

RESOLUTION NO. R-2005-1628

RESOLUTION APPROVING ZONING APPLICATION W2004-1029
(CONTROL NO. 2004-616)
WAIVER OF DEVELOPMENT STANDARDS
APPLICATION OF ASCOT DEVELOPMENT
BY GENTILE, HOLLOWAY, O'MAHONEY & ASSOCIATES, AGENT
(DELRAY MARKETPLACE TMD)

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 W2004-1029 was presented to the Board of County Commissioners at a public hearing conducted on August 25, 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.F.4.A, contingent upon the approval of Large Scale Development Amendment No. LGA 2005-00006;
2. This proposed development is consistent with the provisions of the Article 3.F.4.D.2, except the following which the BCC is waiving:
 - a) A minimum of one mainstreet shall cross through the entire length of width of a TMD.
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 W2004-1029, the application of Ascot Development by Gentile, Holloway, O'Mahoney & Associates, agent, for a WAIVER OF DEVELOPMENT STANDARDS in the TMD Zoning District to allow deviation from the requirement that a main street cross through the entire length or width of a TMD 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 August 25, 2005.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner Newell 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	¥	Aye
Mary McCarty	¥	Absent
Burt Aaronson	¥	Aye

The Chair thereupon declared that this resolution shall not become effective until Large Scale Development Amendment No. 2005-00006 LGA (ATLANTIC AVENUE/LYONS ROAD-TMD a.k.a. DELRAY MARKETPLACE) is effective.


Filed with the Clerk of the Board of County Commissioners on 25th day of August, 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




EXHIBIT A

LEGAL DESCRIPTION

Development Area:

TRACT 97, LESS THE EAST 195.0 FEET THEREOF, TRACTS 98, 99 AND THAT PORTION OF TRACT 100 LYING WITHIN 365.0 FEET OF THE EAST LINE OF SAID TRACT 99, TRACTS 124, 125, 126 AND 127; AND TRACT 128 LESS THE EAST 195.0 FEET AND LESS THE SOUTH 210.0 FEET OF THE WEST 210.0 FEET THEREOF, ALL BEING IN BLOCK 18, PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26, 27 AND 28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS THAT PORTION OF TRACTS 124, 125, 126 AND 127 DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 124; THENCE N.1° 12'10"W., ALONG THE WEST LINE OF SAID TRACT 124, A DISTANCE OF 10.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.1° 12'10"W., ALONG SAID WEST LINE, A DISTANCE OF 70.00 FEET TO A POINT ON A LINE 80.0 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID TRACT 124; THENCE N.89°24'45"E., ALONG SAID PARALLEL LINE, A DISTANCE OF 614.83 FEET; THENCE N.1°07'46"W., A DISTANCE OF 13.10 FEET TO A POINT ON A LINE 1320.0 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF TRACTS 98, 99 AND 100, BLOCK 18, OF SAID PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 1; THENCE N.88° 55'36"E., ALONG SAID PARALLEL LINE, A DISTANCE OF 691.63 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 127; THENCE S.1°06'52"E., ALONG SAID EAST LINE, A DISTANCE OF 47.96 FEET TO A POINT ON A LINE 51.0 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID TRACT 127; S.89°24'45"W., ALONG SAID PARALLEL LINE, A DISTANCE OF 326.63 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 127; THENCE S.1°07'46"E., ALONG SAID PARALLEL LINE, A DISTANCE OF 41.00 FEET TO A POINT ON A LINE 10.0 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID TRACTS 124, 125 AND 126; THENCE S.89°24'45"W., ALONG SAID PARALLEL LINE, A DISTANCE OF 979.76 FEET TO THE POINT OF BEGINNING.

