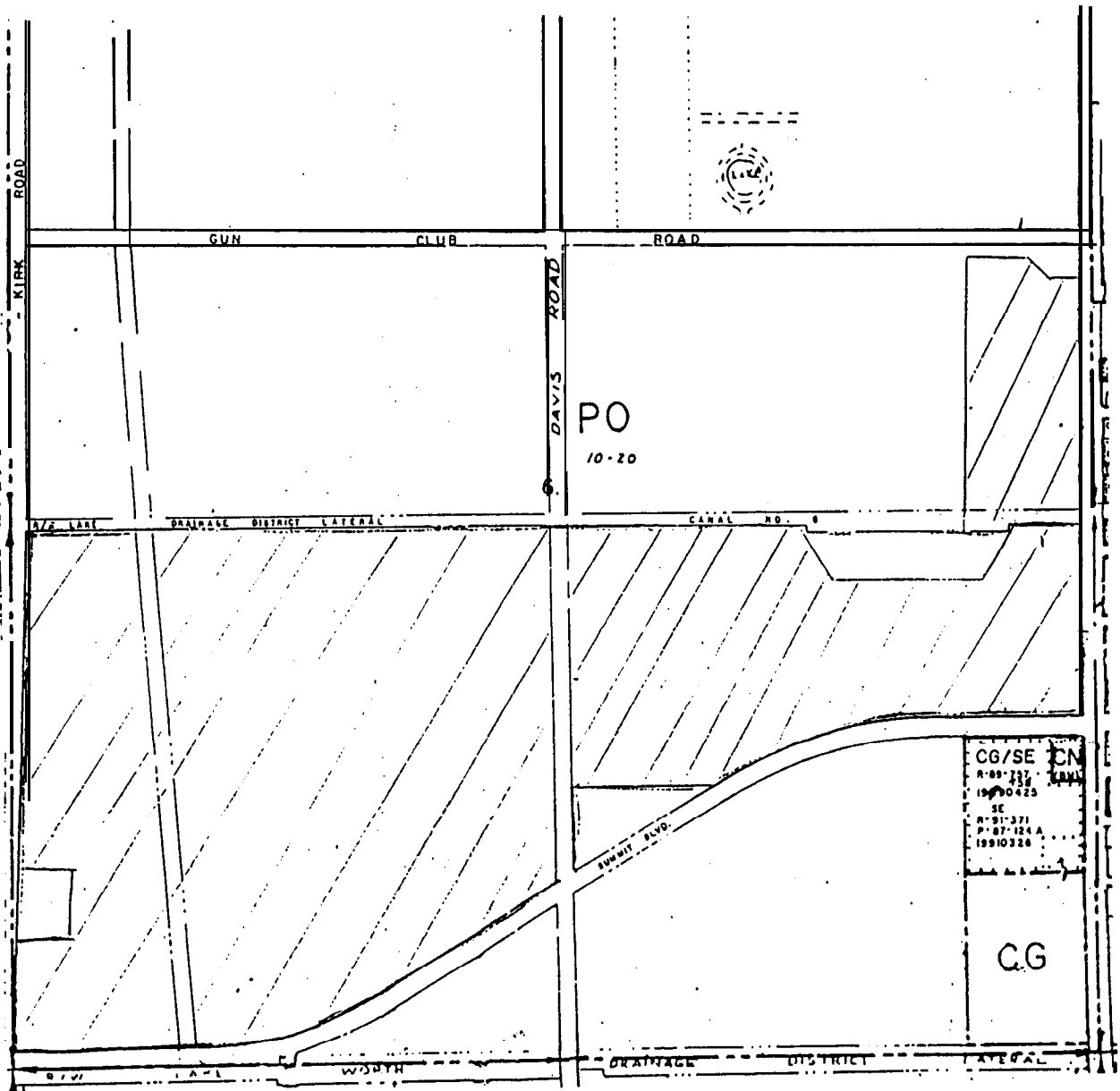


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Zoning Commission. The approved site plan is dated March 28, 1997. All modifications must be approved by the Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)
2. This approval is contingent on and shall become effective upon the approval of Zoning Petition DOA82-190(A) by the Board of County Commissioners. (DRC: ZONING)

B. ACCESS

1. Vehicular access to the site shall be prohibited from Kirk Road. (DRC: ZONING)

C. HEALTH

1. Reasonable precautions shall be taken during development to insure that unconfined particulates (dust particles) from the property do not become a nuisance to neighboring properties. (ONGOING: HEALTH/CODE ENF)
2. All necessary precautions will be taken to prevent leaching into the soil or ground water of any toxic or hazardous material such as pesticides, fertilizers and herbicides. Any such materials shall be stored on an impervious surface sufficiently bermed to prevent runoff. (ONGOING: HEALTH/CODE ENF)
3. Application and engineering plans to construct the OSTDS for the golf rest areas in accordance with Rule IOD-6FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Department prior to final site plan approval. (DRC: HEALTH)

