RESOLUTION NO. R-97-663

RESOLUTION APPROVING ZONING PETITION DOA82-190A DEVELOPMENT ORDER AMENDMENT PETITION OF PBC BCC BY ROBERT DIFFENDERFER, AGENT (PBIA)

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 DOA82-190A was presented to the Board of County Commissioners at a public hearing conducted on May 22, 1997; and

WHEREAS, the Board of County Commissioners has 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, the Board of County Commissioners made the following findings of fact:

- 1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
- 2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
- 3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
- 4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
- **6.** This Development Order Amendment meets applicable local land development regulations.
- 7. This Development Order Amendment, with conditions **as** adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

- 8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
- 9. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article **5** 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 Petition DOA82-190A, the petition of PBC BCC, by Robert Diffenderfer, agent, for a Development Order Amendment (DOA) to delete the land area **(214.4)** legally described in EXHIBIT A attached hereto and made a part hereof, from the PBIA DRI Master Plan described in Resolution R-82-199, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on May 22, 1997.

 ${\color{red}\textbf{Commissioner}} \ \underline{{\color{blue} \text{Newell}}} \ \ \text{moved for the approval of the Resolution}.$

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

Burt Aaronson, Chair -- Absent
Maude Ford Lee, Vice Chair -- Aye
Ken Foster -- Aye
Karen T. Marcus -- Aye
Mary McCarty -- Aye
Warren Newell -- Aye
Carol A. Roberts -- Absent

The Chair thereupon declared that the resolution was duly passed and adopted on May 22, 1997.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: COLINTY ATTORNEY

DEPUTY CLERK

Petition DOA82-190A Project **No.**

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EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1

A PARCEL OF LAND IN SECTION 5, 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:

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 1:22.55 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 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, FLORIDA AND REVISED AND CONSTRUCTED ACCORDING TO PALM BEACH COUNTY, EIGHT—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 1950.08 FEET; THENCE, NORTHEASTERLY ALONG THE ARC OF THE CURVE THRU A CENTRAL ANGLE OF 30'40'45, 10'44,

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 A DISTANCE OF 385.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID KIRK ROAD A DISTANCE OF 385.00 FEET TO THE POINT OF RECINNING. RFCINNING.

PARCEL CONTAINS 1.988 ACRES (86,585.60 SQUARE FEET)

ALSO LESS

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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 SAI PALEA 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 2'31'04" 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 LYING 40.0 FEET SOUTH IS THE SOUTH LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L – 5 PER OFFICIAL RECORD BOOK 3538, PACE 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 QUARTERSECTION 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 PUT 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 67.00 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 OF THE 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 N ORTHWESTERLY 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)

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EXHIBITA

LEGAL DESCRIPTION CREDIT UNION PARCEL

A PARCEL OF LAND IN TRACT 5, BLOCK 4, SECTION 6, PLAT NO. 1, SHEET 1, PALM 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 017 LESS.

LESS THAT PORTION OF SAID PARCEL LYING, SOUTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT BOULE ARD 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 RIGAT-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 LAD OUT AND IN USE (PALM BEACH COUNTY RIGHT-OF-WAY MAP PROJECT #84124), 0.47(M)0.35(D) 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 ROAO 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, PACE 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 \$ 88'55'06" E ALONG THE NORTH LINE OF TRACT 5, TO AN IRON ROD, 40.05 FEET; THENCE \$ 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 10820'03", 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 \$ 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 58'41'22", 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 40.00 FEET

PARCEL CONTAINS 0.848 ACRES (36,915.55 SQUARE FEET)

ALSO LESS

Petition DOA82-190A Project No.

EXHIBIT B

PALM REACT COUNTY VICINITY SKETCH / ZONING		
BOAD CAN	CLUB BOAD	
M-ust Plants	PO /0-20	
		CG/SE DN
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