

RESOLUTION NO. R-2004-2430

RESOLUTION APPROVING ZONING PETITION DOA1983-018B
(Control No. 1983-018)
WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS) (W)
PETITION OF LENNAR HOMES
BY ROBERT BENTZ, AGENT
(BAYHILL ESTATES (AKA STONEWALL 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, 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), have been satisfied; and

WHEREAS, Zoning Petition DOA1983-018B was presented to the Board of County Commissioners at a public hearing conducted on November 18, 2004; 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 has considered the findings in the staff report and the following findings of fact:

1. This proposed development is consistent with the provisions of the Article 3.E.1.C.1;
2. This proposed development is consistent with the provisions of the Article 3.E.1.C.2, except the following which the BCC is waiving:
 - a) No more than 25 percent of the local streets in a PDD shall terminate in a cul-de-sac or a dead-end.
3. The waiver will not adversely impact the development of this property and will result in logical, timely and orderly development patterns.

WHEREAS, Article 2.K.3.b (Action by Board of County Commissioners) 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 DOA1983-018B, the petition of Lennar Homes, by Robert Bentz, agent, for a WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS (WAIVER)) in the Residential Estate/Special Exception (RE/SE) 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 November 18, 2004.

Commissioner MARCUS moved for the approval of the Resolution.

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

Karen T. Marcus	- AYE
Tony Masilotti	- AYE
Jeff Koons	- AYE
Warren H. Newell	- ABSENT
Mary McCarty	- AYE
Burt Aaronson	- AYE
Addie L. Greene	- AYE

The Chair thereupon declared that the resolution was duly passed and adopted on November 18, 2004.

Filed with the Clerk of the Board of County Commissioners on 10th day of JANUARY, 2005.

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~~

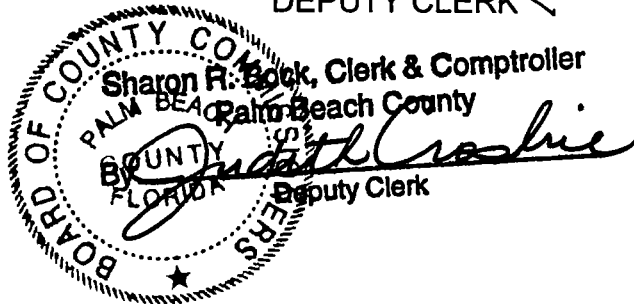


EXHIBIT A

LEGAL DESCRIPTION

ALL OF SECTION 26, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 60 FEET AND THE SOUTH 60 FEET OF THE WEST 1290 FEET OF THE EAST 1350 FEET; AND LESS THE LANDS LOCATED IN PLAT NO. 1 OF STONEWAL ESTATES P.U.D., AS RECORDED IN PLAT BOOK 47, PAGES 12 TO 17, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

AND LESS THE FOLLOWING DESCRIBED THREE (3) PARCELS:

PARCEL 1

A PARCEL OF LAND LYING IN SECTION 26, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF PLAT NO. 1 STONEWAL ESTATES P.U.D., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 47, PAGES 12 THROUGH 17, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE, NORTH 04°00'00" EAST, ALONG THE EAST BOUNDARY OF SAID PLAT, A DISTANCE OF 50.00 FEET FOR A **POINT OF BEGINNING**;

THENCE, NORTH 41°00'00" WEST, ALONG SAID EAST BOUNDARY, A DISTANCE OF 35.36 FEET; THENCE, NORTH 04°00'00" EAST, ALONG SAID EAST BOUNDARY, A DISTANCE OF 190.00 FEET; THENCE, NORTH 06°18'17" WEST, ALONG SAID EAST BOUNDARY, A DISTANCE OF 111.80 FEET THENCE, NORTH 04°00'00" EAST, ALONG SAID EAST BOUNDARY, A DISTANCE OF 620.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 800.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, ALONG SAID EAST BOUNDARY, THROUGH A CENTRAL ANGLE OF 02°51'58", A DISTANCE OF 40.02 FEET TO THE END OF SAID CURVE; THENCE, SOUTH 86°00'00" EAST, DEPARTING SAID BOUNDARY, A DISTANCE OF 391.00 FEET; THENCE, NORTH 04°00'00" EAST, A DISTANCE OF 791.56 FEET; THENCE, NORTH 89°48'51" EAST, ALONG A LINE 160 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID SECTION 26, A DISTANCE OF 391.04 FEET; THENCE, SOUTH 04°00'00" WEST, A DISTANCE OF 550.00 FEET; THENCE, SOUTH 19°38'58" WEST, A DISTANCE OF 1046.76 FEET; THENCE, NORTH 86°00'00" WEST, A DISTANCE OF 220.00 FEET; THENCE SOUTH 12°39'31" WEST, A DISTANCE OF 250.00 FEET; THENCE, NORTH 86°00'00" WEST, A DISTANCE OF 195.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL 2

A PARCEL OF LAND LYING IN SECTION 26, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PLAT NO. 1 STONEWAL ESTATES P.U.D., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 47, PAGES 12 THROUGH 17, INCLUSIVE, PUBLIC RECORDS PALM BEACH COUNTY, FLORIDA; THENCE, SOUTH 85°18'52" EAST, ALONG THE BOUNDARY OF SAID PLAT, A DISTANCE OF 200.00 FEET TO A POINT ON A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 50.00 FEET, AND WHOSE RADIUS POINT BEARS SOUTH 85°18'52" EAST, THENCE, SOUTHERLY AND EASTERLY, ALONG SAID CURVE, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, THROUGH A

