

RESOLUTION NO. R-2009- 0005

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/DOA-2008-00448
(CONTROL NUMBER 2005-00162)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF BOYNTON BEACH
BY KILDAY & ASSOCIATES, INC., AGENT
(AMESTOY AGR-PUD)

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, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider applications relating to zoning; and

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

WHEREAS, Zoning Application ZV/PDD/DOA-2008-00448 was presented to the Board of County Commissioners at a public hearing conducted on January 8, 2009; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; 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 has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.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 ZV/PDD/DOA-2008-00448, the application of Boynton Beach, by Kilday & Associates, Inc., agent, for a Development Order Amendment to to reconfigure the master plan, to delete land area, to add land area, to reduce the number of units, to create a model row, to amend a condition of approval (Landscaping), and to restart the commencement clock on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 8, 2009, 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 Greene and, upon being put to a vote, the vote was as follows:

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Absent
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
District 4 Commissioner Mary McCarty	-	Absent
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 8, 2009.

Filed with the Clerk of the Board of County Commissioners on February 4th, 2009


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 BOCK, CLERK &
COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

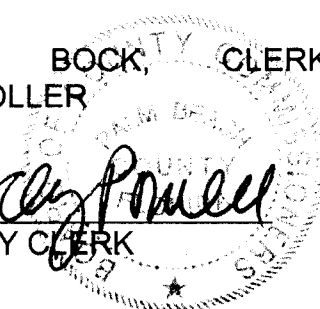


EXHIBIT A

LEGAL DESCRIPTION

Preserve Parcel 5C :

BEING THE SOUTH 599.55 FEET OF THE NORTH 1900.05 FEET OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT

THE SOUTH 300.00 FEET OF THE NORTH 1600.55 FEET OF THE EAST 2066.28 FEET OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 22.164 ACRES, MORE OR LESS.

SFWMD Parcel 5B

LAND DESCRIPTION:

A PORTION OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 41 EAST; THENCE NORTH 88°14'10" EAST, ALONG THE NORTH LINE OF SAID SECTION 14, A DISTANCE OF 2,647.30 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 14; THENCE SOUTH 00°57'02" EAST, ALONG THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 14, A DISTANCE OF 3,343.09 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00°57'02" EAST, A DISTANCE OF 82.59 FEET; THENCE SOUTH 88°14'10" WEST, ALONG A LINE 3425.34 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 14, A DISTANCE OF 1,960.62 FEET TO A POINT ON THE NORTHEASTERLY LINE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT LEVEE L-40 CANAL R/W AS LAID OUT AND IN USE; THENCE NORTH 32°37'57" WEST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 96.21 FEET; THENCE NORTH 88°14'10" EAST, ALONG A LINE 3342.75 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH SAID NORTH LINE OF SECTION 14, A DISTANCE OF 2,011.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.765 ACRES, MORE OR LESS.

SFWMD Parcel 5A:

A PORTION OF SECTIONS 3 AND 4, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SOUTHWEST CORNER OF SAID SECTION 3; THENCE NORTH 89°48'05" EAST, ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 2,865.40 FEET; THENCE NORTH 00°56'23" WEST, A DISTANCE OF 721.69 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL OF LAND; THENCE SOUTH 89°48'05" WEST, A DISTANCE OF 3034.48 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF LEVEE L-40 AS SHOWN ON THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT LEVEE L-40 RIGHT-OF-WAY MAP AND AS DESCRIBED IN DEED BOOK 942, PAGE 241 AND DEED BOOK 939, PAGE 528 ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 36°23'54" WEST, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2,264.27 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTH 1043.82 FEET OF THE NORTH 5467.82 FEET OF SAID SECTIONS 3 AND 4; THENCE SOUTH 88°32'09" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 4,351.60 FEET; THENCE SOUTH 00°56'23" EAST, ALONG THE WEST LINE OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 13873, PAGE 1243, SAID PUBLIC RECORDS, A DISTANCE OF 1,701.06 FEET TO THE POINT OF BEGINNING.