D. LANDSCAPING

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (CO: LANDSCAPE - Zoning)
2. Landscaping and buffering along Gun Club Road, Congress Avenue, Summit Boulevard and Kirk Road shall include:
 - a. A minimum twenty (20) foot wide landscape buffer;
 - b. One (1) canopy tree planted every twenty (20) feet on center;
 - c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palms or pine trees may supersede the requirement for a canopy tree; and

- d. Twenty four (24) inch high shrub, understory or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)
3. The landscape requirements above shall be planted on the exterior side of any fence, wall, or berm installed within the buffer. Any wall installed within the landscape buffer shall be set back a minimum of 10 feet from the ultimate right-of-way. (CO: LANDSCAPE)
4. Chain link fence used or installed in the perimeter landscape buffers along Gun Club Road, Congress Avenue, Summit Boulevard or Kirk Road shall be black vinyl coated. (CO: LANDSCAPE)

E. ENGINEERING

1. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for:
 - a) Summit Boulevard to accommodate an expanded intersection at Congress Avenue and Summit Boulevard
 - b) The Congress Avenue/Australian Avenue overpass. This anticipates the dedication of a triangular section of property starting at the northeast corner of the property and extending west along the new Gun Club Road approximately 24 feet, then extending on a straight line in a southeasterly direction, intersecting the existing Congress Avenue right of way at the north side of the canal, approximately 1000 feet south of the starting point. Any required landscaping, buffering, berming, etc. shall be designed using the new right of way as the appropriate reference point.

All right of way shall be conveyed on or before **January 1, 1998** or prior to the issuance of the first Building Permit whichever shall first occur. The property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. **Right-of-way conveyances** shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING/Eng.).

2. On or before **January 1, 1998**, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of:
 - the expanded intersection at Congress Avenue and Summit Boulevard
 - Kirk Road along the property frontage; and a maximum 800 feet of these adjacent roadways
 - Gun Club Road along the property frontage; and a maximum 800 feet of these adjacent roadways (DATE:MONITORING - Engineering).

3. Prior to site/master plan approval the property owner and lessee shall enter into and record in the public records, the Temporary Construction Restoration Agreement as approved by the Board of County Commissioners. This agreement shall grant to the County or the FDOT an area 10 foot wide measured from the right of way line into the property for construction purposes. The agreement shall cover the areas along Summit Boulevard, Gun Club Road, Congress Avenue and Kirk Road. (SITE PLAN/MASTER PLAN APPROVAL - ENG).
4. Prior to Site Plan approval by the Development Review Committee, the property owner shall revise the site plan to:
 - a) reflect a cul-de-sac at the termination of Davis Road right-of-way or have completed the abandonment process for Davis Road north of Summit Boulevard,
 - b) delete the service entrance access to the Club House from Summit Boulevard. (DRC:ENGINEERING).
5. LANDSCAPE WITHIN MEDIAN
 - A. Prior to issuance of a building permit, the property owner shall apply to the Land Development Division, Permit Section, of the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by the Land Development Division Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. Also, any existing trees within the median shall be incorporated into this projects overall design. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)
 - B. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. The maintenance responsibility of any existing trees within the median shall also become the responsibility of this property owner. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)
 - C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: MONITORING - Eng)

F. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. This condition shall not apply to security lighting, lighting to illuminate the driving range or low voltage landscape lights used to emphasize or accent plant material. (CO: BLDG -Zoning)

G. PROTECTION OF RESIDENTIAL AREAS

1. Development and construction of the golf course, clubhouse, and facilities shall be limited to the following hours: Monday through Saturday from 7 am to 9 pm, and Sunday from 10 am to 8 pm. (ONGOING : CODE ENF)
2. Best management practices, acceptable to the Health Department, shall be utilized during construction to alleviate dust and dirt caused by land clearing operations. (ONGOING: HEALTH)
3. Prior to initiation of land clearing or development on the site, the petitioner shall install a temporary four (4) foot high fence along the west boundary of the site. (VEG REMOVAL: ERM)

H. SIGNS

1. Freestanding signs shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8)) feet;
 - b. Maximum sign face area per side - 60 square feet;
 - c. Maximum number of signs - two (2),
 - d. Location - Summit Boulevard only; and
 - e. Style - monument style only. (CO: BLDG)
2. Condition H.I . shall not apply to directional signs. (CO: BLDG)

I. 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.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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)