

RESOLUTION NO. R-89- 1646

RESOLUTION APPROVING ZONING PETITION NO. 87-70(A)  
MODIFICATION OF COMMISSION REQUIREMENTS  
PETITION OF PALM BEACH DOWNS, INC.

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 have been satisfied; and

WHEREAS, Petition No. 87-70(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 26, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 87-70(A), the petition of PALM BEACH DOWNS, INC., by Dennis P. Koehler, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land being a portion of Section 13, Township 46 South, Range 41 East, being more particularly described as follows: Commencing at the Southwest corner of said Section 13, run North 00 degrees 50'22" West along the West line of said Section 13, a distance of 100.00 feet to the Point of Beginning; continue North 00 degrees 50'22" West along said West line of Section 13, a distance of 4725.52 feet; thence South 89 degrees 58'25" East along the South line of the North 1/2 of the North 1/2 of the North 1/2 of said Section 13, a distance of 2320.47 feet; thence South 00 degrees 38'18" East along the West line of the North 1/2 of the East 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Said Section 13, a distance of 342.12 feet; thence North 89 degrees 57'45" East a distance of 1696.82 feet to a line 1285.00 feet Westerly of and parallel with the East line of Section 13, thence South 00 degrees 22'30" East along said parallel line a distance of 1677.22 feet; thence South 89 degrees 08'33" West a distance of 1551.13 feet; thence South 00 degrees 22'30" East a distance of 2351.03 feet; thence South 89 degrees 37'30" West a

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distance of 1461.99 feet; thence South 00 degrees 22'30" East a distance of 283.33 feet; thence South 45 degrees 36'59" East a distance of 35.50 feet; to a line 100.00 feet Northerly of, measured at right angle to the South line of Said Section 13; thence South 89 degrees 08'33" West along said parallel line a distance of 992.65 feet to the Point of Beginning; **Less** Lots 31, 37, 43, 61 and 75 of the proposed Plat of Palm Beach Downs P.U.D., being more particularly described as follows: All of Lot 31, of the proposed Plat of Palm Beach Downs P.U.D.;, being a portion of Section 13, Township 46 South, Range 41 East, said Lot 31 being more particularly described as follows: Commencing at the Southwest corner of said Section 13, run thence North 89 degrees 08'33" East along the South line of said Section 13, a distance of 936.63 feet; thence North 00 degrees 22'30" West a distance of 1354.81 feet; thence South 89 degrees 37'30" West a distance of 187.00 feet; thence South 00 degrees 22'30" East a distance of 30.00 feet to the Point of Beginning; continue thence South 00 degrees 22'30" East a distance of 280.00 feet; thence South 89 degrees 37'30" West a distance of 43.00 feet to the point of curvature of a curve concave to the Southeast having a radius of 310.00 feet; thence Northwesterly along the arc of said curve through a central angle of 34 degrees 07'48" and whose chord bears North 73 degrees 18'36" West a distance of 184.66 feet; thence North 27 degrees 12'34" East a distance of 235.64 feet to a point on a curve concave to the North having a radius of 50.00 feet; thence Easterly along the arc of said curve through a central angle of 60 degrees 04'22" and whose chord bears North 76 degrees 49'40" East a distance of 52.42 feet to the point of reverse curvature of a curve concave to the South having a radius of 25.00 feet; thence Easterly along to arc of said reverse curve through a central angle of 42 degrees 50'00" a distance of 18.69 feet to the point of tangency of said curve; thence North 89 degrees 37'30" East a distance of 42.01 feet to the point of beginning; and all of Lot 37 of the proposed Plat of Palm Beach Downs P.U.D.; being a portion of Section 13, Township 46 South, Range 41 East, said Lot 37 being more particularly described as follows: Commencing at the Southwest corner of said Section 13, run thence North 89 degrees 08'33" East along the South line of said Section 13, a distance of 936.63 feet; thence North 00 degrees 22'30" West a distance of 1424.81 feet to the point of curvature of a curve concave to the Southeast having a radius of 189.40 feet; thence Northeasterly along the arc of said curve through a central angle of 48 degrees 20'40" a distance of 159.81 feet to the point of tangency of said curve; thence North 47 degrees 58'10" East a distance of 133.74 feet; thence North 42 degrees 01'50" West a distance of 30.00 feet to a point on a curve concave to the Northwest having a radius of 410.00 feet and, whose center point bears North 42 degrees 01'50" West; thence Northeasterly along the arc of said curve through a central angle of 02 degrees 18'16" and whose chord bears North 46 degrees 49'02" East a distance of 16.49 feet to the point of beginning; continue thence along an arc of said curve of radius 410.00 feet through a central angle of 27 degrees 05'51" and whose chord bears North 32 degrees 06'59" East, a distance of 193.00 feet; thence North 72 degrees 07'52" West a distance of 277.79 feet to a point on a curve concave to the Northwest, having a radius of 530.00 feet; thence Southwesterly along the arc of said curve whose chord bears South 30 degrees 25'41" West through a central angle of 13 degrees 29'33" a distance of 124.81 feet; thence South 58 degrees 02'30" East a distance of 265.58 feet to the point of beginning; and all of lot 43 of the proposed Plat of Palm Beach Downs P.U.D.; being a portion of Section 13, Township 46 South, Range 41 East, said Lot 43 being more particularly described as follows: Commencing at the Southwest corner of said Section 13, run thence North 89

