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RESOLUTION NO. R- 87-480

RESOLUTION OF BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA: REPEALING RESOLUTION R-86-1925; AND APPROVING THE REZONING OF THE PROPERTY REFERRED TO IN ZONING PETITION 86-106 (AHERIFIRST PLANNED UNIT DEVELOPMENT), A DEVELOPMENT OF REGIONAL IHPACT, FROM AR- AGRICULTURAL RESIDENTIAL ZONING DISTRICT TO RS-RESIDENTIAL SINGLE FAHLY 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, this project falls within two Comprehensive Plan residential plan categories and must be divided into two residential zones; and

WHEREAS, the Board of County Commiasionera made the following findings of fact:

- 1. The petitioner has agreed to contribute twenty-seven (25 + 2) acres of lend 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).

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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. ①
②

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

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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 unreasonable 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 24th day of March, 1987, that:

SECTION 1. REPEAL OF RESOLUTION R-86-1925.

Resolution No. R-86-1925 adopted December 9, 1986 and entitled RESOLUTION OF BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, APPROVING THE REZONING OF THE PROPERTY REFERRED TO IN ZONING PETITION 86-106, (AHERIFIRST 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, is hereby repealed in its entirety.

SECTION 2. REZONING FROM AR-AGRICULTURAL RESIDENTIAL ZONING DISTRICT TO RTS-RESIDENTIAL TRANSITIONAL SUBURBAN ZONING DISTRICT. PARCEL 1.

a. REZONING OF PARCEL 1 AUTHORIZED:

Petition No. 86-106, the petition of AHERIFIRST DEVELOPMENT CORPORATION By R. Redding Stevenson, Jr., Agent, for a REZONING, FROM AR-AGRICULTURAL RESIDENTIAL DISTRICT TO RTS-RESIDENTIAL TRANSITIONAL SUBURBAN ZONING DISTRICT, of that portion of the development identified and legally described as "Parcel 1" in Subsection 2.b., below, is hereby APPROVED.

b. LEGAL DESCRIPTION OF PARCEL 1.

Parcel 1 shall consist of the following:

Parcel 1 lies North of the North line of the L-17 Canal. Being a portion of Sections 3, 4, and 5, Township 45 South,

Range 42 East, Palm Beach County, Florida; said portion being part of Blocks 38 and 39 as shown on Plat of Palm Beach Farms Company, Plat No. 3 as recorded in Plat Book 2 at Pages 45 through 58, inclusive, of the Public Records of said Palm Beach County Florida, and as corrected to Tracts 1-16, inclusive, Block 38 and Tracts 1-9, inclusive, Block 39, as shown on Plat No. 13 as recorded in Plat Book 6, at Page 6, at Page 99 of said Public Records of Palm Beach County, Florida; together with the hiatus lying between the West Right-of-way line of Jog Road and the East line of said Block 39; being more particularly described as follows; Commencing at the North 1/4 of said Section 3; thence South 89 degrees 15' 59" West along the North line of said Section 3, a distance of 40.00 feet to the POINT OF BEGINNING of this description; said point being on the West Right-of-way line of Jog Road as recorded in Official Record Book 1207 at Page 361 of the Public Records of said Palm Beach County, Florida; thence South 00 degrees 47' 13" East along said West Right-of-way line, a distance of 2462.03 feet to a POINT OF INTERSECTION with the North Right-of-way line of Lake Worth Drainage District Canal L-17; thence South 89 degrees 07' 19" West along the North Right-of-way line of said L-17 Canal, a distance of 8670.06 feet to a POINT OF INTERSECTION with the West line of said Block 38; said point being 70.00 feet East of as measured at right angles to and parallel with the East Right-Of-Way line of Sunshine State Parkway as shown on Right-of-way, Hap Station 2334+53.14 to Station 2342+94.41, Contract No. 3.2, Sheet 8 of 13; thence North 01 degree 02' 30" West along said West line of Block 38, a distance of 2484.47 feet to a POINT OF INTERSECTION with the North line of said Section 5; thence North 88 degrees 46' 49" East along the North line of said Section 5, 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 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 said 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 said Section 3 and the Easterly prolongation of the North line of said Block 39, a distance of 2686.54 feet to the POINT OF BEGINNING (the last four described courses also being the North line of said Blocks 38 and 39 of said Plat No. 13, containing 492.89 Acres more or less.) SUBJECT to existing Easements, Rights-Of-Way, Restrictions and Reservations of Record.

SECTION 3. REZONING FROM AR-AGRICULTURAL RESIDENTIAL ZONING DISTRICT TO AS-RESIDENTIAL SINGLE FAMILY ZONING DISTRICT, PARCEL 2.

a. REZONING OF PARCEL 2 AUTHORIZED.

Petition No. 86-106, the petition of AHERIFIRST DEVELOPMENT CORPORATION By R. Redding Stevenson, Jr., Agent, for a REZONING, FROM AR-AGRICULTURAL RESIDENTIAL DISTRICT TO RS-RESIDENTIAL SINGLE FAMILY ZONING DISTRICT, of that portion of the development

identified and legally described as "Parcel 2" in Subsection 3. b., below, is hereby APPROVED.

b. LEGAL DESCRIPTION OF PARCEL 2.

