

RESOLUTION NO. R-2008-0002

RESOLUTION APPROVING RECOMMENDATION OF
 STATUS REPORT NO. CR 2005-323
 TO APPROVE A ZONING MAP AMENDMENT
 FOR PROPERTY PREVIOUSLY REZONED BY
 RESOLUTION NO. R-2006-0932
 CONTROL NO. 2005-323 (APPLICATION #2005-1460)
 THE APPLICATION OF J. LENDACKI, KIT SHIOTANI, MARION BAILEY,
 SOUTH FLORIDA WATER MANAGEMENT DISTRICT,
 SWANEY PROPERTIES LLC, WILLIAM CHINNICK CHARITABLE FOUNDATION 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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan; and

WHEREAS, the notice and hearing requirements as provided for in Article 2.E. of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report CR 2005-323 was presented to the Board of County Commissioners of Palm Beach County at a public hearings conducted on November 29, 2007, and January 3, 2008; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 2005-323 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to approve a zoning map amendment; and

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

1. The property owners did not comply with condition numbers PREM 1, 2, and 3 of Resolution No. R-2006-0932 by the deadline dates in the conditions.
2. When conditions are not satisfied by their deadlines, Article 2.E. of the Unified Land Development Code (ULDC) requires staff to prepare status reports and determine if previously approved development orders are consistent with the ULDC.
3. Article 12 of the ULDC requires development orders to comply with the Countywide Traffic Performance Standards (TPS).
4. The Countywide Traffic Performance Standards require the submission of a new traffic study for staff to be able to determine if Resolution R-2006-0932 meets current TPS.
5. A new traffic study has not been submitted to Palm Beach County.
6. Staff cannot determine if the development order is consistent with the Traffic Performance Standards because a new traffic study has not been submitted.
7. Staff therefore cannot determine if the development order is consistent with the

Unified Land Development Code.

8. Article 12. only permits the approval of a time extension if a development order is consistent with the ULDC.
9. If a time extension cannot be approved, a rezoning must be approved
10. The approval of a development order to rezone this property is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

WHEREAS, Section 5.3 of the 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. CR 2005-323, to approve a zoning map amendment to the Agricultural Reserve Zoning District, for property previously rezoned by the approval of the petition of J Lendacki, Kit Shiotani, Marion Bailey, South Florida Water Management District, Swaney Properties LLC, William Chinnick Charitable Foundation Inc., Control No. 2005-323 (application #2005-1460), confirmed by the adoption of Resolution R-2006-0932, which approved a rezoning to the Agricultural Reserve Residential Planned Unit Development Zoning District, on property legally described as RAVELLO DEVELOPMENT PARCEL:

TRACTS 41 THROUGH 44, INCLUSIVE, LESS THE NORTH 110.00 FEET THEREOF FOR BOYNTON CANAL RIGHT-OF-WAY; TRACTS 53 THROUGH 56, INCLUSIVE; TOGETHER WITH THAT 30.00 FOOT PLATTED ROADWAY, LYING BETWEEN SAID TRACTS 53 THROUGH 56 AND TRACTS 73 THROUGH 76; TOGETHER WITH THE WEST HALF OF THAT 30.00 FOOT PLATTED ROADWAY, LYING EAST OF AND ADJACENT TO SAID TRACT 41, LESS THE NORTH 110.00 FEET FOR BOYNTON CANAL RIGHT-OF-WAY, AND ADJACENT TO SAID TRACT 56, AND ADJACENT TO THAT SAID 30.00 FOOT PLATTED ROADWAY LYING BETWEEN TRACTS 53 THROUGH 56 AND TRACTS 73 THROUGH 76, ALL IN BLOCK 50 OF THE "PALM BEACH FARMS CO. PLAT NO. 3", AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA IN PLAT BOOK 2, PAGES 45 THROUGH 54.

TOGETHER WITH:

TRACTS "A", "B", AND "W", "ST. JOSEPH'S SCHOOL", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 101, PAGES 89 AND 90, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 101.857 ACRES, MORE OR LESS.

PRESERVE AREA # 1 & 2

LEGAL DESCRIPTION - BAILEY PARCEL

TRACTS 49 THROUGH 56, BLOCK 18, "PALM BEACH FARMS COMPANY PLAT 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND CONTAINING 40.639 ACRES, MORE OR LESS.

