

RESOLUTION APPROVING ZONING PETITION
Z93-34(A)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF DONALDSON HEARING
BY DONALDSON HEARING, AGENT
(ROSSMOOR LAKES SUBDIVISION)

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 petitions relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended), have been satisfied; and

WHEREAS, Zoning Petition Z93-34(A) was presented to the Board of County Commissioners at a public hearing conducted on September 24, 1998; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11 (Adequate Public Facilities Standards) of the Palm Beach County Unified Land Development Code; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 Z93-34(A), the petition of Donaldson Hearing, by Donaldson Hearing, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential (AR) Zoning District to the Residential Transition Urban (RTU) Zoning District 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on September 24, 1998.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner Foster 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	--	Aye
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on September 24, 1998.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

William C. Altier
COUNTY ATTORNEY

BY:

Joan Hawley
DEPUTY CLERK



EXHIBIT A

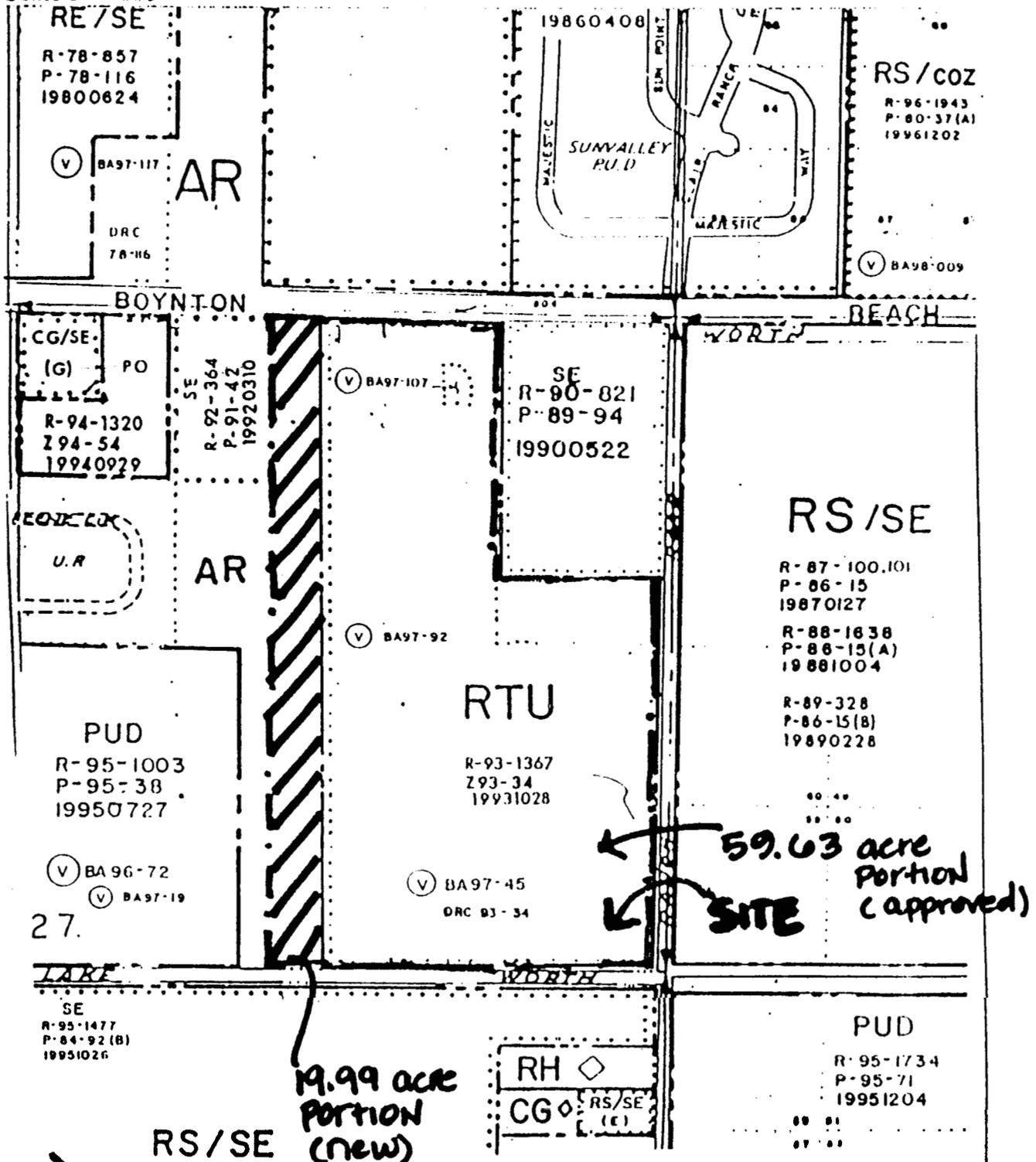
LEGAL DESCRIPTION

NEW PARCEL LEGAL DESCRIPTION:

