

RESOLUTION NO. R-94-364

RESOLUTION APPROVING ZONING PETITION **DOA74-195(A)**
DEVELOPMENT ORDER AMENDMENT
PETITION OF JONATHAN'S LANDING, INC.

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 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition **DOA74-195(A)** was presented to the Board of County Commissioners at a public hearing conducted on March 24, 1994; and

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

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendments do not constitute a substantial deviation pursuant to Chapter 380.06 F.S., as amended;

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency reservation and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Zoning Petition **DOA74-195(A)**, the petition of Jonathan's Landing, Inc., for a DEVELOPMENT ORDER AMENDMENT in the Multi-Family Residential (Medium Density) (RM) Zoning District, to amend master plan to redesignate Pod AA to residential and increase density (13 single family units), previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on March 24, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Absent
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 24th day of March, 1994.

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

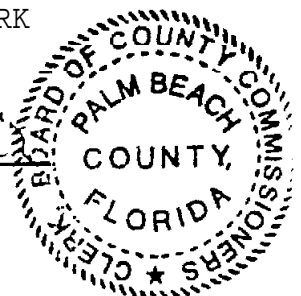


EXHIBIT A

LEGAL DESCRIPTION

Government Lots 6 and 7, and the West Half of the Southwest Quarter of Section 6: and

Government Lots 2 and 3, and the East Half of the Northwest Quarter of Section 7, in Township 41 South, Range 43 East, Palm Beach County, Florida:

ALSO the lands lying between the aforesaid Government Lots in Section 6 and 7 and the West Right-of-Way line of the Intracoastal Waterway conveyed by the Internal Improvement Fund of the State of Florida, by deed dated January 7, 1948, as recorded in Deed Book 833, Page 494, of the Public Records of Palm Beach County, Florida.

Government Lot 4, and the West Half of the Northwest Quarter and the North Half of the Southwest Quarter to Section 7, Township 41 South, Range 43 East, Palm Beach County, Florida.

LESS AND EXCEPT the following parcels of-land:

A parcel of land in part of Section 6, Township 41 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

-Commencing at the Quarter Section Corner on the West line of said Section 6: thence South 89 deg.34'15" East (all bearings mentioned herein refer to bearings shown on page 3 of maps of Maintenance Spoil Areas of Intracoastal Waterway, Jacksonville to Miami, by Florida Inland Navigation District dated March 1, 1953) along the East West Quarter Section line of said Section 6, a distance of 2,926.26 feet to a point on the West Right-of-Way line of the Intracoastal Waterway; thence South 17 deg.36'54" East along said Right-of-Way line, a distance of 103.03 feet to the South Right-of-Way line of State Road No. 706 (Indiantown Road) as now laid out and in use, and the POINT OF BEGINNING of the hereinafter described parcel of land; thence continue South 17 deg.36'54" East along said West Right-of-Way line, a distance of 1,883.87 feet; thence North 20 deg.26'21" West: a distance of 1,918.77 feet to the South Right-of-Way line of State Road No. 706, (Indiantown Road as now laid out and in use) thence South 88 deg.36'33" East along said South Right-of-Way line, a distance of 100 feet to the POINT OF BEGINNING., Containing 2.044 acres, more or less.

A parcel of land in part of Section 6 and Section 7 Township 41 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at the Quarter Section Corner on the West line of said Section 6; thence South 89 deg.34'15" East (all bearings mentioned herein refer to bearings shown on page 3 of maps of Maintenance Spoil Areas of Intracoastal Waterway, Jacksonville to Miami, by Florida Inland Navigation District dated March 1, 1953) along the East West Quarter, Section line of said Section 6 a distance of 2,926.26 feet to a point on the West Right-of-Way line of the Intracoastal Waterway; thence South 17 deg.36'54" East along said West Right-of-Way line, a distance of 1,986.90 feet to the POINT OF BEGINNING of the hereinafter described parcel of land: thence South 43 deg.06'11" East along said West Right-of-Way line, a distance of 1,079.99 feet: thence South 10 deg. 59'53" East along said West Right-of-Way line, a distance of 70 feet: thence South 65 deg.22'44" West, a distance of 61.23 feet; thence North 38 deg.14'25" West, a distance of 1123.92 feet to the Point of Beginning. Containing 1,229 acres, more or less.

EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

Parcel AA as shown on plat of Jonathan's Landing Plat one as recorded in Plat Book 34,
Page 29 of the Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

