

RESOLUTION NO. R-98-742

RESOLUTION APPROVING ZONING PETITION PDD97-104(3)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT(PDD)
PETITION OF FOXHILL LTD. PARTNERSHIP
BY ROBERT BENTZ, AGENT
(RAINBOW PUD - SUNSHINE MEADOWS)

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

WHEREAS, Zoning Petition PDD97-104(3) was presented to the Board of County Commissioners at a public hearing conducted on May 28, 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) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; 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 PDD97-104(3), the petition of Foxhill Ltd. Partnership by Robert Bentz, agent, for an Official Zoning Map Amendment to Planned Development District (PDD) Rezoning from AR to PUD, 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 May 28, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty 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	--	Abgent
Mary McCarty	--	Aye
Warren Newell	--	Nay
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on May 28, 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



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RECORDER'S MEMO: Legibility
of Writing, Typing or Printing
unsatisfactory in this document
when received.

EXHIBIT A

LEGAL DESCRIPTION

LAND DESCRIPTION:

PARCEL I:

All of the Condominium Portions in SUNSHINE MEADOWS, a Condominium, according to the Declaration of Condominium thereof recorded in Official Records Book 3974, Page 1181, as amended by Covenant and Release of Certain Rights recorded in Official Records Book 5106, Page 1628, and as further amended in Official Records Book 5254, Page 818, Official Records Book 5254, Page 826, Official Records Book 5254, Page 341 and Official Records Book 5795, page 488, and as affected by Release of Oil and Mineral Rights recorded in Official Records Book 5546, page 78, public records of Palm Beach County, Florida.

LESS therefrom the West 45.00 feet of Block 68, PALM BEACH FARMS COMPANY PLAT NO. 1, according to the Plat thereof as recorded in Plat Book 2, Pages 45 through 54 of the Public Records of Palm Beach County, Florida for Lake Worth Drainage District right-of-way for Canal S-11

PARCEL II:

That part of Sections 25 and 36, Township 46 South, Range 41 East, Palm Beach County, Florida, described as follows:

COMMENCE at the Southwest corner of said Section 25, thence North 00°44'00" West, along the West line of said Section 25, 3144.75 feet, thence North 89°51'43" East, 2043.02 feet, thence South 00°44'00" East, 3154.84 feet, thence South 89°51'43" West, 362.34 feet to the POINT OF BEGINNING; thence continue South 89°51'43" West, 150.00 feet; thence South 00°08'17" East, 415.00 feet, thence North 89°51'43" East, 150.00 feet, thence North 00°08'17" West, 415.00 feet to the said POINT OF BEGINNING.

PARCEL III:

That part of Sections 25 and 36, Township 46 South, Range 41 East, Palm Beach County, Florida, described as follows:

COMMENCE at the Southwest corner of said Section 25; thence North 00°44'00" West, along the West line of said Section 25, 3144.75 feet, thence North 89°51'43" East, 2043.02 feet, thence South 00°44'00" East, 3154.84 feet, thence South 89°51'43" West, 362.34 feet to the POINT OF BEGINNING; thence continue South 89°51'43" West, 300.00 feet, thence South 00°08'17" East, 415.00 feet; thence South 89°51'43" West 191.00 feet, thence South 00°08'17" East, 260.00 feet to the South line of Tracts 8, 10, 11 and 12, Block 68, Palm Beach Farms Company Plat No. 1, Plat Book 2, Pages 45 through 54, Palm Beach County Public Records; thence North 89°51'43" East, along said South line, 421.50 feet; thence North 00°08'17" West, 260.00 feet; thence North 89°51'43" East, 45.50 feet; thence North 00°08'17" West, 104.00 feet; thence North 89°51'43" East, 24.00 feet; thence North 00°08'17" West, 311.00 feet to the said POINT OF BEGINNING.

PARCEL IV:

That part of Sections 25 and 36, Township 46 South, Range 41 East, Palm Beach County, Florida, described as follows:

COMMENCE at the Southwest corner of said Section 25; thence North 00°44'00" West, along the West line of said Section 25, 3144.75 feet, thence North 89°51'43" East, 2043.02 feet, thence South 00°44'00" East, 3154.84 feet to the POINT OF BEGINNING; thence South 89°51'43" West, 362.34 feet; thence South 00°08'17" East, 311.00 feet; thence South 89°51'43" West, 24.00 feet; thence South 00°08'17" East, 104.00 feet; thence South 89°51'43" West, 45.50 feet, thence South 00°08'17" East, 260.00 feet to the South line of Tracts 8, 10, 11 and 12, Block 68, Palm Beach Farms Company Plat No. 1, Plat Book 2, Pages 45 through 54, Palm Beach County Public Records; thence North 89°51'43" East, along said South line, 438.86 feet; thence North 00°44'00" West, 675.04 feet to the said POINT OF BEGINNING.

