

RESOLUTION NO. R-2005- 1049

RESOLUTION APPROVING ZONING APPLICATION W2004-661  
(CONTROL NO.2004-458)  
WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS) (W)  
APPLICATION OF ANSCA COMMUNITIES LLC  
BY LAND DESIGN SOUTH, INC. - JEFF BROPHY, AGENT  
(NICOLA 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 W2004-661 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 W2004-661, the application of ANSCA communities LLC, by Land Design South, Inc. - Jeff Brophy, agent, for a WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS (WAIVER) to allow deviation from cul-de-sac and dead-end restrictions in the PUD 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 GREENE and, upon being put to a vote, the vote was as follows:

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

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

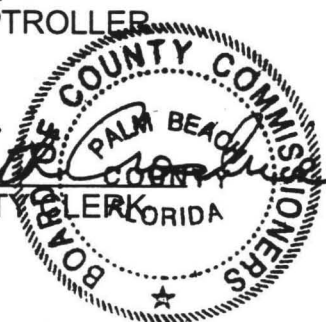
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY

SHARON BOCK,  
CLERK & COMPTROLLER

BY:   
DEPUTY CLERK



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

EXHIBIT A

LEGAL DESCRIPTION

THE EAST ½ OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS RIGHT-OF-WAY IN ORDER OF TAKING IN O.R. BOOK 6798, PAGE 1051 AND QUIT CLAIM DEED IN O.R. BOOK 7511, PAGE 1952, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

ALL OF TRACTS 12 AND 13, OF "AMENDED PLAT OF THE MARY A. LYMAN ET AL, SUBDIVISION" OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 74, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF EAST ½ OF THE NORTHWEST ¼ AND SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE SOUTH 5 ACRES OF TRACT 3, AMENDED PLAT OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MARY A. LYMAN, ET AL., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 74, BEING MORE PARTICULARLY DESCRIBED AS THE SOUTH 5 ACRES OF THE WEST ½ OF THE WEST ½ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST,

~~TOGETHER WITH THOSE GRANTS OF EASEMENT FOR INGRESS AND EGRESS RECORDED IN O.R. BOOK 14050, PAGE 1906 AND O.R. BOOK 14161, PAGE 690, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.~~

TOGETHER WITH:

PARCEL A: THE NORTH 56.77 FEET OF THE SOUTH 283.93 FEET OF THE NORTH HALF (N ½) OF THE WEST HALF (W ½) OF THE WEST HALF (W ½) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST; BEING ALSO KNOWN AS THE NORTH 56.77 FEET OF THE SOUTH 283.93 FEET OF THE NORTH ONE-HALF (N ½) OF TRACT 3, NORTHWEST QUARTER (NW ¼), ACCORDING TO THE AMENDED PLAT SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MARY A. LYMAN, ET AL., RECORDED IN PLAT BOOK 9, PAGE 74, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL B: THE NORTH 56.77 FEET OF THE SOUTH 227.21 FEET OF THE NORTH HALF (N ½) OF THE WEST HALF (W ½) OF THE WEST HALF (W ½) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST; BEING ALSO KNOWN AS THE NORTH 56.77 FEET OF THE SOUTH 227.21 FEET OF THE NORTH HALF (½) OF TRACT 3, NORTHWEST QUARTER (1/4), ACCORDING TO THE AMENDED PLAT SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MARY A. LYMAN, ET AL., RECORDED IN PLAT BOOK 9, PAGE 74, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL C: THE NORTH 56.77 FEET OF THE SOUTH 170.44 FEET OF THE NORTH HALF (N ½) OF THE WEST HALF (W ½) OF THE WEST HALF (W ½) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST; BEING ALSO KNOWN AS THE NORTH 56.77 FEET OF THE SOUTH 170.44 FEET OF THE NORTH HALF (1/2) OF TRACT 3, NORTHWEST QUARTER, ACCORDING TO THE AMENDED PLAT SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MARY A. LYMAN, ET AL.,

RECORDED IN PLAT BOOK 9, PAGE 74, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 1: THE SOUTH 113.67 FEET OF THE NORTH HALF (N ½) OF THE WEST HALF (W ½) OF THE WEST HALF (W ½) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST; BEING ALSO KNOWN AS THE SOUTH 113.67 FEET OF THE NORTH HALF (1/2) OF TRACT 3, NORTHWEST QUARTER (1/4), ACCORDING TO THE AMENDED PLAT SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MARY A. LYMAN, ET AL., RECORDED IN PLAT BOOK 9, PAGE 74, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2: THE NORTH 50.0 FEET OF THE SOUTH 688.6 FEET OF TRACT 3, NORTHWEST QUARTER (NW ¼) OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST; BEING ALSO KNOWN AS THE NORTH 50 FEET OF THE SOUTH HALF (1/2) TRACT 3, NORTHWEST QUARTER (1/4), ACCORDING TO THE AMENDED PLAT SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MARY A. LYMAN, ET AL., RECORDED IN PLAT BOOK 9, PAGE 74 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

BEING MORE PARTICULARLY DESCRIBED AS THE NORTH 50.0 FEET OF THE SOUTH 688.6 FEET OF THE WEST HALF (W ½) OF THE WEST HALF (W ½) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 2,338,501 SQUARE FEET OR 53.685 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

