

RESOLUTION NO. R-2011- 0220

RESOLUTION APPROVING ZONING APPLICATION Z-2010-02225  
(CONTROL NO. 2009-02372)  
an Official Zoning Map Amendment  
APPLICATION OF Palm Beach County and South Florida Water Management District  
BY Palm Beach County, AGENT  
(Riverbend Park Rezoning)

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 public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended), have been satisfied; and

WHEREAS, Zoning Application Z-2010-02225 was presented to the Board of County Commissioners at a public hearing conducted on January 27, 2011 and February 24, 2011; and

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

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.1.B.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified 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 Application Z-2010-02225, the application of Palm Beach County and South Florida Water Management District, by Palm Beach County, agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on February 24, 2011 subject to the voluntary commitments as described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

|                                       |   |     |
|---------------------------------------|---|-----|
| Commissioner Karen T. Marcus, Chair   | - | Aye |
| Commissioner Shelley Vana, Vice Chair | - | Aye |
| Commissioner Paulette Burdick         | - | Aye |
| Commissioner Steven L. Abrams         | - | Aye |
| Commissioner Burt Aaronson            | - | Aye |
| Commissioner Jess R. Santamaria       | - | Aye |
| Commissioner Priscilla A. Taylor      | - | Aye |

The Chairperson thereupon declared that the resolution was duly passed and adopted on February 24, 2011.

Filed with the Clerk of the Board of County Commissioners on February 25th, 2011

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PALM BEACH COUNTY RIVERBEND PARK  
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTIONS 5, 6, 8, AND 17, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 8, BEING A STAMPED PALM BEACH COUNTY BRASS DISK SET IN CONCRETE;  
THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 8, N01°40'10"E FOR 2723.52 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 8; THENCE CONTINUE ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 8, N01°40'10"E FOR 2578.52 FEET TO A POINT LYING 145.00 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION 8, BEING A STAMPED PALM BEACH COUNTY BRASS DISK SET IN CONCRETE, AND TO THE BOUNDARY OF A 1.98 ACRE PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 4770, PAGE 962, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE ALONG THE BOUNDARY OF SAID 1.98 ACRE PARCEL FOR THE FOLLOWING COURSES:

THENCE N45°18'51"E FOR 203.60 FEET TO THE NORTH LINE OF SAID SECTION 8;  
THENCE N19°51'50"E FOR 111.58 FEET;  
THENCE N12°23'10"W FOR 405.00 FEET;  
THENCE N16°52'30"W FOR 249.76 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5, AND TO THE BOUNDARY OF PARCEL FOUR, AS DESCRIBED IN SAID IN OFFICIAL RECORD BOOK 4770, PAGE 962;

THENCE ALONG THE BOUNDARY OF SAID PARCEL FOUR FOR THE FOLLOWING COURSES:

THENCE CONTINUE N16°52'30"W FOR 75.00 FEET;  
THENCE N05°31'10"W FOR 520.00 FEET;  
THENCE N25°13'53"E FOR 215.98 FEET TO THE SAID WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 5;

THENCE ALONG SAID WEST LINE, N01°28'50"E FOR 205.00 FEET TO THE BOUNDARY OF PARCEL THREE, AS DESCRIBED IN SAID IN OFFICIAL RECORD BOOK 4770, PAGE 962;

THENCE ALONG THE BOUNDARY OF SAID PARCEL THREE FOR THE FOLLOWING COURSES:

THENCE N19°46'10"W FOR 267.00 FEET;  
THENCE N27°46'10"W FOR 237.00 FEET;  
THENCE N67°32'30"E FOR 232.58 FEET TO THE SAID WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5;

THENCE ALONG SAID WEST LINE, N01°28'50"E FOR 405.70 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 5, BEING A STAMPED PALM BEACH COUNTY BRASS DISK SET IN CONCRETE;

THENCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5, N01°28'38"E FOR 613.30 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF INDIANTOWN ROAD (STATE ROAD 706), RECORDED IN OFFICIAL RECORD BOOK 8988, PAGE 800 AND 828, OF SAID PUBLIC RECORDS;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY OF INDIANTOWN ROAD, S66°15'30"E FOR 537.28 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 5188.66 FEET;

THENCE ALONG SAID RIGHT-OF-WAY, AND CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY RECORDED IN OFFICIAL RECORD BOOK 7743, PAGE 1950, OF SAID PUBLIC RECORDS, SOUTHEASTERLY ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 17°01'41" FOR 1542.04 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE EAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 5, AND TO THE SOUTHERLY RIGHT-OF-WAY RECORDED IN OFFICIAL RECORD BOOK 7792, PAGE 1855, OF SAID PUBLIC RECORDS;

THENCE ALONG SAID WEST LINE AND SOUTHERLY RIGHT-OF-WAY, S01°59'52"W FOR 3.05 FEET TO AN INTERSECTION WITH THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 5;

THENCE ALONG SAID EAST-WEST QUARTER SECTION LINE AND ALONG SAID RIGHT-OF-WAY, S89°43'03"E FOR 27.85 FEET THE SOUTHERLY RIGHT-OF-WAY RECORDED IN OFFICIAL RECORD BOOK 7743 PAGE 1996 OF SAID PUBLIC RECORDS, BEING A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 5188.66 FEET, WHERE A RADIAL LINE BEARS N06°24'20"E;

THENCE EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY AND CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 7°01'06" FOR 635.58 FEET TO THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 5;

THENCE ALONG SAID NORTH-SOUTH QUARTER SECTION LINE OF SECTION 5, S02°10'10"W FOR 2675.57 FEET TO THE SOUTH QUARTER SECTION CORNER OF SAID SECTION 5;

THENCE ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 8, S01°02'33"W FOR 5469.51 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 8, BEING A STAMPED PALM BEACH COUNTY BRASS DISK SET IN CONCRETE;

THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 8, N88°47'10"W FOR 1917.55 FEET TO THE SAID SOUTHEASTERLY BOUNDARY OF A SOUTH FLORIDA WATER MANAGEMENT DISTRICT PARCEL RECORDED IN OFFICIAL RECORD BOOK 4780, PAGE 1945, OF SAID PUBLIC RECORDS;

THENCE ALONG SAID SOUTHEASTERLY BOUNDARY, S49°46'52"W FOR 1003.53 FEET TO THE WEST LINE OF SAID SECTION 17;

