

ORIGIN.

RESOLUTION NO. R-91- 1069

RESOLUTION APPROVING ZONING PETITION NO. 83-58(E) SPECIAL EXCEPTION PETITION OF JOHN B. KENNELLY

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. 83-58(E) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on May 30, 1991; 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 the 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 Plan and local land development regulations.

WHEREAS, Chapter 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. 83-58(E), the petition of JOHN B. KENNELLY, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR THE BOYNTON BEACH COUNTRY CLUB PUD TO RE-DESIGNATE OPEN SPACE AS CIVIC SITE on a parcel of land lying in PARCEL 1 (Westerly portion bounded by existing r/w's) A parcel of land situated in Section 22, Township 45 South, Range 42 East, being a portion of Block 48 of the Palm Beach Farms Company's Plat No. 3, as recorded in Plat Book 2, Pages 45 through 54, inclusive, being more particularly described as follows: BEGINNING at the Southwest corner of Tract 55 of said Block 48, thence North 00°57'00" West along the West line of said Block 48, a distance of 3,250.00 feet to the South line of the North 110.00 feet of Tracts 16 through 23 of said Block 48; thence North 89°03'00" East along said South line a distance of 2,745.54 feet to the West right-of-way line of Jog Road, 120 feet in width, as recorded in Official Record Book 4224 at Page 780; thence South 00°10'27" East along said West right-of-way line a distance of 2,697.16 feet; thence departing from said West right-of-way line South 89°34'27" West a distance of 944.05 feet to the East line of the West 115.00 feet of Tracts 50 and 61 of said Block 48; thence South 00°57'00" East along said East line a distance of 1,126.72 feet to the Northerly right-of-way line of Boynton Road

West, 120 feet in width, as recorded in Official Record 4251 at Page 575, said line lying 95.00 feet North of and parallel with the South line of said Block 48; thence South 89°03'00" West along said parallel line a distance of 1,105.00 feet to the West line of Tract 58 of said Block 48; thence North 00°57'00" West along said West line, a distance of 565.00 feet to the Northeast corner of Tract 57 of said Block 48; thence South 89°03'00" West along the North line of Tracts 56 and 57 of said Block 48 a distance of 660.00 feet to the POINT OF BEGINNING; AND, PARCEL 2 (Easterly portion bounded by existing r/w's) A parcel of land situated in Section 22, Township 45 South, Range 42 East, being more particularly described as follows: COMMENCING at the Southwest corner of the Southeast 1/4 of said Section 22, thence North 00°41'06" West along the West line of said Southeast 1/4 a distance of 1,331.34 feet to the North line of the Southwest 1/4 of said Southeast 1/4 of said Section 22; thence North 89°31'42" East along said North line a distance of 51.87 feet to the East right-of-way line of Jog Road, 120 feet in width, as described in Official Record Book 4224 at Page 780, and the POINT OF BEGINNING; from the POINT OF BEGINNING: thence North 00°10'27" West along said East right-of-way line a distance of 2,592.35 feet to a line 70.00 feet South of and parallel with the North line of the Southwest 1/4 of the Northeast 1/4 of said Section 22; thence North 89°47'18" East along said parallel line a distance of 933.92 feet to the East line of the West 3/4 of the last said Southwest 1/4; thence South 00°30'38" East along said East line a distance of 594.52 feet to the North line of the south 1/2 of South 1/2 of the Northeast 1/4 of said Section 22; thence North 89°43'26" East along said North line a distance of 1,007.10 feet to East line of the West 3/4 of the Northeast 1/4 of said Section 22; thence South 00°20'08" East along said East line and along the East line of the West 3/4 of the Southeast 1/4 of said Section 22 a distance of 3,206.37 feet to the Northerly right-of-way line of Boynton Road West, as described in Official Record Book 4251 at Page 575; thence North 88°18'58" West along said Northerly right-of-way line a distance of 696.15 feet; thence North 86°24'21" West a distance of 302.43 feet to the East line of the West 3/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 22; thence North 00°30'38" West along said East line a distance of 1,168 feet to the North line of the last said Southwest 1/4; thence South 89°31'42" West along said North line a distance of 949.14 feet to the POINT OF BEGINNING; AND PARCEL "A", a parcel of land situated in Section 22, Township 45 South, Range 42 East, being a portion of Block 48 of the PALM BEACH FARMS COMPANY'S Plat No. 3, as recorded in Plat Book 2, Pages 45 through 54, being more particularly described as follows: COMMENCING at the Southwest corner of Tract 55 of said Block 48, thence North 00°57'00" West along the West line of said Block 48, a distance of 2,006.79 feet to the Northwest corner of "STRATHMORE ESTATES Plat No. 2", as recorded in Plat Book 62, Pages 98 through 100; FROM THE POINT OF BEGINNING: thence South 85°04'10" East along the Northerly boundary line of said "STRATHMORE ESTATES Plat No. 2", a distance of 758.16 feet; thence South 78°27'00" East, a distance of 390.71 feet to a point on a curve in the Northerly right-of-way line of Lakeside Boulevard, 80.00 feet in width, as shown on said "STRATHMORE ESTATES Plat No. 2", having a radius of 608.41 feet, from which a radial line bears South 58°45'34" East; thence Northeasterly along the arc of said curve, subtending a central angle of 88°20'00", a distance of 938.00 feet; thence South 60°25'33" East, continuing along said Northerly right-of-way line, a distance of 248.59 feet to the beginning of a curve in said line concave to the Northeast having a radius of 706.41 feet; thence along the arc of said curve, subtending a central angle of 30°00'00", a distance of 369.88 feet to a point on a non-tangent line; thence continuing along said Northerly right-of-way line North 78°02'14" East a distance of 100.00 feet; thence North 89°34'27" East, a distance of 77.39 feet;