AND LESS THAT PORTION OF TRACT 124 DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT 124, BLOCK 118, PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26, 27 AND 28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.89°03'02"E., ALONG THE NORTH LINE OF SAID TRACT 124, A DISTANCE OF 134.17 FEET; THENCE S.1°05'56"E., A DISTANCE OF 670.39 FEET TO A POINT ON A LINE 80.0 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID TRACT 124; THENCE S.89°24'45"W., ALONG SAID PARALLEL LINE, A DISTANCE OF 132.96 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 124; THENCE N.1°12'10"W., ALONG SAID WEST LINE, A DISTANCE OF 669.56 FEET TO THE POINT OF BEGINNING.

DEVELOPMENTAL SITE CONTAINING 32.47 ACRES, MORE OR LESS.

Preserve Area 1:

TRACTS 1 AND 2, BLOCK 18, PALM BEACH FARMS COMPANY PLAT 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE NORTH 38.28 FEET OF SAID TRACTS 1 AND 2, BLOCK 18, PER CHANCERY CASE NO. 407, AS RECORDED IN OFFICIAL RECORDS BOOK 6495, PAGE 761, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH TRACTS 31 AND 32, BLOCK 18, PALM BEACH FARMS COMPANY PLAT 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO RESERVATIONS, RESTRICTIONS, EASEMENTS AND RIGHTS OF WAY.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND CONTAINING 875,585 SQUARE FEET (20.101 ACRES), MORE OR LESS.

Preserve Area 2:

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

SUBJECT TO EASEMENTS, COVENANTS, RESTRICTIONS AND RESERVATIONS OF RECORD, MUNICIPAL ORDINANCES AND ZONING CODES, AND TAXES FOR THE YEAR OF CONVEYANCE AND SUBSEQUENT YEARS.

TOGETHER WITH:

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

TOGETHER WITH A NON-EXCLUSIVE RIGHT OF INGRESS AND EGRESS OVER THE PROPERTY ON WHICH FLORIDA POWER AND LIGHT COMPANY PRESENTLY HOLDS AN EASEMENT, SUBJECT, HOWEVER TO THE EASEMENT RIGHTS OF FLORIDA POWER AND LIGHT COMPANY.

SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS AND COVENANTS OF RECORD, IF ANY, TO THE EXTENT THAT SAME ARE VALID AND ENFORCEABLE.

CONTAINING 10.05 ACRES, MORE OR LESS.

Preserve Area 3:

BEGINNING AT THE NORTHWEST CORNER OF TRACT 124, BLOCK 18, PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26, 27 AND 28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.89°03'02"E., ALONG THE NORTH LINE OF SAID TRACT 124, A DISTANCE OF 134.17 FEET; THENCE S.1°05'56"E., A DISTANCE OF 670.39 FEET TO A POINT ON A LINE 110.0 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID TRACT124; THENCE S.89°24'45"W., ALONG SAID PARALLEL LINE, A DISTANCE OF 132.96 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 124; THENCE N.1°12'10"W., ALONG SAID WEST LINE, A DISTANCE OF 669.56 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.05 ACRES MORE OR LESS

Preserve Area 4:

THE NORTH HALF (N.1/2) OF THE SOUTHEAST QUARTER (S.E.1/4) OF THE SOUTHEAST QUARTER (S.E.1/4) OF THE NORTHEAST QUARTER (N.E.1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY FLORIDA. SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 30 FEET OF THE AFOREDESCRIBED PARCEL. TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 50 FEET OF THE SOUTH HALF (S.1/2) OF THE NORTH HALF (N.1/2) OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND A NON EXCLUSIVE RIGHT OF INGRESS AND EGRESS OVER THE PROPERTY OF WHICH FLORIDA POWER AND LIGHT COMPANY PRESENTLY HOLD AN EASEMENT; SUBJECT HOWEVER, TO THE EASEMENT RIGHTS OF FLORIDA POWER AND LIGHT COMPANY. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 30 FEET OF THE EAST THREE QUARTERS (E.3/4) OF THE SOUTH HALF (S.1/2) OF THE SOUTH HALF (S.1/2) OF THE NORTHEAST QUARTER (N.E.1/4) OF SAID SECTION 14.

