

RESOLUTION NO. R-96-1743

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 93-54/G1b
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-94-786
WHICH APPROVED THE SPECIAL EXCEPTION OF
LAND SERVICES GROUP, INC.
PETITION NO. 93-54

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report CR 93-54/G1b was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on October 24, 1996; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 93-54/G1b and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

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

1. The deletion of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and Unified Land Development Code;
2. Staff of the Palm Beach County Property & Real Estate Division has determined that the property is too small to adequately serve as a public civic site; and
3. After the deletion of condition G., the property will be used as a private civic site to serve the residents.

WHEREAS, Section 5.3 of the Palm Beach County 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 the recommendation of Status Report No. CR 93-54/G1b, to amend Conditions of Approval of Resolution No. R-94-786, the Special Exception of Land Services Group, Inc., Petition No. 93-54, which approved an Official Zoning Map Amendment (Rezoning) from the IL-Light Industrial Zoning District and the RS-Residential Single Family Zoning District to the Residential PUD-Planned Unit Development Zoning District on a parcel of land legally described as ALL THAT PART OF TRACT 2, BLOCK 4, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WESTERLY AND SOUTHERLY OF THE WESTERLY AND SOUTHERLY RIGHT-OF-WAY LINE OF THE PROPOSED JOG ROAD RIGHT-OF-WAY, AS

DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY WARRANTEE DEED, RECORDED IN OFFICIAL RECORDS BOOK 7071, PAGES 990 THROUGH 993, SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXCEPTING HOWEVER **THE** NORTH **300.00** FEET OF THE WEST 660.02 FEET THEREOF; AND **ALSO** EXCEPTING THE WEST 8 FEET THEREOF, FOR SKEES ROAD RIGHT-OF-WAY; AND FURTHER EXCEPTING AN ADDITIONAL 25 FOOT RIGHT-OF-WAY FOR COUNTRY PLACE, AS RECORDED IN OFFICIAL RECORDS BOOK 1824, PAGE 1329, SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 1,252,371 SQUARE FEET OR 28.75 ACRES MORE OR **LESS**.

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHT-OF-WAY OF RECORD, being located on the northeast corner of Skees Road and Country Place Road, bound on the north by Dwight Road and on the east by Jog Road, in the Skees Road Study Area, is approved, subject to the following conditions:

1. All previously approved conditions of approval of Resolution R-94-786 continue to apply unless expressly amended herein.
2. Condition number G.l. of Resolution R-94-786 which currently states:

To ensure compliance with the civic site requirements of the ULDC the petitioner shall:

- a. Convey by Statutory Warranty Deed to the Palm Beach County Board of County Commissioners (BCC) 2% of the gross area of the PUD (.575 acres) and shall have satisfied each of the following conditions prior to deed conveyance. (PREM)
- b. Developer to provide the BCC with a Warranty Deed by October 1, 1994 for the .575 acre Civic site, in a location and form acceptable to Facilities, Planning, Design & Construction Department (FPD&C) and the County Attorney's Office. Developer to Plat and dedicate the Civic site to Palm Beach County prior to conveying the deed. (MONITORING-PREM)
- c. Developer to provide a title policy insuring marketable title to Palm Beach County for the Civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed Civic site. The appraisal to be obtained by the Developer. The County to have the option, at their discretion to release all or part of the Declarations of Covenants and Conditions of the PUD as it would apply to the Civic site. (PREM)
- d. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the Civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving BCC approval. (PREM)
- e. Developer to provide the County with a certified survey of the proposed Civic site; survey to reflect the boundary and topographical areas of the site. Surveyor to use the following criteria:

1. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
 2. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
 3. The survey should include location of any proposed water retention areas that will border the Civic site.
 4. The survey shall be subject to the County's approval for the location of any proposed or existing easements within the proposed Civic site. (PREM)
- f. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed. (PREM)

Is hereby deleted.

3. Condition number G.2. of Resolution R-94-786 which currently states:

Developer shall provide all retention, detention and drainage required for any future development of the proposed Civic site by the County. The Developer agrees to:

- a. The discharge of surface water from the Civic site into the Developer's water retention basins.
- b. An easement across Developer's property from the proposed Civic site to the retention basins, if required. (PREM)

Is hereby deleted.

4. Condition number G.3. of Resolution R-94-786 which currently states:

The developer shall allow the County to perform any on site inspections deemed appropriate to support the acquisition of the Civic Site. (PREM)

Is hereby deleted.

5. Condition number G.4. of Resolution R-94-786 which currently states:

The Petitioner shall provide PREM with an Environmental Assessment of the proposed Civic site prior to conveyance of the warranty deed. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

- a. Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed Civic site.

- b. Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination, if any, of the proposed Civic Site. Also, the review of the neighboring property that borders the proposed Civic Site. Records to review but not limited to are: Palm Beach County Environmental Resources Management Dept. (PBCERM) and the Florida Department of Environmental Regulation (FDER). The assessment to reflect if the proposed Civic Site or any bordering property is on any of the following lists: EPA's National Priorities List (NPL), Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA), Hazardous Waste Data Management System List (HWDMS).
- c. Review of current and historical aerial photographs of the proposed Civic site. Provide a recent aerial showing site and surrounding properties.
- d. Perform on-site survey to describe **site** conditions and to identify potential areas of contamination.
- e. Review of Wellfield Protection Zone maps to determine if property is located in a wellfield zone. (MONITORING/PREM)

Is hereby deleted.

- 6. Condition number **G.5.** of Resolution R-94-786 which currently states:

Developer shall prepare civic site to buildable grade, under the direction of Facilities, Planning & Design Department. (PREM)

Is hereby deleted.

- 7. Condition number G.6. of Resolution R-94-786 which currently states:

Developer shall provide water and sewer stubbed out to the property line. (PREM)

Is hereby deleted.

- 8. Condition number G.7. of Resolution R-94-786 which currently states:

At the County's option, exchange the required on-site dedication of land (by fee simple title) for cash of equal value or land off-site equal in acreage. In addition, should the off-site land option be chosen, each condition listed in (1-11) above will also apply, and should the land off-site be of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the land shall be subject to the County appraisal process and be at the cost of the petitioner. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of Section 6.8-B6a(2)(a)(i) of the ULDC. (PREM)

Is hereby deleted.

Commissioner McCarty moved for approval of the Resolution.

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

KEN FOSTER, CHAIR	—	AYE
BURT AARONSON	—	AYE
MAUDE FORD LEE	—	ABSENT
KAREN T. MARCUS	—	ABSENT
MARY MCCARTY	—	AYE
WARREN H. NEWELL	—	AYE
CAROL ROBERTS	—	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 34 day of October, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: *Barbara Atter*

DOROTHY H. WILXEN, CLERK

BY: *Jan Haseley*
DEPUTY CLERK

