

RESOLUTION NO. R-2005-1792

RESOLUTION APPROVING ZONING APPLICATION W2005-021
(CONTROL NO.2005-003)
WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS) (W)
APPLICATION OF BOYNTON BEACH ASSOCIATES XIX, LLP
BY KILDAY & ASSOCIATES, INC., AGENT
(LYONS WEST AGR-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 W2005-021 was presented to the Board of County Commissioners at a public hearing conducted on September 22, 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 W2005-021, the application of Boynton Beach Associates XIX, 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 Agricultural Reserve-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 September 22, 2005.

Commissioner Marcus 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	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye

The Chairman thereupon declared that the resolution was duly passed and adopted on September 22, 2005.

Filed with the Clerk of the Board of County Commissioners on 22nd day of September 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

(PARCEL 1)

BEING A PORTION OF TRACTS 1, 2, 3, 4, 21 THROUGH 28 AND 45 THROUGH 48, BLOCK 53, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54. TOGETHER WITH THOSE STRIPS OF LAND LYING BETWEEN SAID TRACTS 21 THROUGH 24 AND TRACTS 25 THROUGH 28, AS CONVEYED IN DEED RECORDED IN OFFICIAL RECORD BOOK 9045, PAGE 1341, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT 45; THENCE NORTH 00°23'24" WEST ALONG THE WEST LINE OF SAID TRACTS 4, 21, 28 AND 45, A DISTANCE OF 2630.43 FEET; THENCE NORTH 89°02'44" EAST ALONG A LINE 77.88 FEET SOUTH OF PARALLEL WITH THE NORTH LINE OF SAID TRACTS 1, 2, 3 AND 4, A DISTANCE OF 1264.86 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 16522, PAGE 1317 OF SAID PUBLIC RECORDS; THENCE SOUTH 01°59'56" EAST, A DISTANCE OF 676.21 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 14,945.00 FEET; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°36'32", A DISTANCE OF 419.66 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°23'24" EAST, A DISTANCE OF 1547.32 FEET, THE LAST THREE DESCRIBED COURSES RUNNING ALONG SAID WEST RIGHT-OF-WAY LINE OF LYONS ROAD; THENCE SOUTH 89°36'33" WEST ALONG THE SOUTH LINE OF SAID TRACTS 45, 46, 47 AND 48, A DISTANCE OF 1289.68 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH (PARCEL 2)

BEING A PORTION OF TRACTS 49 THROUGH 60, ALL OF TRACTS 61 THROUGH 96, ALL WITHIN BLOCK 53, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54. TOGETHER WITH THOSE STRIPS OF LAND LYING BETWEEN OR ADJACENT TO THE ABOVE SAID TRACTS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT 85; THENCE NORTH 01°06'47" WEST, ALONG THE WEST LINE OF SAID TRACTS 85, 84, 61 AND 60, A DISTANCE OF 2147.01 FEET; THENCE NORTH 88°53'13" EAST, A DISTANCE OF 910.67 FEET; THENCE NORTH 85°42'25" EAST, A DISTANCE OF 90.14 FEET; THENCE NORTH 88°53'13" EAST, A DISTANCE OF 74.33 FEET; THENCE NORTH 01°06'47" WEST, A DISTANCE OF 66.12 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 415.00 FEET; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 70°44'00", A DISTANCE OF 512.33 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE NORTH 00°23'27" WEST, A DISTANCE OF 6.72 FEET; THENCE NORTH 89°36'33" EAST, ALONG A LINE BEING 38.28 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 57 THROUGH 59, A DISTANCE OF 1,287.66 FEET TO A POINT IN THE CENTER OF A PLATTED ROAD, DYKE AND DITCH RESERVATION, 30.00 FEET IN WIDTH, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54; THENCE NORTH 00°23'27" WEST, ALONG THE CENTERLINE OF SAID ROAD, DYKE AND DITCH RESERVATION, A DISTANCE OF 2.64 FEET; THENCE NORTH 89°36'33" EAST, ALONG A LINE BEING 35.64 FEET SOUTH OF AND PARALLEL WITH THE

