

RESOLUTION NO. R-2005- 2292

RESOLUTION APPROVING ZONING APPLICATION W2004-811  
(CONTROL NO. 2004-525)  
WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS) (W)  
APPLICATION OF M/I HOMES OF WEST PAM BEACH, LLC  
BY JULIAN BRYAN & ASSOCIATES, AGENT  
(ATLANTIC COMMONS 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 W2004-811 was presented to the Board of County Commissioners at a public hearing conducted on November 17, 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 W2004-811, the application of M/I Homes of West Pam Beach, LLC, by Julian Bryan & Associates, 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 November 17, 2005.

Commissioner McCARTY 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	-	<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>AYE</b>
Mary McCarty	-	<b>AYE</b>
Burt Aaronson	-	<b>AYE</b>

The Chairman thereupon declared that the resolution was duly passed and adopted on November 17, 2005.

Filed with the Clerk of the Board of County Commissioners on 8TH day of DECEMBER, 2005.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

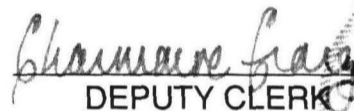
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

#### **PARCEL 1:**

Tract 31, in Section 17, Township 46 South, Range 42 East, according to the Plat of Palm Beach Farms Co. Plat No. 1, recorded in Plat Book 2, pages 26-28, Public Records of Palm Beach County, Florida.

Together with all of those parts of Tracts 1, 2 and 3, in Section 17, Township 46 South, Range 42 East, lying East of the Sunshine State Parkway and West of the E-2 Canal, all being according to the Plat of Palm Beach Farms Co. Plat No. 1, recorded in Plat Book 2, pages 26-28, Public Records of Palm Beach County, Florida; LESS AND EXCLUDING the North 36 feet of Tract 3 as conveyed in favor of the Lake Worth Drainage District, recorded in Deed Book 129, Page 164, Palm Beach County, Florida and LESS AND EXCLUDING the North 39.66 feet of Tract 1 and the North 40.92 feet of Tracts 2 and 3 pursuant to Official Records Book 6495, Page 761 and LESS AND EXCLUDING that portion of Tract 1 lying West of the Section 17, Township 46 South, Range 42 East section line and East of the West line of the 15 foot platted reservation according to the Plat of Palm Beach Farms Co. Plat No. 1, as recorded in Plat Book 2, pages 26-28, Public Records of Palm Beach County, Florida.

#### **PARCEL 2:**

Tracts 30, 32, 33 and 35, in Section 17, Township 46 South, Range 42 East, according to the Plat of Palm Beach Farms Co. Plat No. 1, as recorded in Plat Book 2, pages 26-28, Public Records of Palm Beach County, Florida; LESS AND EXCLUDING those portions of Tracts 30 and 35 known as Right of Way Parcel Nos. 27 and 29, conveyed to the Florida State Turnpike Authority, pursuant to the Fifteenth Judicial Circuit Court, Case No. 15,304, as set forth in the Minutes of the Circuit Court in MCC Book 68, pages 520 and 523, Palm Beach County, Florida and LESS AND EXCLUDING that portion of Tracts 32 and 33 lying West of the Section 17, Township 46 South, Range 42 East section line and East of the West line of that 15 foot platted reservation according to the Plat of Palm Beach Farms Co. Plat No. 1, as recorded in Plat Book 2, pages 26-28, Public Records of Palm Beach County, Florida.

#### **PARCEL 3:**

Tracts 62, 63 and 64, in Section 17, Township 46 South, Range 42 East, lying East of the Sunshine State Parkway and West of the E-2 Canal, all being according to the Plat of Palm Beach Farms Co. Plat No. 1, recorded in Plat Book 2, pages 26-28, Public Records of Palm Beach County, Florida; LESS AND EXCLUDING that portion of Tract 64 lying West of the Section 17, Township 46 South, Range 42 East section line and East of the West line of the 15 foot platted reservation according to the Plat of Palm Beach Farms Co. Plat No. 1, as recorded in Plat Book 2, pages 26-28, Public Records of Palm Beach County, Florida, LESS THE SOUTH 15.00 FEET THEREOF.

#### **PARCEL 4:**

Tract 34, in Section 17, Township 46 South, Range 42 East, according to the Plat of Palm Beach Farms Co. Plat No. 1, as recorded in Plat Book 2, pages 26-28, Public Records of Palm Beach County, Florida.

#### **PARCEL 5:**

That portion of Tracts 65, 66, 67, 94, 95, 96, 97, 98, 127 and 128, in Section 17, Township 46 South, Range 42 East, lying East of the Sunshine State Parkway and North of Delray Road West (S.R. 806), all being according to the Plat of Palm Beach Farms Co. Plat No. 1, as recorded in Plat Book 2, pages 26-28, Public Records of Palm Beach County, Florida.

#### **PARCEL 6:**

The West 680 66 feet of the Southwest 1/4 of Section 16, Township 46 South, Range 42 East, LESS AND EXCLUDING the West 45.00 feet thereof and also LESS AND EXCLUDING the North 65.00 feet thereof and also LESS AND EXCLUDING right of way for State Road 806 (Atlantic Avenue), Palm Beach County, Florida.

EXHIBIT B  
VICINITY SKETCH