THE EAST ONE HALF OF THE WEST ONE HALF, OF THE NORTHEAST QUARTER
PALM BEACH COUNTY, FLORIDA.
LESS THE NORTH 52.80 FT. THEREOF FOR LAKE WORTH DRAINAGE DISTRICT
LATERAL NO. 24 CANAL RIGHT-OF-WAY CONTAINING 19.76 ACRES MORE OR LESS
SECTION 27, TOWNSHIP 45 SOUTH, RANGE 42 EAST

EXHIBIT B
VICINITY SKETCH

Scale 1" = 600'



RESOLUTION NO. R-99-

RESOLUTION CORRECTING RESOLUTION NO. R-98-1506
RESOLUTION APPROVING ZONING PETITION OF
DONALDSON HEARING
PETITION NO. Z93-34(A)

WHEREAS, Donaldson Hearing petitioned the Palm Beach County Board of County Commissioners on September 24, 1998 for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential (AR) Zoning District to the Residential Transition Urban (RTU) Zoning District

WHEREAS, Resolution No. R-98-1506 adopted September 24, 1998 confirming the action of the Board of County Commissioners, inadvertently contained an incorrect legal description; and

WHEREAS, the legal description of Resolution No. R-98-1506 should have read as shown on Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. The legal description of Resolution No. R-98-1506 is hereby corrected.

Commissioner _____ moved for the approval of the Resolution.

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

Maude Ford Lee, Chair	-
Warren Newell, Vice Chair	-
Karen T. Marcus	-
Carol A. Roberts	-
Mary McCarty	-
Burt Aaronson	-
Tony Masilotti	-

The Chair thereupon declared the resolution was duly passed and adopted on January 7, 1999.

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

Club @ Indian Lakes – Z93-34(A)
Plat Name :Rossmoor Lakes Subdivision

The east one quarter of the west one half of the northeastquarter of section 27, township 45 south, range 42 east, Palm Beach County, Florida.
Less the north 52.80 feet thereof for Lake Worth Drainage District Lateral No.24 Canal right-of-way containing 19.99 acres more or less.

RESOLUTION R-99-

RESOLUTION CORRECTING RESOLUTION R-98-1811
RESOLUTION APPROVING ZONING PETITION OF PALM BEACH COUNTY
PETITION Z/COZ98-41

WHEREAS, the Board of County Commissioners, petitioned the Palm Beach County Board of County Commissioners on October 22, 1998 for an Official Zoning Map Amendment Rezoning from Agricultural Residential (AR) to Public Ownership (PO) with a Conditional Overlay Zone (Z/COZ); and

WHEREAS, Resolution R-98-1811, adopted on October 22, 1998 confirming the action of the Board of County Commissioners inadvertently contained an error in Conditions 1.1, 12 and 13 of Exhibit C; and

WHEREAS, Conditions 1.1, 12 and 13 of Exhibit C of Resolution R-98-1811 should have read as shown:

I. PREM

1. Petitioner is to convey title to the site to Indian Trail Water Control District by statutory warranty deed by November 1, 1999. Petitioner is to plat and dedicate the Civic site to Indian Trail Water Control District prior to conveying the deed and shall have satisfied each of the following conditions prior to deed conveyance.

a. Developer to provide a title policy insuring marketable title to ~~Palm Beach County~~ Indian Trail Water Control District for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval.

b. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated as of 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 Board approval.

c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.

~~d. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:~~

~~1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.~~

~~2) An easement across Developer's property from the proposed civic site to the retention basins, if required.~~

e.d. By acceptance of these conditions developer agrees to allow the County and Indian Trail Water Control District to perform any on site inspections deemed appropriate to support the acquisition of the civic site.

- f.e. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
- g.f. Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING - PREM)
- h.g. Palm Beach County shall have the right to connect to water and sewer service upon payment of normal, customary and reasonable connect on charges and without payment of any capital charges "or construction/installation of water and sewer improvements.
- i.h. The site shall be leased to County by Indian Trail Water Control District for 99 years in accordance with a lease to be drafted by Palm Beach County upon such terms as the County may require. ~~The lease agreement shall be tentatively approved by County and Indian Trail Water Control staff.~~

2. The property owners shall provide PREM and Indian Trail Water Control District with a certified survey of the proposed civic site by September 1, 1999. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
 - a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
 - b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
 - c. The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING - PREM)

3. The property owners shall provide PREM and Indian Trail Water Control District with an Environmental Assessment of the proposed civic site by September 1, 1999. 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. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
 - 2) Comprehensive Environmental Response
 - 3) Compensation and Liability Act System
 - 4) List (CERCLA)
 - 5) Hazardous Waste Data Management System
 - 6) 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. The results of an on-site survey to describe site conditions and to identify potential area of contamination.
 - e. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING- PREM)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Conditions 1.1, 1.2 and 1.3 of Exhibit C of Resolution R-98-1811 are hereby corrected.

Commissioner _____ moved for the approval of the Resolution.

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

Maude Ford Lee, Chair	-
Warren Newell, Vice Chair	-
Karen T. Marcus	-
Carol A. Roberts	-
Mary McCarty	-
Burt Aaronson	-
Tony Masilotti	-

The Chair thereupon declared the resolution was duly passed and adopted on January 7, 1998.

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