



RESOLUTION NO. R-96-1968

RESOLUTION APPROVING ZONING PETITION DOA79-293(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF DDK INV., INC. 111
BY CHARLES MILLAR, AGENT
(SUNNY SOUTH ESTATES MHRP)

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 DOA79-293(B) was presented to the Board of County Commissioners at a public hearing conducted on December 2, 1996; 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 DOA79-293(B), the petition of DDK Inv., Inc., by Charles Millar, agent, for a Development Order Amendment (DOA) to delete land area (-38.75 acres), on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on December 2, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on December 2, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

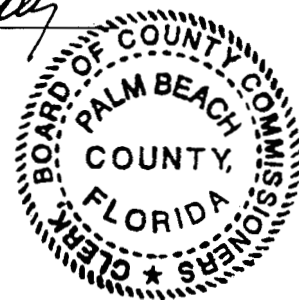


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION
OF
BSSP PROPERTY

PHASE II

A PARCEL OF LAND LYING IN THE SOUTH ONE HALF (S 1/2) OF SECTION 18, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID SECTION 18, THENCE NORTH 89 DEGREES 05 MINUTES 09 SECONDS EAST, ALONG THE NORTH LINE OF THE SOUTH ONE HALF (S 1/2) OF SAID SECTION 18, A DISTANCE OF 3.00 FEET; THENCE SOUTH 20 DEGREES 54 MINUTES 51 SECONDS EAST, A DISTANCE OF 178.25 FEET; THENCE SOUTH 01 DEGREES 44 MINUTES 21 SECONDS WEST, A DISTANCE OF 19.91 FEET; THENCE SOUTH 20 DEGREES 54 MINUTES 51 SECONDS EAST, A DISTANCE OF 113.45 FEET; THENCE SOUTH 01 DEGREES 44 MINUTES 21 SECONDS WEST, A DISTANCE OF 735.24 FEET; THENCE SOUTH 88 DEGREES 59 MINUTES 56 SECONDS WEST, A DISTANCE OF 19.45 FEET; THENCE SOUTH 01 DEGREES 44 MINUTES 21 SECONDS WEST, A DISTANCE OF 135.23 FEET; THENCE SOUTH 88 DEGREES 59 MINUTES 56 SECONDS WEST, A DISTANCE OF 7.87 FEET; THENCE SOUTH 21 DEGREES 00 MINUTES 05 SECONDS EAST, A DISTANCE OF 109.52 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF N.W. 22ND AVENUE AS DESCRIBED IN ROAD PLAT BOOK 4, PAGES 249 AND 250, AND DESCRIBED IN OFFICIAL RECORD BOOK 3283, PAGES 1107 AND 1108, OF SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88 DEGREES 59 MINUTES 56 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE, 159.63 FEET; THENCE NORTH 08 DEGREES 56 MINUTES 14 SECONDS EAST, A DISTANCE OF 34.25 FEET TO A POINT LYING ON THE ARC OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 320.06 FEET (A RADIAL LINE FROM SAID POINT BEARS NORTH 03 DEGREES 06 MINUTES 32 SECONDS EAST); THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 385.70 FEET, THROUGH A CENTRAL ANGLE OF 69 DEGREES 02 MINUTES 46 SECONDS TO A POINT OF TANGENCY; THENCE NORTH 17 DEGREES 50 MINUTES 42 SECONDS WEST, A DISTANCE OF 180.00 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 190.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 242.31 FEET THROUGH A CENTRAL ANGLE OF 73 DEGREES 04 MINUTES 10 SECONDS TO A POINT OF TANGENCY; THENCE SOUTH 89 DEGREES 05 MINUTES 11 SECONDS WEST, A DISTANCE OF 45.50 FEET TO A POINT LYING ON THE ARC OF A NON-TANGENT CURVE, CONCAVE TO THE WEST AND HAVING A RADIUS OF 432.30 FEET (A RADIAL LINE FROM SAID POINT BEARS NORTH 81 DEGREES 46 MINUTES 02 SECONDS WEST); THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 69.02 FEET, THROUGH A CENTRAL ANGLE OF 09 DEGREES 08 MINUTES 49 SECONDS TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES 54 MINUTES 51 SECONDS WEST, A DISTANCE OF 631.28 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH ONE HALF (S 1/2) OF SAID SECTION 18; THENCE NORTH 89 DEGREES 05 MINUTES 09 SECONDS EAST, ALONG SAID LINE A DISTANCE OF 639.84 FEET TO THE POINT OF BEGINNING.