TOGETHER WITH:

COMMENCE at the Southwest corner of said Section 25; thence North 00°44'00" West, along the West line of said Section 25, 3144.75 feet, thence North 89°51'43" East, 2043.02 feet; thence South 00°44'00" East, 3154.84 feet; thence South 89°51'43" West, 362.34 feet to the POINT OF BEGINNING; thence continue South 89°51'43" West, 150.00 feet; thence South 00°08'17" East, 415.00 feet; thence North 89°51'43" East, 150.00 feet; thence North 00°08'17" West, 415.00 feet to the said POINT OF BEGINNING.

PARCEL V:

That part of Section 25, Township 46 South, Range 41 East, Palm Beach County, Florida, described as follows:

COMMENCE at the Southwest corner of said Section 25, thence North 00°44'00" West, along the West line of said Section 25, 2071.52 feet, to the POINT OF BEGINNING; thence continue North 00°44'00" West, 200.00 feet; thence North 89°16'00" East, 280.00 feet; thence South 00°44'00" East, 200.00 feet; thence South 89°16'00" West, 280.00 feet to the said POINT OF BEGINNING.

TOGETHER WITH:

COMMENCE at the Southwest corner of said Section 25; thence North 00°44'00" West, along the West line of said Section 25, 2071.52 feet; thence North 89°16'00" East, 280.00 feet; thence South 00°44'00" East, 34.70 feet to the POINT OF BEGINNING; thence North 89°16'00" East, 415.00 feet; thence South 00°44'00" West, 150.00 feet to the said POINT OF BEGINNING.

PARCEL VI:

A non-exclusive easement for pedestrian and vehicular access for the benefit of Parcels I, II, III, IV and V, as created by that certain Access Easement recorded in Official Records Book 3974, page 1735, as modified by the instrument recorded in Official Records Book 5106, page 1649, over and across the following described land:

A thirty-foot ingress and egress easement over a portion of Section 25, Township 46 South, Range 41 East, Palm Beach County, Florida, the centerline of which is described as follows:

COMMENCING at the Southwest corner of Section 25, Township 46 South, Range 41 East, Palm Beach County, Florida; thence North 00°56'03" West, (assumed) along the East line of said Section 25, 2739.49 feet; thence South 80°42'48" West, 746.82 feet to the to the Point of Beginning of said centerline to be herein described; thence Southeast, 827.81 feet along the arc of a curve concave to the Southwest, having a central angle of 48°14'20" and a radius of 745.68 feet (a line tangent to said curve bears South 80°42'48" West); thence South 32°28'28" West, 354.35 feet to the beginning of a curve concave to the Northwest, having a central angle of 57°05'21" and a radius of 147.07 feet; thence Southeast, along the arc of said curve, 146.54 feet; thence South 89°33'52" West, 2216.34 feet to the terminus point of the centerline described herein.

PARCEL VII:

A non-exclusive easement for a parking pond for sewage effluent for the benefit of Parcel I, as created by that certain Easement Deed recorded in Official Records Book 4481, page 1226, over and across the following described land:

COMMENCE at the southwest corner of Section 25, Township 46 South, Range 41 East, Palm Beach County, Florida, thence North 00°44'00" West, along the West line of said Section 25, a distance of 3144.75 feet; thence North 89°51'43" East, a distance of 2093.02 feet; thence South 00°44'00" East, a distance of 1148.00 feet; thence North 89°33'52" East, a distance of 175 feet to the POINT OF BEGINNING of the area to be herein described; thence continue easterly along the same course, a distance of 765 feet; thence South 00°44'00" East, a distance of 429.71 feet; thence South 89°16'00" West, a distance of 240 feet; thence North 00°44'00" East, a distance of 373.91 feet; thence North 89°16'00" East, a distance of 175 feet; thence North 00°44'00" West, a distance of 150 feet to the POINT OF BEGINNING.

