

RESOLUTION NO. R-2005- 1041

RESOLUTION APPROVING ZONING APPLICATION W2005-016  
(CONTROL NO.2005-008)  
WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS) (W)  
APPLICATION OF BOYNTON BEACH XXI LLP  
BY KILDAY & ASSOCIATES, INC., AGENT  
(MINI-ASSEMBLAGE 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 Application W2005-016 was presented to the Board of County Commissioners at a public hearing conducted on May 26, 2005 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 Application W2005-016, the application of Boynton Beach XXI LLP, by Kilday & Associates, Inc., agent, for a WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS (WAIVER) to allow deviation from cul-de-sac and dead-end restrictions in the Planned Unit Development 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 May 26, 2005.

Commissioner AARONSON moved for the approval of the Resolution.

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

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

The Chairman thereupon declared that the resolution was duly passed and adopted on May 26, 2005.


Filed with the Clerk of the Board of County Commissioners on 22nd day of JUNE, 2005.

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 COUNTY  
FLORIDA


The seal is circular with a double-line border. The outer ring contains the text "PALM BEACH COUNTY COMMISSIONERS" at the top and "FLORIDA" at the bottom, separated by a star on the left. The inner ring contains the text "BOARD OF COUNTY COMMISSIONERS" at the top and "DEPUTY CLERK COUNTY" at the bottom, also separated by a star on the left.

EXHIBIT A

LEGAL DESCRIPTION

ALL OF TRACTS 73 THROUGH TRACT 76, INCLUSIVE, TRACTS 85 THROUGH 88, INCLUSIVE, TRACTS 105 THROUGH 120, AND THE SOUTH 15.00 FEET OF THAT PORTION OF ROAD, DYKE AND DITCH RESERVATION, 30.00 FEET IN WIDTH, LYING NORTH OF AND ADJACENT TO SAID TRACTS 109 THROUGH 112 BOUNDED ON THE WEST BY THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID TRACT 112 AND ON THE EAST BY THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID TRACT 109, AND THAT PORTION OF ROAD, DYKE AND DITCH RESERVATION, 30.00 FEET IN WIDTH, LYING BETWEEN SAID TRACTS 105 THROUGH 108 AND SAID TRACTS 85 THROUGH 88, ALL LYING WITHIN BLOCK 55, PALM BEACH FARMS CO. PLAT NO. 3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

LESS THE NORTH 48 FEET OF SAID TRACTS 75 AND 76, AND LESS THE NORTH 48 FEET OF SAID TRACT 74 LESS THE EAST 52.00 FEET THEREOF.

LESS THE NORTH 47.52 FEET OF SAID TRACT 73 AND LESS THE NORTH 47.52 FEET OF THE EAST 52.00 FEET OF SAID TRACT 74 AS DESCRIBED IN OFFICIAL RECORDS BOOK 6495, PAGE 761.

LESS THE EAST 25 FEET OF SAID TRACTS 73, 88, 105, 120 AND SAID ROAD, DYKE AND DITCH RESERVATION, 30.00 FEET IN WIDTH, LYING BETWEEN SAID TRACTS 105 THROUGH 108 AND SAID TRACTS 85 THROUGH 88 AS DESCRIBED IN DEED BOOK 1135, PAGE 92 AND DEED BOOK 1129, PAGE 412, SAID PUBLIC RECORDS.

LESS PARCEL 122, BEING THAT PORTION OF HAGEN RANCH ROAD RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 12744, PAGE 1840 SAID PUBLIC RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN SECTION 28, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT 120, BLOCK 55, PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 120; THENCE ALONG THE SOUTH LINE OF SAID TRACT 120, SOUTH 89°36'54" WEST FOR 25.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD AS RECORDED IN DEED BOOK 1129, PAGE 412 OF SAID PUBLIC RECORDS, AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH LINE, SOUTH 89°36'54" WEST FOR 6.92 FEET; THENCE NORTH 00°30'03" WEST FOR 33.82 FEET; THENCE NORTH 02°05'02" EAST 162.21 FEET TO SAID WEST RIGHT-OF-WAY LINE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 00°23'06" EAST FOR 195.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 118.48 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