thence North $44^{\circ}42'00''$ East, a distance of **35.28** feet to intersect the westerly right-of-way line of Jog Road, **120.00** feet in width, as recorded in Official Record Book **4224** at Page **780**; thence North $00^{\circ}10'27''$ West along said Westerly right-of-way line, a distance of **1,387.26** feet to the South line of the North **110.00** feet of Tracts **16 through 23 of said Block 48** of "PALM BEACH FARMS CO. Plat No. **3**"; thence South $89^{\circ}03'00''$ West along said South line, a distance of **2,745.54** feet to the West line of said Block **48**; thence South $00^{\circ}57'00''$ East along said West line of Block **48**, a distance of **1,243.79** feet to the POINT OF BEGINNING; AND, PARCEL B, a parcel of land situated in Section **22**, Township **45** South, Range **42** East, being a portion of Block **48** of the PALM BEACH FARMS COMPANY'S Plat No. **3**, as recorded in Plat Book **2**, Pages **45** through **54**, inclusive, being more particularly described as follows: COMMENCING at the Southwest corner of Tract **55** of said block **48**, thence North $00^{\circ}57'00''$ West along the West line of said Block **48**, a distance of **2,006.79** feet to the Northwest corner of "STRATHMORE ESTATES Plat No. **2**", recorded in Plat Book **62**, Pages **98** through **100**, inclusive; thence south $85^{\circ}04'10''$ East along the Northerly boundary line of said "STRATHMORE ESTATES Plat No. **2**", a distance of **758.16** feet; thence South $78^{\circ}27'00''$ East, a distance of **390.71** feet to a point on a curve in the Northerly right-of-way line of Lakeside Boulevard, **80.00** feet in width, as shown on said "STRATHMORE ESTATES Plat No. **2**", having a radius of **608.41** feet, from which a radial line bears South $58^{\circ}45'34''$ East; thence Northeasterly along the arc of said curve, subtending a central angle of $88^{\circ}20'00''$, a distance of **938.00** feet; thence South $60^{\circ}25'33''$ East, continuing along said Northerly right-of-way line, a distance of **248.59** feet to the beginning of a curve in said line concave to the Northeast having a radius of **706.41** feet; thence along the arc of said curve, subtending a central angle of $30^{\circ}00'00''$, a distance of **369.88** feet to a point on a non-tangent line; thence continuing along said Northerly right-of-way line North $78^{\circ}02'14''$ East, a distance of **100.00** feet; thence North $89^{\circ}34'27''$ East, a distance of **77.39** feet; thence North $44^{\circ}42'00''$ East, a distance of **35.28** feet to intersect the Westerly right-of-way line of Jog Road, **120.00** feet in width, as recorded in Official Record Book **4224**, Page **780**; thence South $00^{\circ}10'27''$ East along said Westerly right-of-way line, a distance of **170.00** feet to the POINT OF BEGINNING; FROM THE POINT OF BEGINNING: thence North $45^{\circ}18'00''$ West, departing from said right-of-way line of Jog Road and along the Southerly right-of-way line of the aforementioned Lakeside Boulevard, a distance of **35.43** feet; thence South $89^{\circ}34'27''$ West, a distance of **76.65** feet; thence North $78^{\circ}53'20''$ West, a distance of **100.00** feet to a point on the non-tangent curve having a radius of **786.41** feet, from which a radial line bears North $00^{\circ}25'33''$ West, thence along the arc of said curve, continuing along the southerly right-of-way line of said Lakeside Boulevard, subtending a central angle of $30^{\circ}00'00''$, a distance of **411.76** feet; thence North $60^{\circ}25'33''$ West, a distance of **248.59** feet to the beginning of a curve concave Southeasterly having a radius of **528.41** feet; thence along the arc of said curve, subtending a central angle of $143^{\circ}01'27''$, a distance of **1,319.05** feet; thence South $23^{\circ}27'00''$ East, a distance of **149.06** feet to the beginning of a curve concave Northeasterly having a radius of **814.65** feet; thence Southeasterly along the arc of said curve, subtending a central angle of $22^{\circ}30'00''$, a distance of **319.91** feet; thence South $45^{\circ}57'00''$ East, a distance of **300.00** feet to the beginning of a curve concave to the Southwest having a radius of **450.42** feet; thence Southerly along the arc of said curve, subtending a central angle of $45^{\circ}00'00''$, a distance of **353.76** feet; thence South $00^{\circ}57'00''$ East along the Easterly boundary line of "STRATHMORE ESTATES Plat No. **1**", as recorded in Plat Book **49**, Pages **26** and **27**, a distance of **925.00** feet; thence South $45^{\circ}57'00''$ East, a distance of **35.36** feet to the a point on the East line of the West **115.00** feet of Tract **61** of said Block **48** of "PALM BEACH FARMS