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION II

A PARCEL OF LAND LYING IN THE SOUTH ONE **HALF (s 1/2)** OF SECTION **18**, TOWNSHIP **45 SOUTH**, **RANGE 43 EAST**, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION **18**; THENCE NORTH **89 DEGREES 05 MINUTES 09 SECONDS EAST**, ALONG THE NORTH LINE OF THE SOUTH ONE HALF (**s 1/2**) OF SAID SECTION **18**, A DISTANCE OF **3.00 FEET**; THENCE SOUTH **20 DEGREES 54 MINUTES 51 SECONDS EAST**, A DISTANCE OF **178.25 FEET**; THENCE SOUTH **01 DEGREES 44 MINUTES 21 SECONDS WEST**, A DISTANCE OF **19.91 FEET**; THENCE SOUTH **20 DEGREES 54 MINUTES 51 SECONDS EAST**, A DISTANCE OF **113.45 FEET**; THENCE SOUTH **01 DEGREES 44 MINUTES 21 SECONDS WEST**, A DISTANCE OF **735.24 FEET**; THENCE SOUTH **88 DEGREES 59 MINUTES 56 SECONDS WEST**, A DISTANCE OF **19.45 FEET**; THENCE SOUTH **01 DEGREES 44 MINUTES 21 SECONDS WEST**, A DISTANCE OF **135.23 FEET**; THENCE SOUTH **88 DEGREES 59 MINUTES 56 SECONDS WEST**, A DISTANCE OF **7.87 FEET**; THENCE SOUTH **21 DEGREES 00 MINUTES 05 SECONDS EAST**, A DISTANCE OF **109.52 FEET** TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF N.W. 22ND AVENUE AS DESCRIBED IN ROAD PLAT BOOK **4**, PAGES **249 AND 250**, AND DESCRIBED IN OFFICIAL RECORD BOOK **3283**, PAGES **1107 AND 1108** OF SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH **88 DEGREES 59 MINUTES 56 SECONDS WEST** ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF **159.63 FEET** TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH **88 DEGREES 59 MINUTES 56 SECONDS WEST** ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF **717.63 FEET**; THENCE NORTH **01 DEGREES 15 MINUTES 37 SECONDS EAST**, A DISTANCE OF **61.87 FEET** TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF **605.12 FEET**; THENCE NORTHERLY ALONG THE **ARC** OF SAID CURVE, THROUGH A CENTRAL ANGLE OF **12 DEGREES 15 MINUTES 56 SECONDS**, A DISTANCE OF **129.54 FEET** TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF **1061.79 FEET**; THENCE NORTHERLY ALONG THE **ARC** OF SAID CURVE, THROUGH A CENTRAL ANGLE OF **11 DEGREES 13 MINUTES 34 SECONDS**, A DISTANCE OF **208.04 FEET** TO THE END OF SAID CURVE; THENCE NORTH **24 DEGREES 33 MINUTES 57 SECONDS EAST**, A DISTANCE OF **72.71 FEET** TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF **432.30 FEET**; THENCE NORTHERLY ALONG THE **ARC** OF SAID CURVE, THROUGH A CENTRAL ANGLE OF **16 DEGREES 19 MINUTES 59 SECONDS**, A DISTANCE OF **123.23 FEET** TO THE END OF SAID CURVE; THENCE NORTH **89 DEGREES 05 MINUTES 11 SECONDS EAST**, A DISTANCE OF **45.50 FEET** TO A POINT ON A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF **190.00 FEET** AND WHOSE RADIUS POINT BEARS SOUTH **00 DEGREES 54 MINUTES 52 SECONDS EAST**; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF **73 DEGREES 04 MINUTES 10 SECONDS**, A DISTANCE OF **242.31 FEET** TO POINT OF TANGENCY; THENCE SOUTH **17 DEGREES 50 MINUTES 42 SECONDS EAST**, A DISTANCE OF **180.00 FEET** TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF **320.06 FEET**; THENCE SOUTHEASTERLY ALONG THE **ARC** OF SAID CURVE, THROUGH A CENTRAL ANGLE OF **69 DEGREES 02 MINUTES 46 SECONDS**, A DISTANCE OF **385.70 FEET** TO THE END OF SAID CURVE; THENCE SOUTH **08 DEGREES 56 MINUTES 14 SECONDS WEST**, A DISTANCE OF **34.25 FEET** TO THE POINT OF BEGINNING.