PRESERVE AREA #3

Status Report
CR 2005-323
Project Number 0956-000

LEGAL DESCRIPTION - SHIOTANI, PEARLSTEIN, HOLLINGSWORTH

TRACTS 57, 58, 59 AND 60, BLOCK 17, "PALM BEACH FARMS COMPANY PLAT 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE SOUTH 15.00 FEET OF SAID TRACTS 57 THROUGH 60 AND LESS THE WEST 15.00 FEET OF SAID TRACT 57 (SAID 15.00 FOOT STRIPS SHOWN AS RIGHT-OF-WAY EASEMENTS ON SAID PLAT) ALSO LESS AND EXCEPT THAT PORTION OF SAID TRACT 60 LYING IN THE RIGHT-OF-WAY OF THE LAKE WORTH DRAINAGE DISTRICT E-2 CANAL.

ALSO LESS AND EXCEPT THE EAST 15.00 FEET OF THE WEST 30.00 FEET OF SAID TRACT 57, LESS THE NORTHERLY 15.00 FEET THEREOF.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND CONTAINING 19.00 ACRES, MORE OR LESS.

PRESERVE AREA #3 (Shiotani et.al.) – CONSERVATION EASEMENT

A PORTION OF TRACTS 57, 58, 59 AND 60, BLOCK 17, "PALM BEACH FARMS COMPANY PLAT 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 57; THENCE NORTH 01°07'28" WEST, ALONG THE WEST LINE OF SAID TRACT 57, A DISTANCE OF 15.00 FEET; THENCE NORTH 89°00'39" EAST, ALONG A LINE 15.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 57, A DISTANCE OF 30.00 FEET; THENCE NORTH 01°07'28" WEST, ALONG A LINE 30.00 FEET EAST OF AND PARALLEL WITH SAID WEST LINE OF TRACT 57, A DISTANCE OF 310.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°07'28" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 335.62 FEET; THENCE SOUTH 89°12'45" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 01°07'28" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 89°12'45" EAST, ALONG THE NORTH LINE OF SAID TRACTS 57, 58, 59, AND 60, A DISTANCE OF 1269.81 FEET; THENCE SOUTH 01°24'01" EAST, ALONG THE WEST LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-2 CANAL, A DISTANCE OF 656.21 FEET; THENCE SOUTH 89°00'39" WEST, ALONG A LINE 15.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 57, 58, 59, AND 60, A DISTANCE OF 666.85 FEET; THENCE NORTH 01°07'28" WEST, A DISTANCE OF 385.03 FEET; THENCE SOUTH 88°52'32" WEST, A DISTANCE OF 453.27 FEET; THENCE SOUTH 01°07'28" EAST, A DISTANCE OF 22.53 FEET; THENCE SOUTH 88°52'32" WEST, A DISTANCE OF 15.18 FEET; THENCE SOUTH 01°07'28" EAST, A DISTANCE OF 51.10 FEET; THENCE SOUTH 88°52'32" WEST, A DISTANCE OF 122.65 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 14.00 ACRES, MORE OR LESS.

PRESERVE AREA #4

LEGAL DESCRIPTION - LENDACKI

PARCEL "A"

THE EAST ONE-HALF (1/2) OF THE FOLLOWING DESCRIBED PROPERTY:

BEING A PARCEL OF LAND IN THE NORTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING DELINEATED ON THE ADAIR & BRADY, INC., SURVEY DRAWING NO. FP-1298 AS REVISED IN 1996, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 1 AS MARKED BY AN 8" ROUND CONCRETE MONUMENT WITH A DISK INSCRIBED "PRECISE SURVEY CITY OF WEST PALM BEACH" AS SET BY BROCKWAY, WEBER & BROCKWAY; THENCE SOUTH 00°54'39" EAST (STATE PLANE GRID BEARING DATUM) ALONG THE EAST LINE OF SECTION 1, A DISTANCE OF 2037.63 FEET TO AN IRON ROD; THENCE SOUTH 89°28'27" WEST, 87.75 FEET TO THE POINT OF BEGINNING, BEING A 1" PIPE IN CONCRETE ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7 AS RECORDED IN PLAT BOOK 1, PAGE 38, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89°28'27" WEST, 1328.96 FEET TO A 1" PIPE IN CONCRETE; THENCE SOUTH 01°04'59" EAST, 330.02 FEET TO A 1" PIPE IN CONCRETE; THENCE NORTH 89°28'27" EAST. 1329.48 FEET TO A 1" PIPE IN CONCRETE ON SAID WEST RIGHT-OF-WAY LINE OF S.R. 7; THENCE NORTH 01°10'24" WEST ALONG SAID RIGHT-OF-WAY LINE, 330.02 FEET TO THE POINT OF BEGINNING.