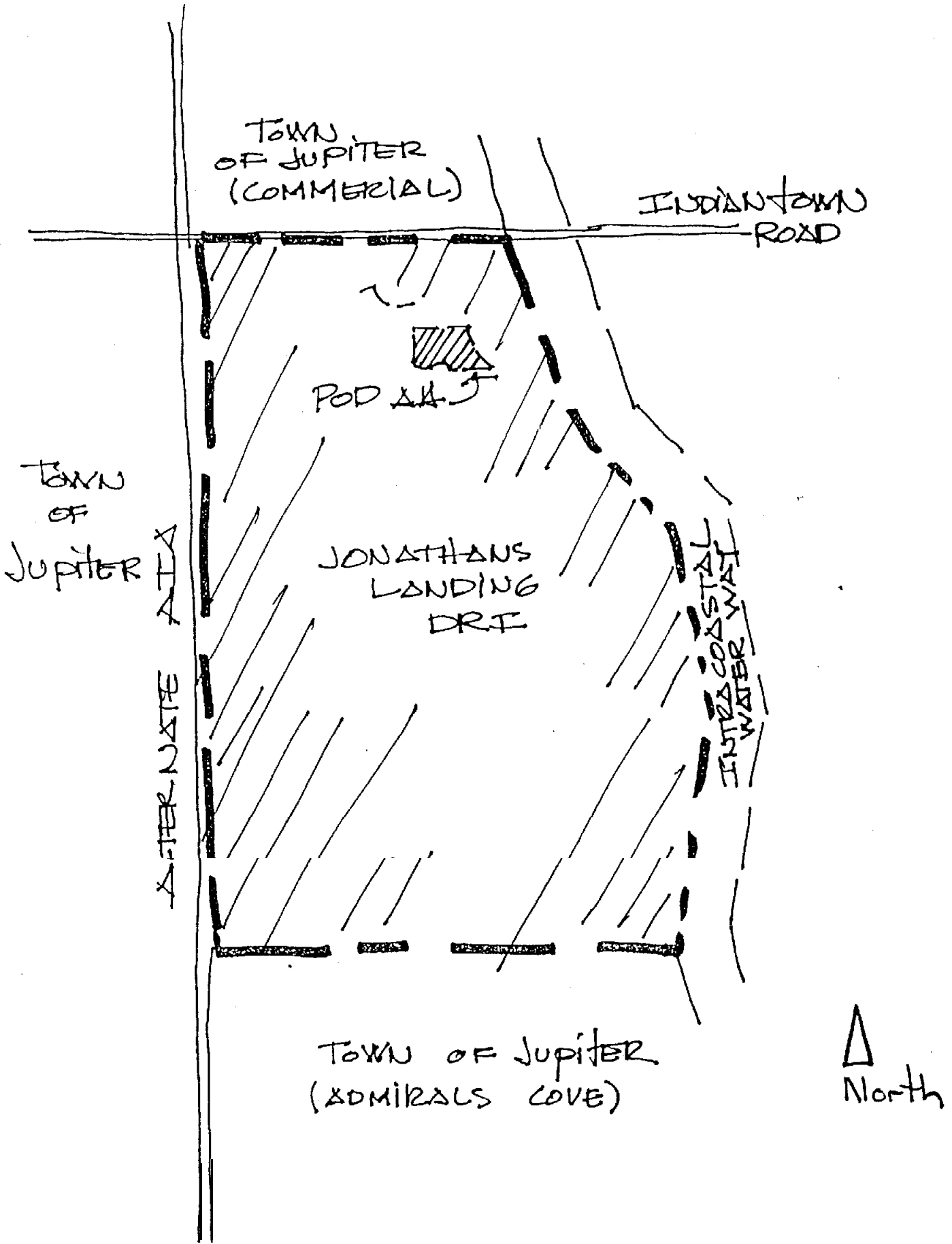


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL CONDITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-75-32, have been consolidated **as** contained herein. The petitioner shall comply with all previous conditions of approval, unless expressly modified. (MONITORING)
2. **Prior to the dredging of the marina the appropriate approvals shall be obtained from all required governmental agencies.** (Previously Condition No. 1 of Resolution R-75-32, Petition No. 74-195).
3. **The North Peninsula (38 acres) and abutting property will be deeded for a Metropolitan Park in perpetuity and the reasonable use of said park, by the public, shall be worked out between the Palm Beach County Planning, Zoning and Building Department and the developer after approval of the Final Master Land Use Plan and prior to the filing of the first plat.** (Previously Condition No. 2 of Resolution R-75-32, Petition No. 74-195).
4. **Developer shall maintain a one hundred (100) foot setback from the Intracoastal Waterway on the South Peninsula.** (Previously Condition No. 3. of Resolution R-75-32, Petition No. 74-195).
5. **Developer shall preserve the specimen trees when developing the South Peninsula.** (Previously Condition No. 4 of Resolution R-75-32, Petition No. 74-195).
6. **Drainage Plan to be submitted and approved by the applicable governmental agencies for protection of the aquatic preserve.** (Previously Condition No. 5 of Resolution R-75-32, Petition No. 74-195).
7. **Gross density shall not exceed eight (8) dwelling units per acre.** (Previously Condition No. 6 of Resolution R-75-32, Petition No. 74-195).
8. **Developer shall donate the existing fire station equipment to the Fire District.** (Previously Condition No. 7 of Resolution R-75-32, Petition No. 74-195).
9. **Developer agrees to provide \$635,000.00 toward construction of a four (4) lane urban section of Indiantown Road as approved by the county Engineering Department from the Intracoastal Waterway to Alternate A1A and Alternate A1A from the intersection of Indiantown Road south along the west boundary line of the subject property to the terminus of the subject planned unit development property.** (Previously Condition No. 8 of Resolution R-75-32, Petition No. 74-195).
10. **The signalization of the three (3) turnouts as shown on the Preliminary Master Land Use Plan shall be installed at the developer's expense.** (Previously Condition No. 9 of Resolution R-75-32, Petition No. 74-195).
11. **Prior to the issuance of any building permits the developer shall dedicate to Palm Beach county the required rights-of-way for Alternate A-I-Aand Indiantown Road.** (Previously Condition No. 10 of Resolution R-75-32, Petition No. 74-195).

12. **All water body areas in the project shall be maintained by the homeowners or condominium association.** (Previously Condition No. 11 of Resolution R-75-32, Petition No. 74-195).
13. **Relocation of all persons presently residing on the subject site shall be at the developer's expense.** (Previously Condition No. 12 of Resolution R-75-32, Petition No. 74-195).

B. PARCEL AA

1. The developer of and/or builders in Parcel AA, shall include in all written solicitations, advertisements, inducements, and other methods or attempted to encourage any person to purchase a legal or equitable interest in property in Parcel AA a disclosure statement identifying the 30 acre park property as County-owned property to be developed and operated **as** a public park and all interested parties should contact the Palm Beach County Parks and Recreation Department for information pertaining to the park. (PARKS)