FOR THE PURPOSE OF THIS LEGAL DESCRIPTION, ALL REFERENCES TO SECTIONS 3 AND 4 WILL INCLUDE THAT PORTION OF THE HIATUS TRACTS 39 AND 40 KNOWN AS

TOWNSHIP 44 1/2 SOUTH, WHICH MAY HAVE BEEN HISTORICALLY DESCRIBED AS SAID SECTIONS 3 AND 4.

CONTAINING 148.535 ACRES, MORE OR LESS.

Himmelrich Parcel:

THE NORTH 1/2 OF TRACT 14, BLOCK 53, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 5.000 ACRES, MORE OR LESS.

Vogel Property:

THE NORTH HALF (N 1/2) OF THE SOUTH HALF (S 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST (SE 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS EASEMENTS OF RECORD HELD BY FLORIDA POWER AND LIGHT COMPANY.

West Boynton Farms Property:

THE SOUTH HALF (S 1/2) OF THE SOUTH HALF (S 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST (SE 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

Tract 12 and 13:

BEING ALL OF TRACTS 12 AND 13, BLOCK 53, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE NORTH 15.00 FEET OF THAT PORTION OF ROAD, DYKE AND DITCH RESERVATION, 30.00 FEET IN WIDTH, LYING SOUTH OF AND ADJACENT TO SAID TRACT 13, SAID PORTION BEING BOUNDED ON THE EAST BY THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID TRACT 13 AND BOUNDED ON THE WEST BY THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID TRACT 13, LYING WITHIN SAID BLOCK 53, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY IN FAVOR OF LAKE WORTH DRAINAGE DISTRICT.

CONTAINING 19.163 ACRES, MORE OR LESS.

Frueh Parcel:

TRACTS 101 AND 102, BLOCK 45, PALM BEACH FARMS CO. PLAT NO. 3 ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THAT PORTION OF A ROAD, DITCH AND DYKE RESERVATION 30 FEET IN WIDTH, LYING BETWEEN SAID TRACTS 101 AND 102 ACCORDING TO SAID PLAT OF PALM BEACH FARMS CO. PLAT NO. 3.

CONTAINING 10.463 ACRES, MORE OR LESS.

Dell Farms Property:

PARCEL 1:

THE NORTH 1/2 OF TRACT 39, BLOCK 53, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

THE EAST 1/2 OF TRACT 9, LESS THE NORTH 95.04 FEET; THE SOUTH 1/2 OF TRACT 14; ALL OF TRACTS 15 AND 16; THE WEST 1/2 OF TRACT 33; ALL OF TRACTS 34 THROUGH 38; THE SOUTH 1/2 OF TRACT 39; AND ALL OF TRACTS 40 THROUGH 42, BLOCK 53, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3:

A PORTION OF A ROAD, DYKE AND DITCH RESERVATION ACCORDING TO PLAT OF THE PALM BEACH FARMS CO. PLAT NO. 3, BLOCK 53, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT 36, BLOCK 53;

THENCE NORTH 01°06'47" WEST, ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID TRACT 36, A DISTANCE OF 15.00 FEET;

THENCE NORTH 89°36'33" EAST, ALONG A LINE, 15 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 36, A DISTANCE OF 663.60 FEET;

THENCE DEPARTING FROM SAID LINE, NORTH 00°23'27" WEST, A DISTANCE OF 15.00 FEET TO THE SOUTH LINE OF TRACT 14, BLOCK 53;

THENCE NORTH 89°36'33" EAST, ALONG THE SOUTH LINE OF TRACTS 14 THROUGH 16, BLOCK 53, A DISTANCE OF 1980.00 FEET;

THENCE DEPARTING FROM SAID LINE, NORTH 00°23'27" WEST, ALONG THE EAST LINE OF TRACTS 9 AND 16, BLOCK 53, A DISTANCE OF 1249.99 FEET;

