

RESOLUTION NO. R-86-1927

RESOLUTION APPROVING ZONING PETITION **86-96**,
REZONING FROM AR-AGRICULTURAL RESIDENTIAL ZONING DISTRICT TO
RTS-RESIDENTIAL TRANSITIONAL SUBURBAN ZONING DISTRICT
(RYAN HOMES)

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, the notice and hearing requirements as provided for in Chapter **402.5** of the Palm Beach County Zoning Code Ordinance No. **73-2** have been satisfied; and

WHEREAS, Petition No. **86-96** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 1, **1986** and

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

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

With required Master Plan modifications, this project meets the minimum requirements and intent of the Comprehensive Plan and Zoning Code.

The School Board of Palm Beach County has demonstrated a direct and identifiable impact on public education facilities associated with the subject PUD. In efforts to mitigate this impact, petitioner proposes to dedicate a **15** acre school site, as shown on the master plan, to the School Board of Palm Beach County.

Petitioner also proposes to enter into formal contract with the School Board to assure timely conveyance and coordination of site development between petitioner and the School Board.

The Palm Beach County Department of Engineering and Public Works has determined that this project can satisfy the mandatory Traffic Performance Standard of the Comprehensive Plan if the petitioner:

- (a) Complies with the conditions of the concurrent special exception approval; and
- (b) executes a tri-partite agreement with Palm Beach County and the developers of the adjacent Ameri-First/Smith Dairy Planned Unit Development

(Petition 86-106). This agreement will allocate responsibilities for offsite roadway improvements among the three (3) signatories. The Department of Engineering and Public Works has also determined that the Traffic Performance Standard cannot be satisfied unless this tri-partite agreement is executed.

The Palm Beach County Parks and Recreation Department has demonstrated a direct and identifiable impact on public park facilities associated with the subject P.U.D. In efforts to mitigate this impact, the petitioners in lieu of dedicating 15 acres of land, proposed to dedicate a 9 acre public park-site to the Board of County Commissioners complete with developed recreation facilities as approved by the Parks and Recreation Department Director. The developed recreation facilities shall equal or exceed the value of 6 acres of land based on the appraised value of land within the subject P.U.D. at the time building permits for the park facilities are drawn.

NOH, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 9th day of December, 1986, that: **Petition No. 86-96** the petition of RYAN HOMES, By Robert Bentz, Agent, for a REZONING, FROM AGRICULTURAL RESIDENTIAL DISTRICT TO RTS-RESIDENTIAL TRANSITIONAL SUBURBAN DISTRICT on all of Tracts 1 through 71, inclusive, in Block 40, Palm Beach Farms Company Plat No. 3, and Tracts 1 through 117, inclusive in Block 41, Palm Beach Farms Company Plat No. 3, in Sections 4, 5, 8, 9, 10, Township 45 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54, together with a hiatus described as: The hiatus lying between the 1/4 section line of Sections 3 and 10, Township 45 South, Range 42 East, and the North 1/2 of Block 40, of the Palm Beach Farms as recorded in Plat No. 3, in Plat Book 2, Pages 48 and 49, and a revised Plat recorded in Plat Book 6, Page 99, and being more fully described as follows: Beginning at the 1/4 Section corner on the North line of Section 10, said Township and Range, and run with the 1/4 section line thereof South 04 degrees 20' 30" West 2487 feet; thence, South 89 degrees 44' 00" West 65 feet to the Southeast corner of Tract 36 of said Block 40; thence with the East line of Block 40, North 02 degrees 20' 45" East 2482 feet to the North line of said Section 10; thence, North 02 degrees 10' 30" West 192 feet to the Northeast corner of Tract 1 of said Block 40, thence, North 89 degrees 44' East 156 feet to the 1/4 section line of said Section 3; thence with the said 1/4 section line South 00 degrees