NORTH LINE OF SAID TRACT 56 AND ITS WESTERLY EXTENSION, A DISTANCE OF 344.92 FEET; THENCE SOUTH 00°23'27" EAST, ALONG THE EAST LINE OF SAID TRACT 56, A DISTANCE OF 0.36 FEET; THENCE NORTH 89°36'33" EAST, ALONG A LINE BEING 36.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 50 THROUGH 55, A DISTANCE OF 1,979.56 FEET; THENCE NORTH 00°23'24" WEST, ALONG THE EAST LINE OF SAID TRACT 50, A DISTANCE OF 0.36 FEET; THENCE NORTH 89°36'33" EAST, ALONG A LINE BEING 35.64 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 49, A DISTANCE OF 299.92 FEET; THENCE SOUTH 00°23'24" EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 16522, PAGE 1317, OF SAID RECORDS, A DISTANCE OF 2,636.17 FEET; THENCE SOUTH 89°36'36" WEST, ALONG THE SOUTH LINE OF SAID TRACTS 85 THROUGH 96 AND ITS EASTERLY EXTENSION, A DISTANCE OF 5232.08 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 382.711 ACRES, MORE OR LESS.

HYDER PRESERVE

BEING ALL OF TRACTS 1 THROUGH 8, INCLUSIVE, 13 THROUGH 48, INCLUSIVE, AND THE EAST 546.76 FEET OF TRACT 9, BLOCK 69, ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 3 AS RECORDED IN PLAT 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE RIGHT-OF-WAY FOR STATE ROAD NO. 7 AS IT NOW EXISTS.

TOGETHER WITH:

THAT PORTION OF THOSE ROAD, DYKE AND DITCH RESERVATIONS, 30.00 FEET IN WIDTH, BLOCK 69, ACCORDING TO SAID PLAT OF PALM BEACH FARMS CO. PLAT NO. 3, LYING BETWEEN TRACTS 13 THROUGH 24, AND TRACTS 25 THROUGH 36 AND LYING BETWEEN SAID TRACTS 8, 17, 32 AND 41 AND TRACTS 9, 16, 33 AND 40 TOGETHER WITH THE INTERSECTING AREA OF THESE TWO SAID ROAD, DYKE AND DITCH RESERVATIONS. LESS AND EXCEPT THE RIGHT-OF-WAY FOR STATE ROAD NO. 7 AS IT NOW EXISTS.

TOGETHER WITH:

THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4; THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4; OF SECTION 35, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA. TOGETHER WITH: THAT PORTION OF THE SOUTH THREE-QUARTERS (S. 3/4) OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE RIGHT-OF-WAY FOR STATE ROAD NO. 7 AS IT NOW EXISTS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A SOUTHWEST CORNER OF SAID SECTION 25; THENCE NORTH 89°25'29" EAST, ALONG THE SOUTH LINE OF SAID SECTION 25 ESTABLISHED BY PALM BEACH COUNTY PRIOR TO 1994; A DISTANCE OF 2,042.94 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 1,282.21 FEET; THENCE NORTH 89°05'42" EAST, A DISTANCE OF 450.00 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 293.56 FEET; THENCE SOUTH 89°03'44" WEST, A DISTANCE OF 450.00 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 260.61 FEET; THENCE NORTH 89°05'42" EAST, A DISTANCE OF 175.00 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 163.36 FEET; THENCE SOUTH 89°21'36" WEST, A DISTANCE OF 175.00 FEET; THENCE NORTH 00°54'17" WEST, A DISTANCE OF 557.34 FEET; THENCE SOUTH 89°39'27" WEST, A DISTANCE OF 1,356.34 FEET; THENCE SOUTH 00°56'16" EAST, A DISTANCE OF 529.84 FEET; THENCE SOUTH 89°03'44" WEST, A DISTANCE OF 406.94 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 254.70 FEET; THENCE SOUTH 89°03'44" WEST, A DISTANCE OF