THENCE DEPARTING FROM SAID LINE, NORTH 89°02'44" EAST, ALONG A LINE 95.04 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 9, A DISTANCE OF 15.00 FEET;

THENCE SOUTH 00°23'27" EAST, ALONG A LINE 15 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 9 AND 16, A DISTANCE OF 1265.13 FEET;

THENCE SOUTH 89°36'33" WEST, ALONG A LINE 15 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 16, A DISTANCE OF 345.00 FEET;

THENCE DEPARTING FROM SAID LINE, SOUTH 00°23'27" EAST, A DISTANCE OF 15.00 FEET TO THE NORTH LINE OF TRACTS 33 THROUGH 36, BLOCK 53;

THENCE SOUTH 89°36'33" WEST, ALONG SAID LINE, A DISTANCE OF 2313.41 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

A PORTION OF A ROAD, DYKE AND DITCH RESERVATION ACCORDING TO THE PLAT OF THE PALM BEACH FARMS CO. PLAT NO. 3, BLOCK 53, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING 30 FEET IN WIDTH, LYING BETWEEN THE EAST LINE OF TRACT 40, SAID BLOCK 53, AND THE WEST LINE OF TRACT 41, SAID BLOCK 53, BOUNDED ON THE SOUTH BY THE NORTH LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-25 CANAL RIGHT-OF-WAY, PER OFFICIAL RECORDS BOOK 1585, PAGE 505, AND BOUNDED ON THE NORTH BY THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID TRACT 40, ALL SITUATED, BEING AND LYING IN BLOCK 53, THE PALM BEACH FARMS CO. PLAT NO. 3, BLOCK 53, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 5:

TRACT 43, BLOCK 53, THE PALM BEACH FARMS CO. PLAT NO. 3, BLOCK 53, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 121.670 ACRES, MORE OR LESS

BEARINGS ARE BASED ON THE WEST LINE OF TRACT 36, BLOCK 53, SAID LINE BEARS NORTH 01°06'47" WEST.

Preserve Area 4 **BBA**:

BEING A PORTION OF TRACTS 31 THROUGH 44, TOGETHER WITH A PORTION OF A ROAD, DYKE AND DITCH RESERVATION, 30.00 FEET IN WIDTH, LYING BETWEEN, ADJACENT TO AND CONTIGUOUS WITH SAID TRACTS 38 AND 39, ALL LYING WITHIN BLOCK 51, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 44; THENCE SOUTH 00°56'47" EAST, ALONG THE WEST LINE OF SAID TRACT 44, A DISTANCE OF 110.00 FEET TO A POINT ON THE SOUTH LINE OF LAKE WORTH DRAINAGE DISTRICT BOYNTON CANAL AS DESCRIBED IN DEED BOOK 118, PAGE 518 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE NORTH 89°03'05" EAST, A DISTANCE OF 5,270.99 FEET TO A POINT ON THE WEST RIGHT- OF-WAY LINE OF LYONS ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 10416, PAGE 1789 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°57'00" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 160.00 FEET; THENCE SOUTH 89°03'05" WEST, A DISTANCE OF 4,591.99 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 44; THENCE SOUTH 00°57'00" EAST, ALONG SAID EAST LINE, A DISTANCE OF 389.40 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 44; THENCE SOUTH 89°03'03" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 679.03 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 44; THENCE NORTH 00°56'47" WEST, ALONG SAID WEST LINE, A DISTANCE OF 549.40 FEET POINT OF BEGINNING.

CONTAINING 25.431ACRES, MORE OR LESS.

Grass River Growers:

PARCEL 1:

TRACTS 90 AND 65, BLOCK 45 (LESS THE NORTH 45 FEET THEREOF), OF PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

TRACTS 91 AND 64, BLOCK 45 (LESS THE NORTH 45 FEET THEREOF), OF PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

McDouglad:

PARCEL 1: TRACT 5, LESS THE NORTH 31.68 FEET THEREOF, BLOCK 18, OF PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT ON FILE IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA. (THIS LEGAL