TOGETHER WITH:

LAND DESCRIPTION: (20 ACRE PARCEL)

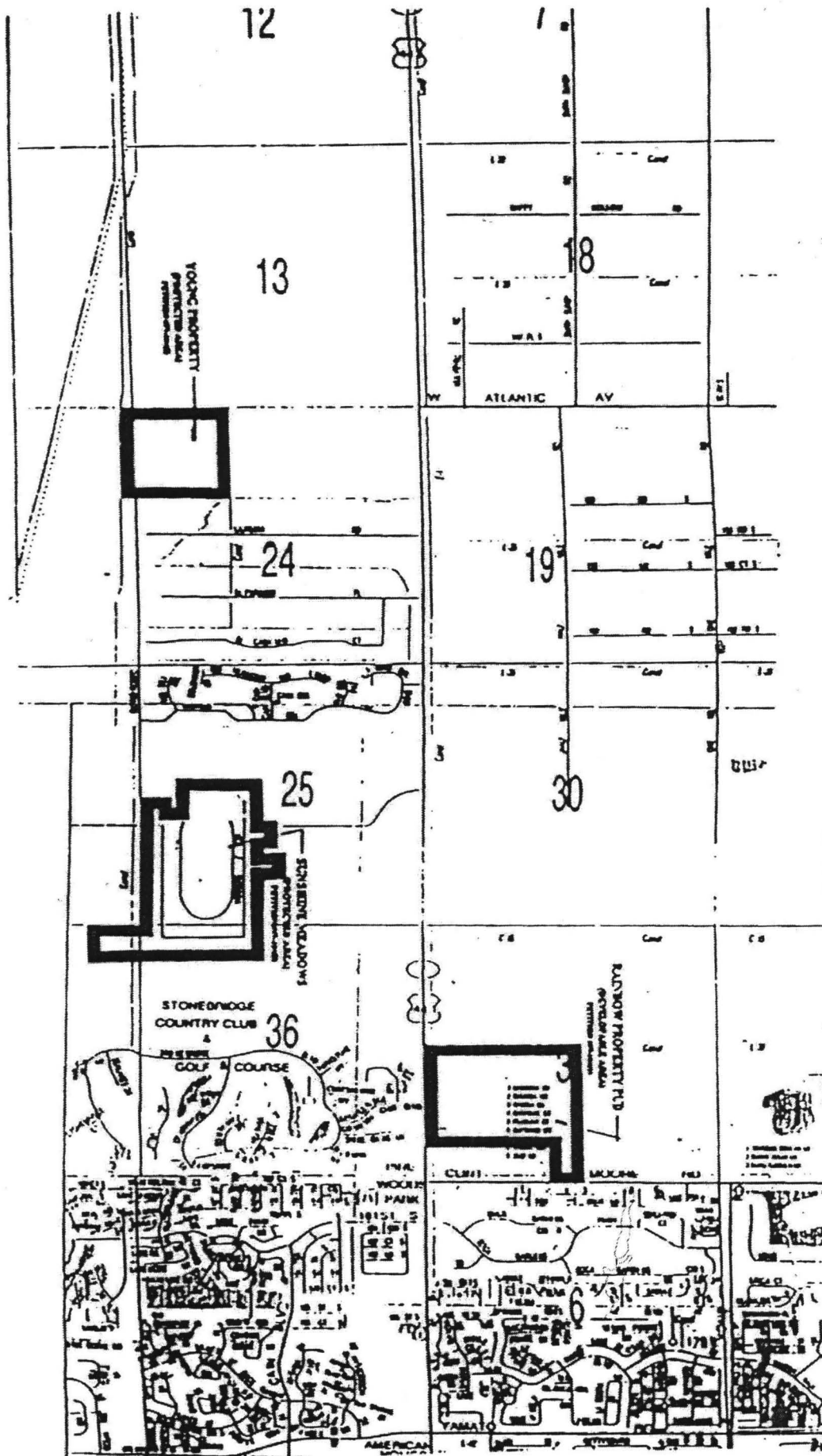
The North One-Half (N 1/2) of the Northwest One-Quarter (N.E. 1/4) of the Northeast One-Quarter (N.E. 1/4) of Section 33, Township 46 South, Range 41 East.

Said lands lying and situate in Palm Beach County, Florida, containing 2,330,013 square feet, 188,274 acres more or less.

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EXHIBIT B
VICINITY SKETCH



SITE DATA

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NOTES

The information on this map was prepared from the following data and sources:
 1. Aerial photographs of the area, dated 1987.
 2. The 1987 Census of the City of New York, Block 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2955, 2956, 2957, 2958, 2959, 2960, 2961, 2962, 2963, 2964, 2965, 2966, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2977, 2978, 2979, 2980, 2981, 2982, 2983, 2984, 2985, 2986, 2987, 2988, 2989, 2990, 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999, 3000.