COMPANY Plat No. 3"; thence North 00°57'00" West along said East line a distance of 1,126.72 feet; thence North 89°34'27" East, a distance of 944.05 feet a point on the aforementioned Westerly right-of-way line of Jog Road; thence North 00°10'27" West along said Westerly right-of-way line a distance of 1,139.90 feet to the POINT OF BEGINNING, and being located on the E. AND W. SIDES OF JOG RD., BOUND ON THE S. BY BOYNTON BEACH BLVD., IN THE RTS ANI) RS ZONING DISTRICTS, was approved on May 30, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions and time certain conditions of approval, unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.
3. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7 (E)2 (b) (Site Plan Review Committee Powers and Standard; of Review) of the Zoning Code.

B. CIVIC SITE

1. The petitioner shall, at his cost and expense, provide Palm Beach County with a title commitment insuring marketable fee simple title to Palm Beach County for the library site.
2. The petitioner shall convey the library site by Statutory Warranty Deed in a form acceptable to FPD&C and the County Attorney.
3. The petitioner shall pay all ad valorem real estate taxes and assessments pro-rated to the date of acceptance by Palm Beach County of the special warranty deed to the library site. Said payment shall be made on acceptance of the deed by the County.
4. The conveyance of the library site to Palm Beach County shall be conditioned upon the County providing a non-exclusive ingress and egress easement over the north 40 feet of the property, in favor of the Florida-Georgia District Lutheran Church.
5. The petitioner shall provide all retention, detention and drainage required for the entire civic site. The petitioner shall specifically address the following issues:
 - a. the discharge of surface water from the library site into the petitioner's water retention basins.
 - b. an easement for an equalizer conduit connecting water retention basins lying easterly of Jog Road to water retention basins lying westerly of Jog Road and with the easement area described as the southerly 75 feet of the easterly 20 feet of the library parcel.

- c. an easement across Petitioner's property from the library site to the retention basins.
6. Prior to site plan certification of the library and/or house of worship, the site plans shall be amended to indicate the following:
 - a. cross walks and appropriate striping across the forty (40) foot right-of-way to ensure safe access between the uses within the civic tract.
7. The applicant shall obtain a Certificate of Concurrency Reservation for the church site prior to site plan approval for the church.

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All lakes shall be planted with native aquatic vegetation on a minimum of three foot centers. A littoral shelf planting plan and maintenance plan shall be submitted to the Department of Environmental Resources Management concurrent with Site Plan Review application and approved by ERM prior to Site Plan certification.

D. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within five-hundred (500) feet of the civic site, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

E. LANDSCAPE

1. Landscaping along the east boundary of the civic site, adjacent to Jog Road, shall be upgraded to include:
 - a. twelve (12) foot tall native canopy trees thirty (30) feet on center and a thirty-six (36) inch high continuous, opaque hedge, shrubs, or native understory, twenty-four (24) inches on center.
2. In addition, the petitioner shall upgrade landscaping along the north and south sides of the access easement to the site, from Jog Road, to include:
 - a. twelve (12) foot tall native canopy trees thirty (30) feet on center and a thirty-six (36) inch high continuous, opaque hedge, shrubs, or native understory, twenty-four (24) inches on center.
3. Prior to site plan certification, the petitioner shall amend the site plan to conform with the requirements of Zoning Code Section 500.35 (Landscape Code) adopted by the Board of County Commissioners on March 5, 1991.

F. LANDSCAPE WITHIN MEDIAN

1. If permitted by the State Department of Transportation and the County Engineer, the petitioner shall landscape the median of all right-of-ways abutting the civic site. This landscaping shall consist of: one ten (10) foot tall native canopy tree planted an average of thirty (30) feet on center, and appropriate ground cover and irrigation. All materials shall be selected, maintained and installed according to xeriscape principles. This landscaping

shall be the perpetual maintenance obligation of the master homeowners association of the PUD. Landscaping shall be installed prior to April 25, 1992.

G. MASTER PLAN

1. Prior to site plan certification, the master plan shall be amended to indicate the following:
 - a. consistency with the certified site plans for the developed portions of the project,
 - b. correct tabular data (units/acres/density for each Pod/use), and
 - c. correct land use and zoning information.

H. RECYCLE SOLID WASTE

1. The property owners within the PUD shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available.

I. COMPLIANCE

1. **As** provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable 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.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Roberts moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol A. Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	ABSENT
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 20th day of August, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:

Barbara Atten
COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK

BY:

Joan Haverly
DEPUTY CLERK