degrees 08'33" East along the South line of said Section 13, a distance of 936.63 feet; thence North 00 degrees 22'30" West a distance of 1424.81 feet to the point of curvature of a curve concave to the Southeast having a radius of 189.40 feet; thence Northeasterly along the arc of said curve through a central angle of 48 degrees 20'40" a distance of 159.81 feet to the point of tangency of said curve; thence North 47 degrees 58'10" East a distance of 133.74 feet to the point of curvature of a curve concave to the Northwest having a radius of 440.00 feet; thence Northeasterly and Northerly along the arc of said curve through a central angle of 48 degrees 20'40" a distance of 371.26 feet to the point of tangency of said curve; thence North 00 degrees 22'30" West a distance of 732.51 feet: thence south 89 degrees 37'30" West a distance of 156.00 feet to the point of curvature of a curve concave to the Northeast having radius of 96.00 feet; thence Westerly and Northerly along the arc of said curve through a central angle of 00 degrees 00'00" a distance of 149.20 feet to the point of tangency of said curve; thence North 00 degrees 22'30" West a distance of 160.00 feet; thence South 89 degrees 37'38" West a distance of 140.00 feet; thence South 00 degrees 22'30" a distance of 30.00 feet to the point of beginning: run thence South 08 degrees 20'50" West a distance of 280.61 feet to a point on a curve concave to the Northeast having a radius of 581.57 feet; thence Northwesterly along the arc of said curve whose chord bears North 67 degrees 37'31" West through a central angle of 20 degrees 01'48" a distance of 203.31 feet; thence North 25 degrees 21'54" East a distance of 257.17 feet to a point on a curve concave to the Northeast having a radius of 230.00 feet: thence Southeasterly along the arc of said curve whose chord bears South 74 degrees 56'01" East, through a central angle of 30 degrees 52'57" a distance of 120.07 feet to the point of beginning: and all of Lot 41 of the proposed Plat of Palm Beach Downs P.U.D.; being a portion of Section 11, Township 46 South, Range 41 East, being more particularly described as follows: Commencing at the Southwest corner of said Section 11, run thence North 89 degrees 08'33" East along the South line of said Section 11, a distance of 936.63 feet: thence North 00 degrees 22'30" West a distance of 1424.81 feet to the point of curvature of a curve concave to the Southeast having a radius of 189.40 feet; thence Northeasterly along the arc of said curve through a central angle of 48 degrees 20'40" a distance of 159.81 feet to the point of tangency of said curve: thence West 47 degrees 58'10" East a distance of 133.74 feet; thence South 42 degrees 01'50" East a distance of 30.00 feet to a point on a circular curve concave to the Northwest having a radius of 470.00 feet and whose center point bears North 42 degrees 01'50" West: thence along an arc of said circular curve whose chord bears North 38 degrees 32'16" East through a central angle of 18 degrees 51'49" a distance of 154.74 feet to the point of beginning ; continue thence along an arc of said curve of radius 470.00 feet whose chord bears North 20 degrees 10'28" East through a central angle of 17 degrees 51'46" a distance of 146.53 feet: thence South 74 degrees 44'40" East a distance of 238.89 feet to a point on a curve concave to the Northwest having a radius of 708.87 feet; thence Southwesterly along the arc of said curve whose chord bears South 19 degrees 43'40" West through a central angle of 17 degrees 18'86" a distance of 218.18 feet, thence North 62 degrees 33'36" West a distance of 237.94 feet to the point of beginning: and all of Lot 75 of the proposed Plat of Palm Beach Downs P.U.D.; being a portion of Section 13, Township 46 South, Range 41 East; being more particularly described as follows: Commencing at the Southwest corner of said Section 13, run thence North 00 degrees 50'22" West a distance of 100.00 feet; thence North 89 degrees 08'32 East along a parallel line lying 100.00 feet

