

RESOLUTION NO R-97- 1098

**RESOLUTION APPROVING ZONING PETITION DOA72-118C  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF H. MILLER & SONS OF TAMPA, INC  
BY ROBERT BENTZ, AGENT  
(BOCA CHASE 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, 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 Unified Land Development Code, have been satisfied, and

WHEREAS, Zoning Petition DOA72-118C was presented to the Board of County Commissioners at a public hearing conducted on August 28, 1997, 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 Unified Land Development Code and other provisions requiring that development commence in a timely manner, and

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 the relevant and appropriate portions of Article 6, Supplementary Use Standards, of the Palm Beach County Unified Land Development Code
- 3 This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code
- 4 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
- 5 This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified 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 determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified 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 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 Petition DOA72-118C, the petition of H Miller & Sons of Tampa, Inc, by Robert Bentz, agent, for a Development Order Amendment (DOA) to Redesignate two commercial parcels and one institutional parcel to residential, transfer 60 units and add 12 units to new parcel 10 (40 TH) and new parcel 11 (32 TH) 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 August 28, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof

Commissioner Foster moved for the approval of the Resolution

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on August 28, 1997

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

LEGAL DESCRIPTION PARCEL 10

A CERTAIN PARCEL OF LAND LYING IN SECTION 1, TOWNSHIP 47 SOUTH, RANGE 41 EAST, SAID PARCEL ALSO BEING A PORTION OF TRACTS 13 AND 14 OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2 OF SECTION 1, TOWNSHIP 47 SOUTH, RANGE 41 EAST, AS RECORDED IN PLAT BOOK 1, PAGE 102, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD & CAP SET BY HELLER, WEAVER & CATO, MONUMENTING THE NORTHEAST PLAT CORNER OF WATERBERRY SECTION FOUR, AS PER PLAT BOOK 48, PAGES 107 & 108, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE N 00°27'38"W, ALONG THE EAST LINE OF BOCA CHASE SECTION THREE, AS RECORDED IN PLAT BOOK 43, PAGE 109, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA A DISTANCE OF 199.78 FEET; THENCE N 44°48'07" E, A DISTANCE OF 35.52 FEET TO A POINT ON THE SOUTH LINE OF RIVIERA SECTION ONE "PUD", AS RECORDED IN PLAT BOOK 30, PAGE 101, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE AFOREMENTIONED BOCA CHASE SECTION THREE, THENCE S 89°56'06" E, ALONG THE SOUTH LINE OF THE AFOREMENTIONED RIVIERA SECTION ONE "PUD", A DISTANCE OF 274.78 FEET TO THE NORTHWEST CORNER OF TRACT "A", PLAT OF BOCA CHASE SECTION ONE, AS RECORDED IN PLAT BOOK 34, PAGES 136 & 137, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE S 00°27'38" E, ALONG THE WEST LINE OF THE AFORESAID TRACT "A", A DISTANCE OF 308.62 FEET; THENCE S 21°33'00" E, ALONG SAID WEST LINE OF TRACT "A", A DISTANCE OF 147.98 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF 181<sup>st</sup> STREET SOUTH, AS SHOWN ON THE AFOREMENTIONED BOCA CHASE SECTION THREE, SAID POINT LYING ON A CURVE, CONCAVE TO THE SOUTH, WITH A RADIUS OF 1010.00 FEET, AND A CENTRAL ANGLE OF 04°37'03", AND WHOSE CHORD BEARS S 46°53'17" WEST, THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 81.40 FEET TO THE POINT OF TANGENCY, THENCE S 44°34'46" W, ALONG SAID NORTHERLY RIGHT OF WAY LINE OF 181<sup>st</sup> STREET SOUTH, A DISTANCE OF 123.23 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTH WITH A RADIUS OF 360.00 FEET, AND A CENTRAL ANGLE OF 28°47'16", THENCE WESTERLY, ALONG THE ARC OF SAID CURVE, AND CONTINUING ALONG THE NORTHERLY RIGHT OF WAY LINE OF 181<sup>st</sup> SOUTH, A DISTANCE OF 175.85 FEET, THENCE N 21°33'00" W, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 273.08 FEET, THENCE N 66°27'00" E, A DISTANCE OF 60.00 FEET; THENCE N 21°33'00" W, A DISTANCE OF 11.24 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE EAST, WITH A RADIUS OF 150.00 FEET, AND A CENTRAL ANGLE OF 21°05'22", THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 55.21 FEET, THENCE N 00°27'38" W, A DISTANCE OF 144.28 FEET TO THE POINT OF BEGINNING THE PREVIOUS 5 COURSES ARE COINCIDENT WITH THE EAST LINE OF WATERBERRY SECTION FOUR, PLAT BOOK 48, PAGES 107 & 108.

CONTAINS 4.32 ACRES, MORE OR LESS.

LEGAL DESCRIPTION PARCEL 11

TRACTS "A" & "B", BOCA CHASE SECTION FIVE  
ACCORDING TO THE PLAT THEREOF, AS RECORDED  
IN PLAT BOOK 47, PAGES 34 AND 35,  
OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.  
CONTAINS 4.2 ACRES, MORE OR LESS