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION III

PHASE I

BEING A PORTION OF THE NORTHWEST ONE QUARTER OF SECTION 18, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH ONE-HALF (S 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4); TOGETHER WITH THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4); TOGETHER WITH THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 18, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA;

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

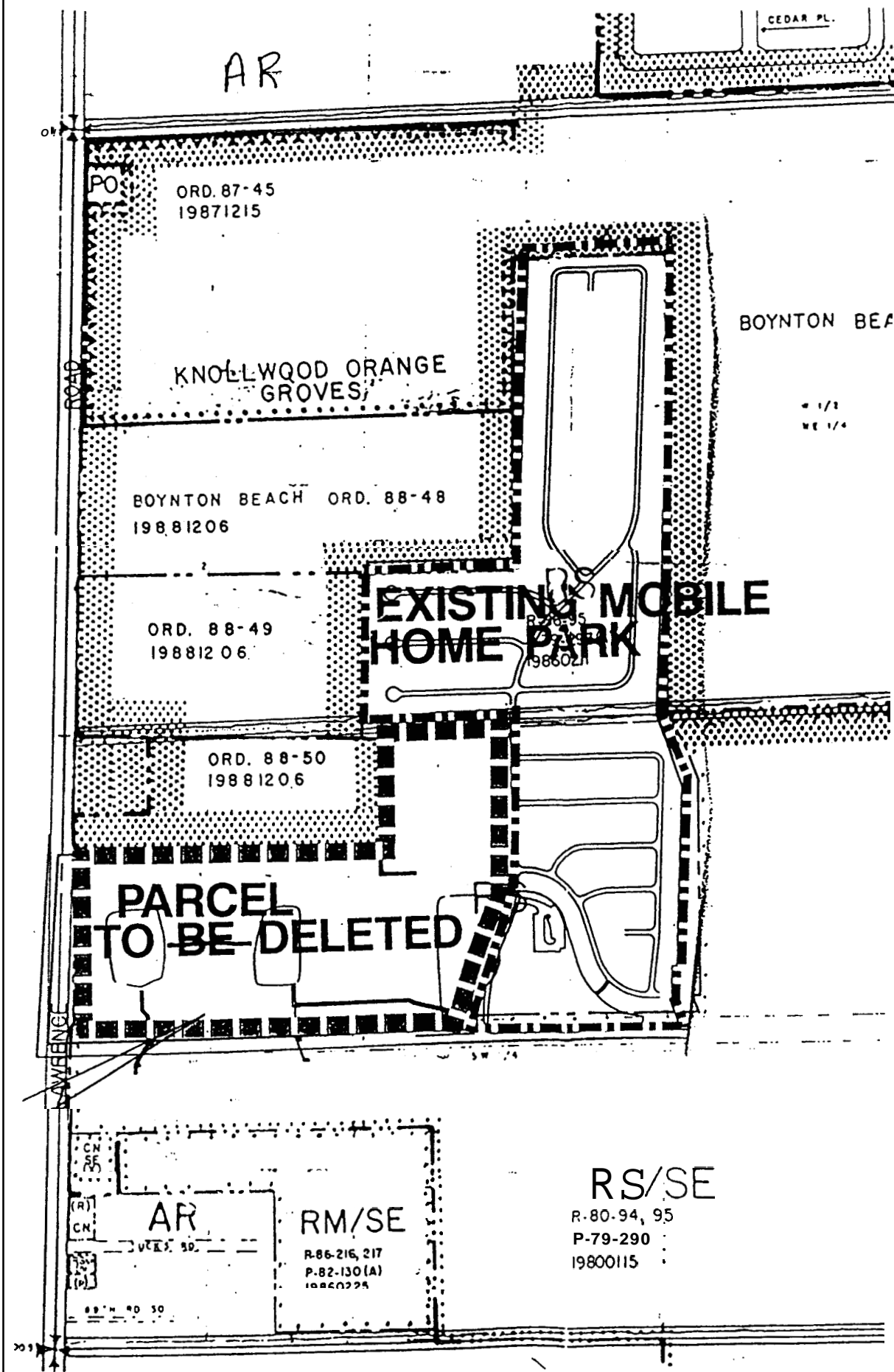
BEGINNING AT THE CENTER OF SAID SECTION 18, TOWNSHIP 45 SOUTH, RANGE 43 EAST; THENCE NORTH 02 DEGREES 33 MINUTES 14 SECONDS EAST, A DISTANCE OF 1984.55 FEET; THENCE SOUTH 89 DEGREES 13 MINUTES 02 SECONDS WEST, A DISTANCE OF 629.93 FEET; THENCE SOUTH 02 DEGREES 45 MINUTES 24 SECONDS WEST, A DISTANCE OF 1324.29 FEET; THENCE SOUTH 89 DEGREES 07 MINUTES 45 SECONDS WEST, A DISTANCE OF 634.67 FEET; THENCE SOUTH 02 DEGREES 57 MINUTES 32 SECONDS WEST, A DISTANCE OF 662.78 FEET; THENCE NORTH 89 DEGREES 05 MINUTES 09 SECONDS EAST, A DISTANCE OF 1274.10 FEET TO THE POINT OF BEGINNING.

