

RESOLUTION NO. R-200 1- 0439

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 97-90
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-98-3 10
WHICH APPROVED THE SPECIAL EXCEPTION OF
BOYNTON LANDSCAPE
PETITION NO. 97-90

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report SR 97-90 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on March 22, 2001; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 97-90 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

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

1. A civic site is required for a Planned Unit Development.
2. Condition M. 1. required the provision of a public civic site.
3. Palm Beach County now permits private civic sites within developments.
4. Palm Beach County has determined that a public civic site is not needed in this development.
5. The amendment of conditions of approval will permit the civic site to be either public or private.
6. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code.

WHEREAS, Section 5.3 of the Palm Beach County 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 the recommendation of Status Report No. SR 97-90, to amend Conditions of Approval of Resolution No. R-98-310, the development order of Boynton Landscape, Petition No. 97-90, which rezoned to the Planned Unit

Development (PUD) zoning district parcels of land as shown on PALM BEACH FARMS COMPANY PLAT NO. 7, as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, being more particularly described as follows:

Lot E, Block 28; Lots C, D and E, Block 29; Lots B, C, D, and E, Block 30; Lots A, B, and C, Block 34; Lots A, B, C, D, and E, Block 35; Lots A, B, C, D, and E, Block 36; Lots A, B, C, D, and E, Block 37; Lots A, B, C, D, and E, Block 38; Lots A, B, C, D, and E, Block 39; Lots A, B, C, D, and E, Block 58; (less the west 25 feet of Lots B, C, D, and E); Lots A, B, C, D, and E, Block 59; Lots A, B, C, D, and E, Block 60; Lots A and B, Block 67; Lots A, B, C, and D, Block 68; Lots A, B, C, D, and E, Block 69; Lots A, B, C, D, and E, Block 70 (subject to rights-of-way for small lateral ditches in favor of other tracts); Lots A, B, C, D, and E, Block 71; (subject to rights-of-way for small lateral ditches in favor of other tracts); Lot A, Block 72; Lots A, B, C, and D, Block 91; Lots A, and B, Block 92;

TOGETHER with the following described parcels as described in Resolution No. R-83-1592, as recorded in O.R.B. 4134, Page 1182, of said Public Records:

Being portions of the 30 foot roadways as shown on the Palm Beach Farms Co. Plat No. 7, Palm Beach County, Florida as recorded in Plat Book 5, Page 72 of the Public Records of Palm Beach County and more particularly described as follows:

Being a 30 foot roadway bounded on the north by the easterly extension of the north line of Block 58, on the east by the west line of Block 59, on the south by the easterly extension of the south line of Block 58, on the west by the east line of Block 58;

AND, being a 30 foot roadway bounded on the north by the easterly extension of the north line of Tract E, Block 28, on the east by the west line of Tract E, Block 29, on the south by the easterly extension of the south line of Tract E, Block 28, on the west by the east line of Tract E, Block 28;

AND, being a 30 foot roadway bounded on the north by the easterly extension of the north line of Block 37, on the east by the west line of Block 36, on the south by the easterly extension of the south line of Block 37, on the west by the east line of Block 37;

AND, being a 30 foot roadway bounded on the north by the easterly extension of the north line of Tract A, Block 35, on the east by the west line of Tracts A thru C, Block 34, on the south by the easterly extension of the south line of Tract C, Block 35, on the west by the east line of Tracts A thru C, Block 35;

AND, being a 30 foot roadway bounded on the north by the easterly extension of the south line of the north 75 feet of Tract A, Block 71, on the east by the west line of Block 70, on the south by the easterly extension of the south line of Block 71, on the west by the east line of Block 71;

AND, being a 30 foot roadway bounded on the north by the easterly extension of the south line of the north 75 feet of Tract A, Block 69, on the east by the west line of Block 68, on the south by the easterly extension of the south line of Tract B, Block 69, on the west by the east line of Block 69;

TOGETHER with portions of 30 foot platted roadways to be acquired by abandonment described as follows:

AND, being a 30 foot roadway bounded on the south by the northwesterly right-of-way line of 6th Avenue South as shown on Road Plat Book 4, Page 62 of the Public Records of Palm Beach County, on the east by the west line of Block 68, on the north by the easterly extension of the north line of Tract C, Block 69, on the west by the east line of Block 69;