North of, measured at right angles to the South line of said Section 13, a distance of 992.65 feet; thence North 45 degrees 36'59" West a distance of 35.50 feet; thence North 00 degrees 22'30" West a distance of 282.33 feet; thence North 89 degrees 37'30" East a distance of 1461.99 feet; thence North 00 degrees 22'30" West a distance of 2351.03 feet; thence North 89 degrees 08'33" East a distance of 290.62 feet to the point of beginning; continue thence North 89 degrees 08'33" East a distance of 193.13 feet; thence North 00 degrees 51'27" West a distance of 185.01 feet to a point on a curve concave to the southwest having a radius of 25.00 feet; thence along the arc of said curve whose chord bears North 41 degrees 52'25" West through a central angle of 62 degrees 10'55" a distance of 27.13 feet to the point of tangency of said curve; thence North 72 degrees 57'52" West a distance of 185.14 feet; thence South 00 degrees 51'27" East a distance of 261.37 feet to the point of beginning, being located on the north side of Delray West Road (SR 806), approximately .2 mile west of U.S. 441 (SR 7) and bounded on the west by Lake Worth Drainage District Equalizing Canal No. E-1-W-N, in an AR-Agricultural Residential Zoning District, was approved on May 26, 1989 as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval.
3. Condition No. 9 of Zoning Petition No. 87-70 presently states:

"9. The Property owner shall provide construction plans for Delray West Road as a 4 lane median divided (expandable to 6 lanes from University Parkway to State Road 7) plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed within 12 months of the approval of the Resolution approving this project. Plan costs shall be approved by the County Engineer."

Is hereby deleted.

4. Condition No. 10 of Zoning Petition No. 87-70 presently states:

"10. The property owner shall construct Delray West Road as a 2 lane section from State Road 7 West to the project's entrance road per the Condition above. This construction shall be completed within 24 months or prior to the issuance of the first Building Permit whichever shall first occur. This construction shall include at the intersection of State Road 7 and Delray West

Road a left turn lane, south approach; a right turn lane, north approach; and a left turn lane, west approach."

Is hereby amended to read as follows:

**"The** property owner shall construct Delray West Road as a 2 lane section thoroughfare plan standards from State Road 7 west to the project's entrance road, in accordance with the County Engineer's approval. This construction shall include at the intersection of State Road 7 and Delray West Road a left turn lane, west approach, and a right turn lane, north approach. This construction shall be completed prior to December 1, 1990. Construction plans shall be 100% completed prior to January 1990. Construction plans shall be for the ultimate 6 lane section from State Road 7 to the project's west entrance. **No** residential building permits at Palm Beach Downs shall be issued until:

- a. The property owner provides Palm Beach County with a construction bond or other acceptable surety sufficient to cover both on-site improvements as well as the construction of Atlantic Avenue.
- b. Property owner shall submit to Lake Worth Drainage District and Palm Beach County Engineering all deeds and easements in recordable manner for the right of way for Atlantic Avenue (West Atlantic Avenue).
- c. Submit a schedule and signed contract for the construction of:
  - 1) Delray West Road:
  - 2) Intersection improvements at State Road 7,"
5. The petitioner shall provided canal right-of-way documents to the Lake Worth Drainage District prior to the issuance of building permits.
6. Condition **No.** 18 of Zoning Petition **No.** 87-70 which currently states:

**"18.** The project's required civic site dedication shall either be relocated from the proposed right-of-way at University Parkway or traded for an off-site contribution as provided in Condition **No.** 17 above."

is hereby deleted.

7. Condition **No.** 14 of Zoning Petition **No.** 87-70, which currently states:

**"14.** Property owner shall reserve 384 feet of right-of-way for the proposed University Parkway through the projects limits plus the proposed right-of-way required for the interchange with Delray West Road in accordance with the County Engineer's approval. This reservation shall be effective until the County Engineer makes a determination of the exact alignment of University Parkway and the area required for the

proposed interchange at which time the aforementioned property shall be conveyed at no cost to the County. Any improvements existing on the reserved property at the time of conveyance shall be removed at the property owners expense."

is hereby amended to read as follows:

"Property owner shall reserve, along the entire western property line, 384 feet for civic site purposes and right-of-way for the proposed University Parkway through the project's limits; plus the proposed right-of-way required for the interchange with Delray West Road in accordance with the County Engineer's approval. This reservation shall be effective until the County Engineer makes a determination of the exact alignment of University Parkway and the area required for the proposed interchange and civic site, at which time the aforementioned property shall be conveyed at no cost to the County. Any improvements existing on the reserved property at the time of conveyance shall be removed at the property owner's expense."

- 8. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the Resolution.

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

Carol J. Elmquist, Chair -- AYE
Ron Howard -- AYE
Karen T. Marcus -- AYE
Carole Phillips -- AYE
Carol Roberts -- AYE

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of September, 1989.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: [Signature] COUNTY ATTORNEY

BY: [Signature] DEPUTY CLERK