CONTAINING 5.01 ACRES MORE OR LESS.

Description of Proposed Lyons Road Right of Way:

THE EAST 95.0 FEET OF TRACTS 97 AND 128, BLOCK 18, PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26, 27 AND 28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WITH 1320.0 FEET OF THE NORTH LINE OF SAID TRACT 97.

CONTAINING 2.88 ACRES, MORE OR LESS.

Description of Proposed West Atlantic Avenue Right of Way:

THAT PORTION OF TRACTS 124, 125, 126 AND 127, BLOCK 18, PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26, 27 AND 28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCING TO THE SOUTHWEST CORNER OF SAID TRACT 124; THENCE N.1°12'10"W., ALONG THE WEST LINE OF SAID TRACT 124, A DISTANCE OF 40.0 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE N.1°12'10"W., ALONG SAID WEST LINE, A DISTANCE OF 70.00 FEET TO A POINT ON A LINE 110.0 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID TRACT 124; THENCE N.89°24'45"E., ALONG SAID PARALLEL LINE, A DISTANCE OF 614.83 FEET; THENCE N.1°07'46"W., A DISTANCE OF 13.10 FEET TO A POINT ON A LINE 1320.0 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF TRACTS 98, 99 AND 100, BLOCK 18, OF SAID PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 1; THENCE N.88°55'36"E., ALONG SAID PARALLEL LINE A DISTANCE OF 691.63 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 127; THENCE S.1°06'52"E., ALONG SAID EAST LINE, A DISTANCE OF 47.96 FEET TO A POINT ON A LINE 81.0 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID TRACT 127; THENCE S.89°24'45"W., ALONG SAID PARALLEL LINE, A DISTANCE OF 326.63 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 127; THENCE S.1°07'46"E., ALONG SAID WEST LINE, A DISTANCE OF 41.00 FEET TO A POINT ON A LINE 40.0 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID TRACTS 124, 125 AND 126; THENCE S.89°24'45"W., ALONG SAID PARALLEL LINE, A DISTANCE OF 979.76 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THAT PORTION OF TRACT 128, BLOCK 18, PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26, 27 AND 28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCING TO THE SOUTHEAST CORNER OF SAID TRACT 128; THENCE N.1°05'56"W., ALONG THE EAST LINE OF SAID TRACT 128, A DISTANCE OF 40.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.1°05'56"W., ALONG SAID EAST LINE A DISTANCE OF 94.32 FEET TO A POINT ON A LINE 1320.0 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF TRACT 97, BLOCK 18 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 1; THENCE S.88°55'36"W. ALONG SAID PARALLEL LINE, A DISTANCE OF 131.53 FEET TO A POINT ON A LINE 210.0 FEET WEST OF AND PARALLEL TO THE WEST LINE OF SAID TRACT 128; THENCE S.1°06'52"E., ALONG SAID PARALLEL LINE, A DISTANCE OF 91.86 FEET TO A POINT ON A LINE 40.0 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID TRACT 128; THENCE N.90°00'00"E., ALONG SAID PARALLEL LINE, A DISTANCE OF 131.53 FEET TO THE POINT OF BEGINNING.

TOTAL RIGHT OF WAY AREA CONTAINING 2.33 ACRES, MORE OR LESS.

Description of Proposed 100 Foot Rural Parkway:

THE WEST 100.0 FEET OF THE EAST 195.0 OF TRACT 97 AND THE WEST 100.0 FEET OF THE EAST 195.0 FEET OF TRACT 128 LESS THAT PORTION LYING WITHIN THE SOUTH 240.0 FEET OF THE WEST 210.0 FEET OF SAID TRACT 128, AND LESS THAT PORTION OF SAID TRACT 128 LYING SOUTH OF A LINE 1320.0 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID TRACT 97, ALL BEING IN BLOCK 18, PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26, 27 AND 28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 2.87 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