AND, being a 30 foot roadway bounded on the north by the easterly extension of the north line of Block 39, on the east by the west line of Block 38, on the south by the easterly extension of the south line of Tract E, Block 39, on the west by the east line of Block 39;

all in PALM BEACH FARMS COMPANY PLAT NO. 7, a Subdivision of Section 30, Township 44 South, Range 43 East, according to the Plat thereof recorded in Plat Book 5, Page 72, in the office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida;

LESS the following described parcels of land:

Being the Lake Worth Drainage District L- 13 Canal Right of Way, as described in O.R.B. 2340, P. 624, Public Records of said County, being described as follows:

A parcel of land shown on PALM BEACH FARMS COMPANY PLAT NO. 7, as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, and more particularly described as follows:

Commencing at the northwest corner of Block 72, of said PALM BEACH FARMS COMPANY PLAT NO. 7; thence run easterly to the northeast corner of Block 67; thence run southerly along the east line of said Block 67, for a distance of 75.00 feet; thence run westerly parallel with the first course of the herein described parcel to a point in the west line of said Block 72, which point is located 75.00 feet southerly of the northwest corner of said Block 72; thence run northerly along the west line of said Block 72 for a distance of 75.00 feet to the POINT OF BEGINNING;

AND LESS:

That portion lying in and southeasterly of the right-of-way of the westerly Extension of Sixth Avenue South as shown on the Right-of-Way Map recorded in Road Book 4, Pages 61 through 64, Public Records of said County, being located on the north side of 6th Ave. South, approx. 600 feet west of Congress Ave., is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition number M. 1. of Resolution No. R-98-3 10 which currently states:

The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by January 8, 1999 for a 1.4 acre civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O), and the Parks Department. Developer to Plat and dedicate the Civic site to Palm Beach County 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 for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis. The appraisal to be obtained the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the P.U.D., as it would apply to the civic site.
- b. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at 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) As easement across Developer's property from the proposed civic site to the retention basins, if required.
- e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
- f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
- g. Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING - PREM)

Is hereby deleted.

- 3. Condition number M.2. of Resolution No. R-98-3 10 which currently states:

The property owner shall provide the County with a certified survey of the proposed civic site by October 8, 1998 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. 2 IHH.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)

Is hereby deleted.

- 4. Condition number M.3. which currently states:

The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by October 8, 1998. 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 Compensation and Liability Act SystemList (CERCLA)
 - 3) Hazardous Waste Data Management System 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)

Is hereby deleted.

- 5. Condition number M.4. of Resolution No. R-98-3 10 which currently states:

Prior to October 8, 1998, the Petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner or if the petitioner is a contract purchaser the per acre value used for the entire PUD may be used to determine the civic site value. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2). (DATE: MONITORING - PREM)

Is hereby deleted. (DATE: MONITORING)

- 6. The civic site required by this development shall be a private civic site. (ONGOING: PREM)
- 7. Condition number B.4. of Resolution No. R-98-3 10 which currently states:

If the civic pod will be used for a public park, the buildings within the pod shall be exempted from the above architectural conditions (B.1-3). (BLDG PERMIT - BLDG/Zoning)

Is hereby deleted. (BLDG PERMIT: BLDG)

Commissioner Marcus moved for approval of the Resolution.

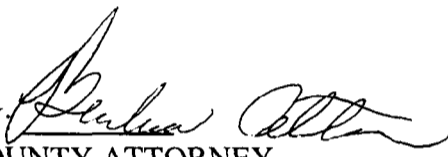
The motion was seconded by Commissioner Masilottiand, upon being put to a vote, the vote was as follows:

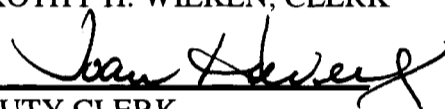
WARREN H. NEWELL, CHAIRMAN	—	Absent
CAROL A. ROBERTS, VICE CHAIR	—	Aye
BURT AARONSON	—	Aye
ADDIE GREENE	—	Aye
KAREN T. MARCUS	—	Aye
TONY MASILOTTI	—	Aye
MARY MCCARTY	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 22 day of March, 2001.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: 
DEPUTY CLERK