Parcel 2 shall consist of the following:

Parcel 2 lies South of the North Right-of-way line of L-17 Canal; being a portion of Section 3, 4, and 5, Township 45 South, Range 42 East, Palm Beach County, Florida; said portion being part of Blocks 38 and 39 as shown on Plat of Palm Beach Farms Company, Plat No. 3 as recorded in Plat Book 2 at Pages 45 through 58, inclusive, of the Public Records of said Palm Beach County, Florida; together with the hiatus lying between the West Right-Of-Way line of Jog Road and the East line of said Block 39, being more particularly described as follows; commencing at the North 1/4 of said Section 3; thence South 89 degrees 15' 59" East along the North line of said Section 3, a distance of 40.00 feet to a POINT OF INTERSECTION with the West Right-of-way line of Jog Road as recorded in Official Records Book 1207 at Page 361 of the Public Records of said Palm Beach County, Florida; thence South 00 degrees 47' 13" East along said West Right-of-way line, a distance of 2462.03 feet to the POINT OF BEGINNING of this description; thence continue South 00 degrees 47' 13" along said West Right-of-way line, a distance of 252.00 feet; thence South 89 degrees 12' 47" West, a distance of 115.00 feet; thence North 00 degrees 47' 13" West, a distance of 75.00 feet; thence South 89 degrees 12' 47" West, a distance of 971.79 feet to the BEGINNING of a curve concave to the Southeast having a radius of 1493.63 feet and a central angle of 31 degrees 59' 34"; thence Southwesterly along the arc of said curve a distance of 834.01 feet; thence South 57 degrees 13' 13" West along the tangent of said curve, a distance of 200.00 feet to the beginning of a curve concave to the Northwest having a radius of 1142.91 feet and a central angle of 29 degrees 05' 50"; thence Southwesterly along the arc of said curve, a distance of 580.42 feet; thence South 86 degrees 19' 03" West along the tangent of said curve, a distance of 850.43 feet; thence South 03 degrees 40' 57" East, a distance of 75.00 feet; thence South 86 degrees 19' 03" West, a distance of 75.00 feet; thence South 03 degrees 40' 57" East, a distance of 176.71 feet to the beginning of a curve concave to the Northeast having a radius of 1227.52 feet and a central angle of 17 degrees 40' 42"; thence Southeasterly along the arc of said curve, a distance of 378.74 feet; thence South 21 degrees 21' 39" East along the tangent of said curve, a distance of 200.00 feet to the beginning of a curve concave to the Southwest having a radius of 1138.37 feet and a central angle of 20 degrees 20' 51"; thence Southeasterly along the arc of said curve, a distance of 404.27 feet; thence South 01 degree 00' 48" East along the tangent of said curve, a distance of 610.16 feet; thence North 88 degrees 59' 12" East, a distance of 75.00 feet; thence South 00 degrees 52' 41" East a distance of 75.00 feet; thence North 89 degrees 07' 19" East, a distance of 412.54 feet to the beginning of a curve concave to the Southwest having a radius of 10,461.90 feet and a central angle of 05 degrees 00' 00"; thence Southeasterly along the arc of said curve, a distance of 912.97 feet; thence South 85 degrees 52' 41" East along the tangent of said curve, a distance of 208.70 feet to a POINT OF INTERSECTION with the

South line of said Block 39; thence South 89 degrees 07' 19" West along the South line of said Blocks 38 and 39, a distance of 6980.60 feet to a POINT OF INTERSECTION with the West line of said Block 38; said point being 70.00 feet East of as measured at right angles to and parallel with the East Right-of-way line of Sunshine State Parkway as shown on Right-of-way, Hap Station 2334+53.14 to Station 2342+94 41 Contract No. 3.2, Sheet 8 of 13; thence North 01 degrees 02' 30" West along said West line of Block 38, a distance of 2670.01 feet to a POINT OF INTERSECTION with the North Right-Of-Way line of Lake Worth Drainage District Canal L-17; thence North 89 degrees 07' 19" East along the North Right-of-way line of said Canal L-17, a distance of 8670.06 feet to the POINT OF BEGINNING; containing 357.51 Acres, more or less. SUBJECT to existing Easements, Rights-Of-Way, Restrictions and Reservations of Record.

Commiseioner Marcus, moved for approval of the petition. The motion was seconded by Commissioner Adams, and upon being put to a vote, the vote was as follows:

Karen T. Marcus	--	AYE
Carol Roberts	--	AYE
Dorothy Wilken	--	NAY
Kenneth M. Adams	--	AYE
Carol Elmquist	--	AYE

The foregoing resolution was declared duly passed and adopted this 24th day of March, 1987, confirming action of December 1, 1986.

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *James H. Eldridge*
 Deputy Clerk

APPROVED AS TO FORM
 AND LEGAL SUFFICIENCY

[Signature]

 County Attorney