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15' 30" Bast **192** feet to the Point of Beginning, excepting therefrom a **40** foot road Right-of-Hay along the East line; less a parcel of land consisting of **135.922** acres as recorded in Official Record Book **2998**, Pages **1778** and **1779**, and less lands described in Official Record Book **3289**, Page **49** and Official Record Book **3289**, Page **55** Together with all Palm Beach Farms Company road Rights-of-Hay as abandoned in Official Records book **2891**, Pages **323** to **325** inclusive and quit claimed by the Lake Worth Drainage District in Official Records Book **3287**, Pages **710** and **711** inclusive, and sold by West Peninsular Title Company in Official Records Book **2715**, Pages **279** and **280** inclusive, excepting therefrom all Palm Beach Farms Company road Rights-of-way contained within the lands described in Official Record Book **2998**, Pages **1778** and **1779**; Official Record Book **3289**, Pages **49** through **54**; and Official Record Book **3289**, Pages **55** through **59**. Less and excepting therefrom the following described parcels of land:

(Parcel "A") - A parcel of land lying in Block **40**, Palm Beach Farms Company Plat No. **3**, according to the plat thereof, as recorded in Plat Book **2**, Pages **45** through **54**, inclusive, said parcel of Land being all that part of said Block **40**, lying Easterly and Northerly of the following specifically described line: Commencing at the Northwest corner of said Block **40**; thence, South **00** degrees **44'33"** West, along the West line of said Block **40**, a distance of **55.00** feet to a point in the South Right-of-way line of Lake Horth Drainage District Lateral Canal No. **18**; thence, South **89** degrees **07' 20"** East, along said Right-of-way line, a distance of **2144.32** feet for a Point of Beginning. Thence, South **00** degrees **52'40"** West, departing said Right-of-way line, a distance of **968.72** feet; thence, South **44** degrees **07' 20"** East, a distance of **565.69** feet; thence, South **89** degrees **07'20"** East, a distance of **688.60** feet to a point on the West Right-of-way line of Jog Road and the end of said specifically described line, and

(Parcel "B") - A parcel of land lying in Blocks **40** and **41**, Palm Beach Farms Company Plat No. **3**, according to the plat thereof, as

recorded in Plat Book 2, Pages 45 through 54, inclusive, being more particularly described as follows: Commencing at the Northeast corner of said Block 41; thence, South 00 degrees 44'33" West, along the East line of said Block 41, a distance of 55.00 feet to a point in the South Right-of-way line of Lake Worth Drainage District Lateral Canal No. 18; thence, North 89 degrees 07'20" West, along said Right-of-way line, a distance of 54.00 feet for a Point of Beginning. Thence, continue North 89 degrees 07'20" West, a distance of 461.00 feet; thence, South 00 degrees 52'40" West, a distance of 707.70 feet; thence, South 89 degrees 07'20" East, a distance of 575.12 feet to a point lying on a curve, concave Easterly, having a radius of 1592.82 feet and whose radius point bears North 69 degrees 05'05" East; thence, Northerly along said curve through a central angle of 21 degrees 39'28", a distance of 602.09 feet to the point of tangency; thence, North 00 degrees 44'33" East, a distance of 120.12 feet to the Point of Beginning. Said property located on the south side of Hypoluxo Road Extension being bounded on the east side by Jog Road, on the west by Lake Worth Drainage District Canal No. E-2E, and on the south by Lake Worth Drainage District Canal No. 20. was **APPROVED** as advertised.

Commissioner Adams, moved for approval of the petition. The motion was seconded by Commissioner Roberts, and upon being put to a vote, the vote was as follows:

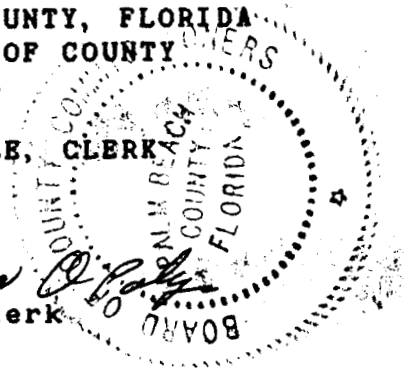
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	ABSENT
Carol Roberts, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT
Kenneth M. Adams, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 9th day of December, 1986 confirming action of December 1, 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara O. Kelly*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Handwritten Signature]
county Attorney