TOTAL AREA = 60.478 ACRES MORE OR LESS.

84-01612.LG3

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ ZONING



Petition Number: DOA79-293(B)

Zoning Quad Page _____

Date: 9/26/94



EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition **1** of Resolution R-86-95, Petition 79-293(A) which currently states:

The Developer shall be bound by all previous conditions placed upon Petition 79-290, unless applicable to the southern portion on Sunny South Estates or modified herein.

Is hereby amended to state:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-86-95 (Petition 79-293(A)), R-80-95 (Petition 79-290) and R-80-94 (Petition 79-290), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition 5 of Resolution R-86-95, Petition 79-293(A) which states:

The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

Is hereby deleted. [REASON: Condition completed]

3. **Prior to site plan certification the plan shall be amended to reflect the correct site acreage consistent with survey.** (Previously Condition 2 of Resolution R-86-95, Petition 79-293(A)).

E. ENGINEERING

1. **The property owner shall retain a Drainage easement for this subject property for the use of the remaining property which is presently being used as a Mobile Home Park.** (Previously Condition 3 of Resolution R-86-95, Petition 79-293(A)).
2. **This drainage easement shall be per the County Engineers approval and shall ultimately terminate into legal positive outfall.** (Previously Condition 4 of Resolution R-86-95, Petition 79-293(A)).

F. COMPLIANCE

1. 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; 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 ULDC 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; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.
(MONITORING)