AND

PARCEL "B"

LESS THE EAST ONE-HALF OF THE FOLLOWING PROPERTY:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 1 AS MARKED BY AN 8" ROUND CONCRETE MONUMENT WITH A DISK INSCRIBED "PRECISE SURVEY CITY OF WEST PALM BEACH" AS SET BY BROCKWAY, WEBER & BROCKWAY; THENCE SOUTH 00°54'39" EAST (STATE PLANE GRID BEARING DATUM) ALONG THE EAST LINE OF SECTION 1, A DISTANCE OF 2037.63 FEET TO AN IRON ROD; THENCE SOUTH 89°28'27" WEST, 87.75 FEET TO THE POINT OF BEGINNING, BEING A 1" PIPE IN CONCRETE ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7 AS RECORDED IN PLAT BOOK 1, PAGE 38, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89°28'27" WEST, 1328.96 FEET TO A 1" PIPE IN CONCRETE; THENCE SOUTH 01°04'59" EAST, 330.02 FEET TO A 1" PIPE IN CONCRETE; THENCE NORTH 89°28'27" EAST. 1329.48 FEET TO A 1" PIPE IN CONCRETE ON SAID WEST RIGHT-OF-WAY LINE OF S.R. 7; THENCE NORTH 01°10'24" WEST ALONG SAID RIGHT-OF-WAY LINE, 330.02 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL;

PARCEL NO. 106

A PORTION OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT "B", " PLAT OF S.T.J. PROPERTIES, INC.", AS RECORDED IN PLAT BOOK 73, PAGE 178 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID CORNER BEING A FOUND CONCRETE MONUMENT WITH NAIL & TAB; THENCE SOUTH 89°33'21" WEST, A DISTANCE OF 1.621 METERS (5.32 FEET); THENCE NORTH 01°10'57" WEST ALONG A LINE 71.628 METERS (235.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 135.238 METERS (443.69 FEET) TO THE

POINT OF BEGINNING; THENCE CONTINUE NORTH 01°10'57" WEST, A DISTANCE OF 48.769 METERS (160.00 FEET) TO A POINT ON SAID WESTERLY EXISTING RIGHT-OF-WAY LINE FOR STATE ROAD 7 (U.S. 441); THENCE SOUTH 01°10'57" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE AND A LINE 22.860 METERS (75 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 100.569 METERS (329.95 FEET); THENCE SOUTH 89°28'26" WEST, A DISTANCE OF 48.769 METERS (160.00 FEET) TO THE POINT OF BEGINNING.(CONTAINING 0.4904 HECTARES (1.212 ACRES), MORE OR LESS.

PRESERVE AREA #5

LEGAL DESCRIPTION - SFWMD:

BEING THE SOUTH 988.44 FEET OF THE NORTH 2308.75 FEET OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, ALL LYING WITHIN PALM BEACH COUNTY, FLORIDA.

CONTAINING 60.000 ACRES, MORE OR LESS.

PRESERVE AREA #6

LEGAL DESCRIPTION - KORBEL PARCEL

TRACT 43, BLOCK 18, "PALM BEACH FARMS COMPANY PLAT 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 5.022 ACRES, MORE OR LESS.

PRESERVE AREA # 7

LEGAL DESCRIPTION - HILL PARCEL (2)

TRACT 45, BLOCK 18, "PALM BEACH FARMS COMPANY PLAT 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 5.021 ACRES, MORE OR LESS.

PRESERVE AREA # 8

LEGAL DESCRIPTION - BOWMAN

THE SOUTH ONE-HALF OF TRACT 42, BLOCK 18, "PALM BEACH FARMS COMPANY PLAT 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 2.456 ACRES, MORE OR LESS.

PRESERVE # 9

LEGAL DESCRIPTION - BRYANT

THE NORTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP

45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 5.017 ACRES, MORE OR LESS.

PRESERVE AREA # 10

LEGAL DESCRIPTION - KLEINRICHERT

THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 10.054 ACRES, MORE OR LESS, being located on the north side of Boynton Beach Boulevard, approximately 0.2 mile east of Lyons Road, is approved.

Commissioner Aaronson moved for approval of the Resolution.

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

ADDIE L. GREENE, CHAIRPERSON	<u>Aye</u>
JOHN F. KOONS, VICE CHAIR	<u>Aye</u>
KAREN T. MARCUS	<u>Aye</u>
ROBERT J. KANJIAN	<u>Absent</u>
MARY MCCARTY	<u>Absent</u>
BURT AARONSON	<u>Aye</u>
JESS R. SANTAMARIA	<u>Absent</u>

The Chair thereupon declared the resolution was duly passed and adopted this 3rd day of January, 2008

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

BY: [Signature]
COUNTY ATTORNEY

SHARON R. BOCK, CLERK AND COMPTROLLER
BY: [Signature]
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 3rd day of January, 2008.