

RESOLUTION NO. R-97- 267

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 92-17.2
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-95-1015
WHICH APPROVED THE SPECIAL EXCEPTION OF
PASSAGE LAND PARTNERSHIP
PETITION NO. 92-17

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 92-17.2 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on February 27, 1997; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 92-17 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. This proposal is consistent with the requirements of the Palm Beach County Comprehensive Plan and Unified Land Development Code.
2. The amendment of conditions of approval is an alternative that is acceptable to both Palm Beach County and the property owner.
3. The amendments are acceptable to the Jupiter Farms Homeowners.
4. The amendment to condition B.1. will incorporate the cash value of condition T.5., and condition T.5. is therefore no longer needed.

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 92-17.2, to amend Conditions of Approval of Resolution No. R-95-1015, for property previously rezoned to the CC-Community Commercial Zoning District and LO-Limited Office Zoning District and granted a Special Exception to allow a Planned General Commercial Development (PGCD) and a Planned Office Business Park (POBP), the Special Exception of Passage Land Partnership, Petition No. 92-17, on property legally described in Exhibit A, being located on the southwest corner of the intersection of Indiantown Road and Jupiter Farms Road in the CC-

Land area for a future minimum 5,000 square foot community center shall be reserved on site. (PLANNING)

Is hereby deleted.

Commissioner Foster moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 27 day of February, 1997.

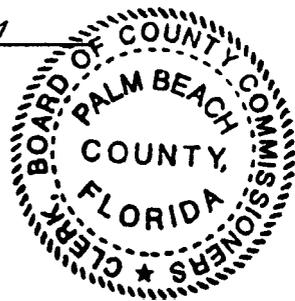
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

BY: *Burt Aaronson*

DOROTHY H. WILKEN, CLERK

BY: *Joan Haverly*
DEPUTY CLERK



Community Commercial Zoning District and LO-Limited Office Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition number B.1. of Resolution R-95-1015 which currently states:

Prior to January 30, 1996, the petitioner shall dedicate to Palm Beach County a minimum of one (1) acre of net usable land area to be utilized for civic uses in a location, manner and form mutually acceptable to the Department of Property and Real Estate Management, the Planning, Zoning and Building Department and the petitioner.

The petitioner may exchange the required on site dedication of land either by conveying fee simple title for a parcel of land off site equal in acreage or cash of equal value. The parcel of land off site shall be located in the general vicinity of the Jupiter Farms area, as determined by the Department of Property and Real Estate Management. In the event that the off site land dedication is of less value than the on site dedication, the petitioner shall contribute an amount in cash equal to the difference between the value of the on site and off site dedications. The value of the land shall be based upon its value as a civic site.

- 1.b. In the event the petitioner dedicates an on site civic site to Palm Beach County, Palm Beach County shall utilize the site on a permanent basis prior to January 28, 2003, or return the site to the petitioner. (MONITORING-Property Real Estate Management)

Is hereby amended to state:

The property owner shall pay Palm Beach County the value of the Civic Site (\$19,500) and a 5,000 square foot Community Center (\$19,500), for a total payment of \$39,000. This value was determined by appraisals of off-site land acceptable to the Petitioner, the Jupiter Farms Homeowners and PREM. The master plan shall be amended to remove the civic site and the 5000 square foot Community Center with a notation that both are to be cashed-out, not affecting the overall approvals on the site. Use of these areas will be retained by the property owner as allowed in the CC/LO Zoning district. Payment shall be made in two installments:

- a. \$25,000 shall be paid to Palm Beach County (PREM) by March 5, 1997.
- b. \$14,000 shall be paid to Palm Beach County (PREM) by November 1, 1997.

No time extensions shall be allowed for the completion of this condition. (DATE: MONITORING-PREM)

3. Condition number T.5. of Resolution R-95-1015 which currently states:

EXHIBIT A

COMPOSITE LEGAL DESCRIPTION

THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 1, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE ROAD AND CANAL RIGHTS-OF-WAY ACCORDING TO THE REPLAT OF JUPITER FARMS AND GROVES, AS RECORDED IN PLAT BOOK 24, PAGE 7, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS.

TOGETHER WITH THE FOLLOWING DESCRIBED CANAL RIGHT-OF-WAY:

A PORTION OF SOUTH INDIAN RIVER WATER CONTROL DISTRICT'S (SIRWCD) CANAL RIGHT-OF-WAY LYING IN THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 1, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1; THENCE SOUTH 01° 59' 45" WEST, ALONG THE EAST LINE OF SAID SECTION 1 A DISTANCE OF 55.10 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF INDIANTOWN ROAD (STATE ROAD #706); THENCE NORTH 87° 45' 24" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 50.17 FEET TO THE INTERSECTION WITH THE WEST CANAL RIGHT-OF-WAY LINE, AS SHOWN ON THE REPLAT OF JUPITER FARMS AND GROVES, AS RECORDED IN PLAT BOOK 24, PAGE 7, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS; SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87° 45' 24" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 269.98 FEET; THENCE NORTH 89° 56' 49" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1006.24 FEET TO THE INTERSECTION WITH THE WEST LINE OF SAID NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 1; THENCE SOUTH 01° 59' 50" WEST, ALONG SAID WEST LINE, A DISTANCE OF 50.03 FEET TO THE INTERSECTION WITH THE SOUTH CANAL RIGHT-OF-WAY LINE, ACCORDING TO SAID REPLAT OF JUPITER FARMS AND GROVES; THENCE SOUTH 89° 56' 49" EAST, ALONG SAID SOUTH CANAL RIGHT-OF-WAY, A DISTANCE OF 1006.98 FEET; THENCE SOUTH 87° 45' 24" EAST, ALONG SAID SOUTH CANAL RIGHT-OF-WAY LINE, A DISTANCE OF 269.09 FEET TO THE INTERSECTION WITH SAID WEST CANAL RIGHT-OF-WAY LINE; THENCE NORTH 02° 10' 08" EAST, ALONG SAID WEST CANAL RIGHT-OF-WAY LINE, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 37.339 ACRES, MORE OR LESS

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CONTAINING 37.389 ACRES, MORE OR LESS