

RESOLUTION NO. R-2015-0007

RESOLUTION APPROVING ZONING APPLICATION Z-2014-00938
(CONTROL NO. 2005-00162)
an Official Zoning Map Amendment
APPLICATION OF Boynton Beach Associates XXII, LLLP
BY G.L. Homes, AGENT
(Amestoy AGR)

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, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied;

WHEREAS, Zoning Application Z-2014-00938 was presented to the Board of County Commissioners at a public hearing conducted on January 8, 2015;

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 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code 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 BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.1.B; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application Z-2014-00938, the application of Boynton Beach Associates XXII, LLLP, by G.L. Homes, agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve (AGR) Zoning District with a Conditional Overlay Zone (COZ) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch in EXHIBIT B, attached hereto and made a part hereof, was approved on January 8, 2015 subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Mayor	- Aye
Commissioner Mary Lou Berger, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Paulette Burdick	- Nay
Commissioner Steven L. Abrams	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 9, 2015.

Filed with the Clerk of the Board of County Commissioners on January 14, 2015.

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: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION: AMESTOY RESIDUAL PARCEL – AGR

BEING ALL OF TRACTS 46 THROUGH 57, TRACTS 60 THROUGH 66, TRACTS 79 THROUGH 85 AND TRACTS 88 THROUGH 92, AND A PORTION OF TRACTS 31 THROUGH 43, TRACTS 58, 59, 86, 87, 93 AND TRACTS 106 THROUGH 112, AND A PORTION OF ROAD, DYKE AND DITCH RESERVATIONS, 30 FEET IN WIDTH, ALL LYING WITHIN BLOCK 51, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF TRACT 44, SAID BLOCK 51; THENCE SOUTH 00°56'47" EAST, ALONG THE WEST LINE OF SAID TRACT 44, A DISTANCE OF 539.27 FEET TO A POINT ON A LINE 429.44 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT C. STANLEY WEAVER CANAL, AS RECORDED IN DEED BOOK 118, PAGE 518 OF SAID PUBLIC RECORDS; THENCE NORTH 89°03'05" EAST, ALONG SAID PARALLEL LINE FOR THE FOLLOWING TWO DESCRIBED COURSES, A DISTANCE OF 679.02 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL OF LAND; THENCE NORTH 89°03'05" EAST, A DISTANCE OF 4,590.99 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 23226, PAGE 1022, SAID PUBLIC RECORDS; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE FOR THE FOLLOWING FOUR DESCRIBED COURSES, SOUTH 00°57'00" EAST, A DISTANCE OF 3006.21 FEET; THENCE SOUTH 11°27'27" WEST, A DISTANCE OF 51.20 FEET; THENCE SOUTH 00°57'00" EAST, A DISTANCE OF 280.88 FEET; THENCE SOUTH 44°02'44" WEST, A DISTANCE OF 56.40 FEET; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF BOYNTON BEACH BOULEVARD AS DESCRIBED IN OFFICIAL RECORDS BOOK 16189, PAGE 1405, SAID PUBLIC RECORDS FOR THE FOLLOWING FOUR DESCRIBED COURSES, SOUTH 89°02'44" WEST, A DISTANCE OF 425.65 FEET; THENCE SOUTH 87°08'11" WEST, A DISTANCE OF 345.20 FEET; THENCE SOUTH 89°02'44" WEST, A DISTANCE OF 394.80 FEET; THENCE NORTH 00°57'00" WEST, A DISTANCE OF 12.00 FEET; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE AS DESCRIBED IN OFFICIAL RECORDS BOOK 16189, PAGE 1405 AND OFFICIAL RECORDS BOOK 23005, PAGE 674, SAID PUBLIC RECORDS, SOUTH 89°02'44" WEST, A DISTANCE OF 330.00 FEET; THENCE SOUTH 00°57'00" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE ACCORDING TO SAID OFFICIAL RECORDS BOOK 23005, PAGE 674, A DISTANCE OF 12.00 FEET; THENCE SOUTH 89°02'44" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE AS DESCRIBED IN OFFICIAL RECORDS BOOK 16189, PAGE 1405, SAID PUBLIC RECORDS, A DISTANCE OF 558.23 FEET; THENCE, DEPARTING SAID NORTH RIGHT-OF-WAY OF BOYNTON BEACH BOULEVARD, NORTH 00°57'00" WEST ALONG A LINE 476.43 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF SAID TRACTS 94 AND 105, A DISTANCE OF 1204.17 FEET THENCE SOUTH 89°03'00" WEST, A DISTANCE OF 506.43 FEET; THENCE NORTH 00°57'00" WEST ALONG THE EAST LINE OF TRACT 95, SAID BLOCK 51, A DISTANCE OF 25.00 FEET; THENCE NORTH 89°02'58" EAST, ALONG THE EASTERLY PROLONGATION OF THE NORTH LINE OF SAID TRACT 95, A DISTANCE OF 15.00 FEET; THENCE NORTH 00°57'00" WEST ALONG THE WEST LINE OF THE EAST 15.00 FEET OF SAID ROAD, DYKE AND DITCH RESERVATION 30 FEET IN WIDTH (ALSO BEING A LINE 15.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE SAID TRACTS 66 AND 79), A DISTANCE OF 1,380.06 FEET; THENCE SOUTH 89°03'00" WEST, ALONG THE SOUTH LINE OF SAID TRACTS 46 THROUGH 50 AND THE EASTERLY PROLONGATION THEREOF, A DISTANCE OF 1,994.99 FEET; THENCE NORTH 00°57'00" WEST, ALONG THE WEST LINE OF SAID TRACTS 43 AND 46, A DISTANCE OF 779.59 FEET TO THE POINT OF BEGINNING.