CENTRAL ANGLE OF 138°11'23", A DISTANCE OF 120.59 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 25.00 FEET; THENCE, EASTERLY, ALONG SAID CURVE, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, THROUGH A CENTRAL ANGLE OF 48°11'23", A DISTANCE OF 21.03 FEET TO THE POINT OF TANGENCY; THENCE, SOUTH 85°18'52" EAST, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, A DISTANCE OF 101.03 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1000.00 FEET; THENCE, EASTERLY, ALONG SAID CURVE, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, THROUGH A CENTRAL ANGLE OF 16°18'52", A DISTANCE OF 284.74 FEET TO THE END OF SAID CURVE; THENCE, SOUTH 24°00'00" EAST, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, A DISTANCE OF 35.36 FEET; THENCE, SOUTH 69°00'00" EAST, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, A DISTANCE OF 50.00 FEET; THENCE, NORTH 21°00'00", EAST, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, A DISTANCE OF 219.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 700.00 FEET; THENCE, NORTHEASTERLY, ALONG SAID CURVE, CONTINUING LONG THE BOUNDARY OF SAID PLAT, THROUGH A CENTRAL ANGLE OF 16°00'00, A DISTANCE OF 195.48 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 37°00'00" EAST, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, A DISTANCE OF 476.24 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 750.00 FEET; THENCE, NORTHERLY AND EASTERLY, ALONG SAID CURVE, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, THROUGH A CENTRAL ANGLE OF 57°00'00", A DISTANCE OF 746.13 FEET TO THE POINT OF TANGENCY; THENCE, SOUTH 86°00'00" EAST, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, A DISTANCE OF 930.00 FEET; THENCE, NORTH 04°00'00" EAST, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, A DISTANCE OF 50.00 FEET; THENCE, SOUTH 86°00'00" EAST, A DISTANCE OF 239.10 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET; THENCE, EASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 48°11'23", A DISTANCE OF 21.03 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 50.00 FEET; THENCE, EASTERLY AND SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 138°11'23", A DISTANCE OF 120.59 FEET TO THE END OF SAID CURVE, THENCE, SOUTH 04°00'00" WEST, A DISTANCE OF 459.64 FEET; THENCE, SOUTH 22°36'08" WEST, A DISTANCE OF 842.70 FEET; THENCE, SOUTH 75°08'05" WEST, A DISTANCE OF 1407.81 FEET; THENCE, SOUTH 64°42'05" WEST, A DISTANCE OF 285.59 FEET; THENCE, SOUTH 49°00'00" WEST, A DISTANCE OF 112.08 FEET; THENCE, NORTH 67°40'01" WEST, A DISTANCE OF 101.51 FEET; THENCE, SOUTH 57°27'16" WEST, A DISTANCE OF 305.24 FEET ; THENCE, SOUTH 14°32'22" EAST, A DISTANCE OF 89.64 FEET; THENCE, SOUTH 79°00'00" WEST, A DISTANCE OF 294.44 FEET; THENCE, NORTH 85°18'52" WEST, A DISTANCE OF 504.09 FEET; THENCE, NORTH 04°41'08" EAST, A DISTANCE OF 1207.72 FEET TO THE **POINT OF BEGINNING**.

PARCEL 3

A PARCEL OF LAND LYING IN SECTION 26, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF PLAT NO. 1 STONEWAL ESTATES P.U.D., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 47, PAGE 12 THROUGH 17, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 04 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE EAST BOUNDARY OF SAID PLAT, A DISTANCE OF 50.00 FEET; THENCE NORTH 41 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG THE EAST BOUNDARY A DISTANCE OF 35.36 FEET; THENCE NORTH 04 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID EAST BOUNDARY, A DISTANCE OF 190.00 FEET; THENCE NORTH 06 DEGREES 18 MINUTES 17 SECONDS WEST, ALONG SAID EAST BOUNDARY, A DISTANCE OF 111.80 FEET;

THENCE NORTH 04 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID EAST BOUNDARY, A DISTANCE OF 620.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 800.00 FEET; THENCE NORTHERLY, ALONG SAID CURVE, ALONG SAID EAST BOUNDARY, THROUGH A CENTRAL ANGLE OF 02 DEGREES 51 MINUTES 50 SECONDS, A DISTANCE OF 40.02 FEET TO THE END OF SAID CURVE AND THE **POINT OF BEGINNING**; THENCE SOUTH 86 DEGREES 00 MINUTES 00 SECONDS EAST, DEPARTING SAID BOUNDARY, A DISTANCE OF 391.0 FEET; THENCE NORTH 04 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 160.00 FEET; THENCE NORTH 86 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 415.40 FEET, MORE OR LESS, TO THE EAST RIGHT OF WAY LINE OF STONEWAL DRIVE, AS SHOWN ON SAID PLAT; THENCE SOUTHERLY ALONG THE SAID EAST RIGHT OF WAY LINE A DISTANCE OF 162.13 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING**.

CONTAINING: 363.72 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