280.00 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 593.88 FEET; THENCE NORTH 89°41'26" EAST, A DISTANCE OF 5,050.70 FEET TO A POINT ON WEST LINE OF RIGHT-OF-WAY FOR STATE ROAD 7 (US 441); THENCE SOUTH 01°06'44" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 956.95 FEET; THENCE SOUTH 88°55'00" WEST, A DISTANCE OF 366.34 FEET; THENCE SOUTH 01°06'44" EAST, A DISTANCE OF 537.00 FEET; THENCE SOUTH 88°54'59" WEST, A DISTANCE OF 448.86 FEET; THENCE NORTH 89°23'04" EAST, A DISTANCE OF 815.23 FEET TO A POINT ON WEST LINE OF RIGHT-OF-WAY FOR STATE ROAD 7 (US 441); THENCE SOUTH 01°06'44" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 1,353.55 FEET; THENCE SOUTH 89°25'29" WEST, ALONG SAID SOUTH LINE OF SECTION 25, A DISTANCE OF 3,017.90 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS:

THE NORTH 40.00 FEET OF SAID TRACT 4, BLOCK 69, ACCORDING TO DEED BOOK 148, PAGE 437.

THE NORTH 40.00 FEET OF SAID TRACT 7, BLOCK 69, ACCORDING TO DEED BOOK 129, PAGE 156.

THOSE LANDS ACCORDING TO OFFICIAL RECORDS BOOK 6495, PG. 761.

ALL OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

CONTAINING 547.042 ACRES, MORE OR LESS.

RURAL PARKWAY EASEMENT

THAT PORTION OF TRACTS 49, 72, 73 AND 96, BLOCK 53, PALM BEACH FARMS CO. PLAT NO. 3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 96; THENCE NORTH 00°23'24" WEST, ALONG THE EAST LINE OF SAID TRACT 96, A DISTANCE OF 10.00 FEET; THENCE SOUTH 89°36'36" WEST, ALONG A LINE 20.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 96, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 89°36'36" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 00°23'24" WEST, ALONG A LINE 130.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 49, 72, 73 AND 96, A DISTANCE OF 2,601.81 FEET; THENCE NORTH 89°36'36" EAST, ALONG A LINE 60.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 49, A DISTANCE OF 100.00 FEET; THENCE SOUTH 00°23'24" EAST, ALONG A LINE 30.00 FEET WEST OF SAID EAST LINE OF TRACTS 49, 72, 73 AND 96, A DISTANCE OF 2,601.81 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

