

Kepealed by
R. 87-480

copy

RESOLUTION NO. R-86-1925

RESOLUTION OF BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY,
FLORIDA, APPROVING THE REZONING OF
THE PROPERTY REFERRED TO IN
ZONING PETITION 86-106 (AMERIFIRST PLANNED UNIT DEVELOPMENT),
A DEVELOPMENT OF REGIONAL IMPACT,
FROM AR-AGRICULTURAL RESIDENTIAL ZONING DISTRICT
TO RS-RESIDENTIAL SINGLE FAMILY ZONING DISTRICT, IN PART AND
RTS-RESIDENTIAL TRANSITIONAL SUBURBAN ZONING DISTRICT, IN PART

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. 86-106 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 1, 1986 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, the Board of County Commissioners made the following findings of fact:

1. The petitioner has agreed to contribute twenty-seven (25 + 2) acres of land to Palm Beach County. This land will be used partially to mitigate the land requirements of several public agencies which must provide additional services directly attributable to this development. This contribution of 27 acres exceeds the minimum of 17 acres required to be contributed by Zoning Code Section 500.21.H (Minimum Area Limitations).

The 25 acre governmental services site shall be deeded jointly to the Board of County Commissioners and School Board of Palm Beach County and a separate two (2) acres shall be deeded to the Palm Beach County Board of County Commissioners for fire services.

2. The Palm Beach County Department of Engineering and Public Works has determined that this project can satisfy the mandatory Traffic Performance Standard of the Comprehensive Plan if the petitioner:

- (a) Complies with the conditions of the concurrent special exception approval; and
 - (b) Executes a tri-partite agreement with Palm Beach County and the developers of the adjacent Ryan Homes Planned Unit Development (Petition 86-96). This agreement will allocate responsibilities for offsite roadway improvements among the three signatories. The Department of Engineering and Public Works has also determined that the Traffic Performance Standards cannot be met unless this tripartite agreement is executed.
3. The development is not located in an area of critical state concern designated pursuant to Section 380.06, Florida Statutes.
 4. This development does not unreasonably interfere with the achievement of the objectives of an adopted State land development plan applicable to the area. (See Section 380.06(14)(a), Florida Statutes). No state land use plan has been adopted which is applicable to this area in which this development is located.
 5. This development is consistent with the Comprehensive Plan and local land development regulations of Palm Beach County (See Section 380.06(14)(b), Florida Statutes).
 6. This development is substantially consistent with the assessment report and recommendations of the Treasure Coast Regional Planning Council (See Section 380.06(14)(c), Florida Statutes).
 7. The information contained in the Smith Dairy Application for Development Approval is incorporated into this Staff Report by reference and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes.

For the purpose of this condition, the Application for Development Approval shall include the following supporting documents:

- a. Application for Development Approval dated April 14, 1986;
- b. Supplemental information submitted/dated April 25, 1986;
- c. Supplemental information submitted June 17, 1986;
- d. Supplemental information submitted September 8, 1986;
- e. Supplemental information submitted September 8, 1986; and
- f. Letter to Martha O. McNeal from Palm Beach County Water Utilities Department dated July 29, 1986.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 9th day of December, 1986, that: Petition No. **86-106**, the petition of AHERIFIRST DEVELOPMENT CORPORATION By R.

nodding **Stevenson, Jr.**, Agent, for a REZONING; FROM AR-AGRICULTURAL RESIDENTIAL DISTRICT TO RS-RESIDENTIAL SINGLE FAMILY ZONING DISTRICT, IN PART, AND RTS-RESIDENTIAL TRANSITIONAL SUBURBAN ZONING DISTRICT, IN PART, on a parcel of land, situated in Sections 3, 4 and 5, Township 45 South, Range 42 East, being more particularly described as follows: Commencing at the Southeast corner of the West 1/2 of said Section 3; thence North 00 degrees 47'13" West, along the East line of said West 1/2, a distance of 2947.00 feet; thence South 89 degrees 07'19" West, along the easterly extension of the centerline of a 30 feet Right-of-way, shown in Blocks 38 and 39, of the Palm Beach Farms Company Plat 3, recorded in Plat Book 2, Pages 45 to 58 inclusive, a distance of 40.00 feet, to a point on the West Right-of-Way line of Jog Road, as shown in Plat Book 4, Pages 136, also the Point of Beginning; thence South 89 degrees 07'19" West, along said extension line and said centerline, a distance of 8670.33 feet, to the West line of said Block 38; thence North 01 degree 02'30" West, along said West line, a distance of 2424.47 feet, to the North line of said Section 5; thence North 88 degrees 46'49" East, along the said North line, a distance of 540.70 feet, to the Northwest corner of said Section 4; thence North 89 degrees 18'59" East, along the North line of the West 1/2 of said Section 4, a distance of 2727.04 feet, to the North 1/4 corner of said Section 4; thence North 89 degrees 19'28" East, along the North line of the East 1/2 of Section 4, a distance of 2726.84 feet; to the Northwest corner of said Section 3; thence North 89 degrees 15'59" East, along the North line of the West 1/2 of Section 3, a distance of 2686.54 feet to the West Right-of-Way line of said Jog Road; thence South 00 degrees 47'13" East, along said Right-of-Way line, a distance of 2402.03 feet, to the Point of Beginning. Said property located on the west side of Jog Road, being bounded on the south by Hypoluxo Road Extension and on the west by Florida's Turnpike (Sunshine State Parkway) was APPROVED as advertised.

Commissioner Adams, moved for approval of the

petition. i motion was seconded by Commissioner Roberts , and upon being put to a vote, the vote was as follows:

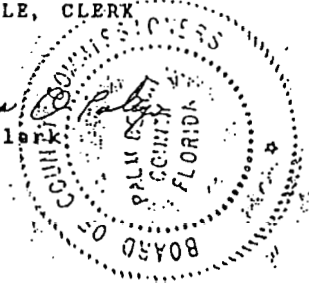
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	ABSENT
Carol Roberta, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT
Kenneth M. Adams, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 9th day of December, 1986 confirming action of December 1, 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara O. Kelly*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

County Attorney