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MAY 28 1998

EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. For enforcement purposes, Resolution R-80-1418 in its entirety is hereby incorporated into the resolution for this petition, Petition 97-104(3) as Exhibit D. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-80-1418 (Petition 80-184) shall remain in full effect. 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)
2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated February 26, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)
3. Prior to the issuance of a building permit for any new or relocated structures or uses not legally established prior to this approval, the petitioner shall obtain certification of a site plan for the 168.27 acre portion of the existing Sunshine Meadows Commercial Stables from the Development Review Committee. (BLDG PERMIT: MONITORING - Zoning)

B. PLANNING

1. The conservation easement on the preservation areas shall be recorded prior to or concurrent with the first plat for the Rainbow PUD. Should a conservation easement not be placed on this property in a form acceptable to the County Attorney prior to June 1, 1999, then the approval of the Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (/DATE/PLAT: ENG/MONITORING - Planning/Co Atty)
2. Prior to any building permits for any uses, any relocation, expansion, (ie: original uses as permitted under Resolutions R-80-1418 and R-81-878 for the existing Sunshine Meadows Petition or new uses to the 168 acre preserve area site will require Planning Division's and Traffic Division's approval and shall be subject to consistency with the Comprehensive Plan, consistency with Traffic Performance Standards (TPS), and the restrictions of the preservation easement. The applicant shall comply with the approval process per the ULDC as amended. (BLDG PERMIT: MONITORING - Planning)
3. Prior to or concurrent with recordation of the first plat for the buildable area, the applicant shall dedicate the land to Palm Beach County, record a restrictive covenant in a form acceptable to the Palm Beach County Attorney for the subject parcel, or subject the parcel to a conservation easement, limiting it to an agricultural reserve preserve area, including an existing equestrian training facility in accordance with the provisions of the Comprehensive Plan. (DRC: PLANNING)

4. Prior to final Master Plan Certification by the Development Review Committee (DRC), the Palm Beach County Planning Division shall schedule a Comprehensive Plan amendment to include notations on the future land use atlas identifying the respective parcel as an agricultural reserve preserve area, and shall coordinate with the PZ&B Graphics Division to ensure that the zoning maps also reflect the proper designations. (DRC: PLANNING)
5. Prior to the issuance of the first building permit for the development area as identified in Petition No. PDD 97-104(1) (with the exception of dry models), the applicant shall record a boundary plat for the subject site, and include on said boundary plat, language limiting the site to agricultural reserve preservation uses as permitted by the Comprehensive Plan. (BLDG PERMIT: PLANNING/BLDG)
6. Prior to the issuance of the first building permit for the development area as identified in Petition No. PDD 97-104(1), any existing plats for the Sunshine Meadow property or any adjacent development within the preservation area shall be abandoned and all remaining encumbrances and easements shall be vacated. (BLDG PERMIT: PLANNING/BLDG)
7. Prior to site plan certification or the issuance of a building permit whichever shall occur first, any relocation, expansion, (ie: original uses as permitted under Resolutions R-80-1418 and R-81-878 for the existing Sunshine Meadows) Petition or new uses to the 168 acre preserve area site will require Planning Division's and Traffic Division's approval and shall be subject to consistency with the Comprehensive Plan, consistency with Traffic Performance Standards (TPS), and the restrictions of the preservation easement. (ONGOING/DRC/BLDG PERMIT: PLANNING/BLDG)
8. Prior to site plan certification by the Development Review Committee (DRC), the applicant shall provide a notation on the regulating plan for Petition 97-104 indicating all dwellings allocated to the subject site, as shown and located on the site plan dated February 26, 1998. (DRC: PLANNING)

C. SITE PLAN AMENDMENTS

1. Prior to site plan approval by the Development Review Committee for the site or June 1, 1998, whichever comes first, the petitioner shall amend the Zoning Division's petition files for the Sunshine Meadows Commercial Stables, Petition #80-184, and the excavation file, Petition #81-99, to reflect that this site is a preservation parcel of the Rainbow PUD and shall be subject to a conservation easement. The amendments shall include the following:
 - a. A copy of the adopted resolution; and,
 - b. Revisions to the certified site plan of record to include the Rainbow PUD petition number and reference to the conservation easement. (DRC/DATE: ZONING/MONITORING - Zoning)

(Letter D intentionally omitted)

E. ENGINEERING

No Engineering conditions.

F. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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: MONITORING - 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; 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 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.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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)