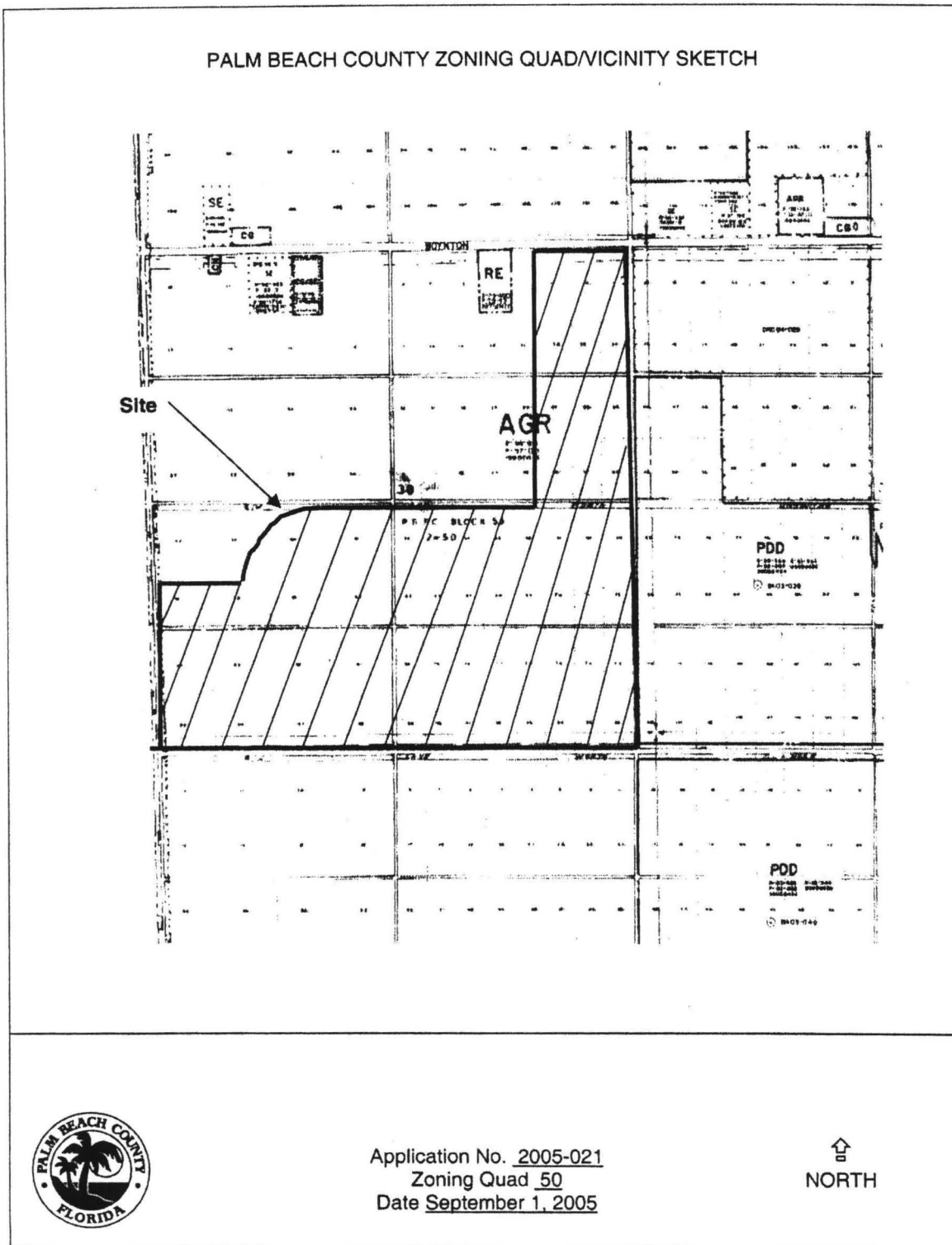
THAT PORTION OF TRACTS 1, 24, 25, 48, AND A ROAD, DYKE AND DITCH RESERVATION, 30.00 FEET IN WIDTH, ALL LYING WITHIN BLOCK 53, PALM BEACH FARMS CO. PLAT NO. 3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 48; THENCE NORTH 00°23'24" WEST, ALONG THE EAST LINE OF SAID TRACT 48, A DISTANCE OF 20.00 FEET; THENCE SOUTH 89°36'36" WEST, ALONG A LINE 20.00 FEET NORTH