CONTAINING 223.703 ACRES MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

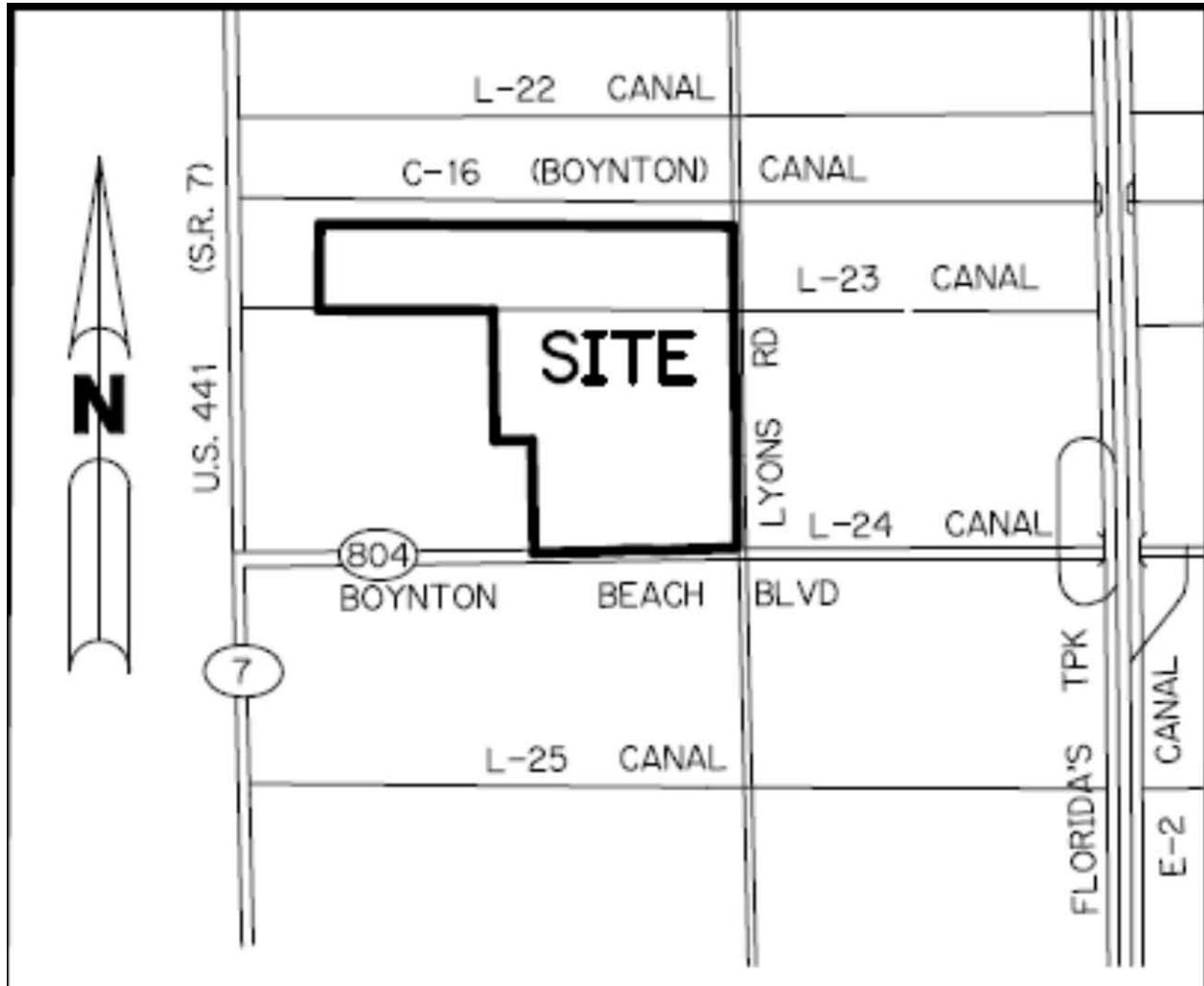


EXHIBIT C

CONDITIONS OF APPROVAL

Official Zoning Map Amendment

ENGINEERING

1. Prior to December 31, 2015, the Property Owner shall plat the water management tract and the remainder of Tracts 92, 93, 94, 106, and 107 in according with Article 11 of the ULDC. (DATE: MONITORING - Engineering)

2. Prior to December 31, 2015, the property owner shall provide to Florida Department of Transportation (FDOT) by deed additional right of way for the construction of a right turn lane on Boynton Beach Boulevard, from the project's western property line eastward for the proposed school entrance to the west for a length and width as approved by FDOT and the County Engineer.

Property owner shall provide FDOT with documentation, which may include, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from tax collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT.

The Grantor must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Road right of way conveyances shall be consistent with the County's Thoroughfare Identification Map. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (DATE: MONITORING - Engineering) [NOTE: Completed]

3. The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for:

Sufficient right of way to provide for an Expanded Intersection at Boynton Beach Boulevard and Lyons Road. All right of way deed(s) and associated documents shall be provided and approved prior to December 31, 2015 or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. 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, including a topographic survey. The Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road Right of Way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include sufficient Right of Way for 3 southbound left turn lanes, 2 southbound thru lanes and 1 southbound right turn lane, this Right of Way shall include all appropriate storage lengths and tapers at the intersection Boynton Beach Boulevard and Lyons Road, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents.

Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector s Office, shall be submitted by the property owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE/ONGOING: LAND DEVELOPMENT - Land Development)

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: ZONING - 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: ZONING - Zoning)

DISCLOSURE

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