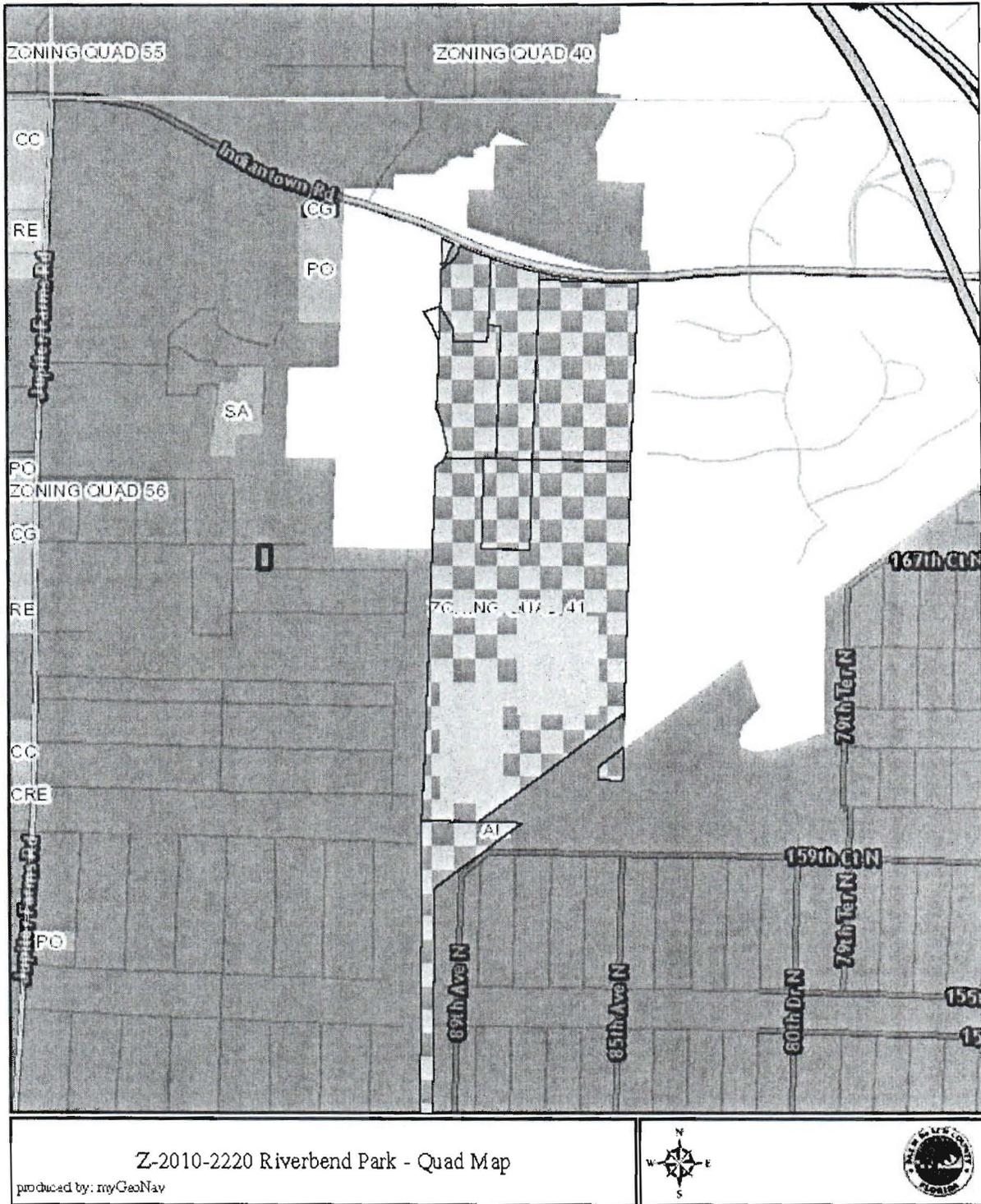
THENCE ALONG SAID WEST LINE OF SECTION 17, N00°20'48"E FOR 664.15 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH, RIPARIAN RIGHTS WITHIN AND ACROSS THE SOVEREIGNTY LANDS OF THE LOXAHATCHEE RIVER;

THE ABOVE DESCRIBED PARCEL CONTAINS 512.07 ACRES, MORE OR LESS.

LESS AND SUBJECT TO THE SOVEREIGNTY LANDS OF THE LOXAHATCHEE RIVER AND ALL OTHERS, IF ANY, IN ACCORDANCE WITH THE LAWS OF FLORIDA AND STATE AND FEDERAL REGULATIONS.

EXHIBIT B  
VICINITY SKETCH



Z-2010-2220 Riverbend Park - Quad Map  
produced by: myGeoNav

## EXHIBIT C

### VOLUNTARY COMMITMENTS

#### ENGINEERING

1. Prior to issuance of the first building permit or January 31, 2012, whichever shall occur first, the property owner shall combine the property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

#### COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the voluntary commitments of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the voluntary commitments of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or,
- c. A requirement of the development to conform with the standards of the Unified Land Development Code (ULDC) 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 voluntary commitments; and/or,
- d. Referral to code enforcement; and/or,
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any voluntary commitment of approval. (ONGOING: MONITORING - Zoning)