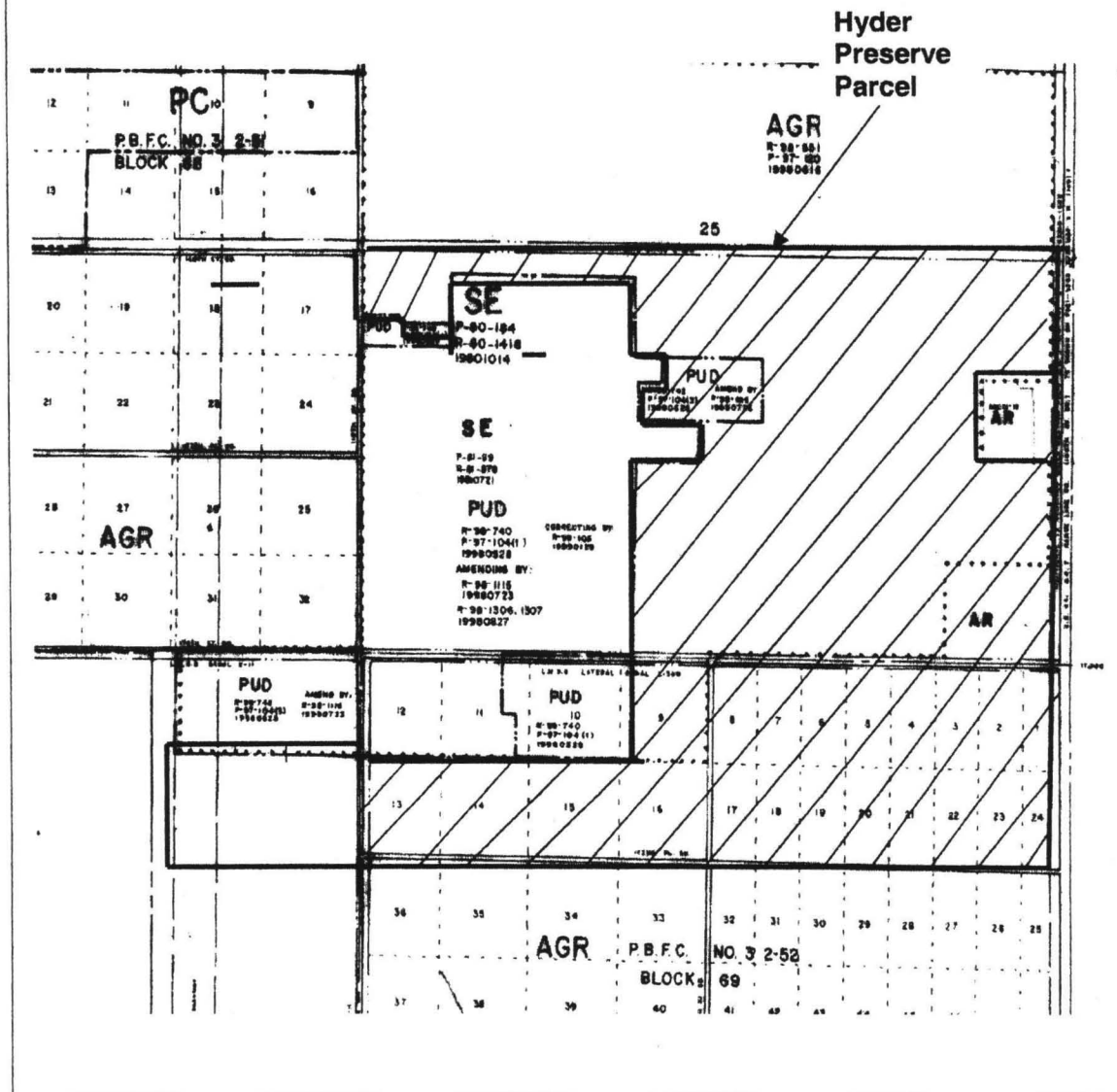
OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 48, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 89°36'36" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 00°23'24" WEST, ALONG A LINE 130.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 24, 25 AND 48, A DISTANCE OF 1,527.48 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 14,845.00 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°36'32", A DISTANCE OF 416.85 FEET TO A POINT OF TANGENCY; THENCE NORTH 01°59'56" WEST, A DISTANCE OF 678.03 FEET; THENCE NORTH 89°02'44" EAST, ALONG A LINE 77.88 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 1, A DISTANCE OF 100.02 FEET; THENCE SOUTH 01°59'56" EAST, A DISTANCE OF 676.21 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 14,945.00 FEET; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°36'32", A DISTANCE OF 419.66 FEET; THENCE SOUTH 00°23'24" EAST, ALONG A LINE 30.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 24, 25 AND 48, A DISTANCE OF 1,527.48 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.994 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. 2005-021
 Zoning Quad 67
 Date September 1, 2005

