

RESOLUTION NO. R-2006- 0155

RESOLUTION APPROVING ZONING APPLICATION W2005-780
(CONTROL NO. 2005-289)
WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS) (W)
APPLICATION OF TOLL BROTHERS, INC.
BY LAND DESIGN SOUTH, INC., AGENT
(ABELL PROPERTY 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), as amended, have been satisfied; and

WHEREAS, Zoning Application W2005-780 was presented to the Board of County Commissioners at a public hearing conducted on January 26, 2006 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 W2005-780, the application of Toll Brothers, Inc., by Land Design South, Inc., agent, for a WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS (WAIVER) to allow deviation from cul-de-sac and/or 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 January 26, 2006.

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	-	Absent
Addie L. Greene, Vice Chairperson	-	Absent
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 January 26, 2006.

Filed with the Clerk of the Board of County Commissioners on 26th day of January, 2006.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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 A:

THAT PART OF THE NE 1/4 OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN NORTH LINE OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, SAID POINT BEING 666.295 FEET WEST OF THE NE CORNER OF SAID SEC 11, WHICH NE CORNER IS 2652.23 FEET WESTERLY FROM THE CENTER LINE OF MILITARY TRAIL; FROM SAID POINT OF BEGINNING CONTINUE WESTERLY A DISTANCE OF 666.295 FEET, THENCE SOUTHERLY, MAKING AN ANGLE OF 90 DEGREES 41 MINUTES 40 SECONDS WITH THE PRECEDING COURSE, MEASURED FROM EAST TO SOUTH, A DISTANCE OF 340.26 FEET; THENCE EASTERLY, MAKING AN ANGLE OF 89 DEGREES 13 MINUTES 46 SECONDS WITH THE PRECEDING COURSE MEASURED FROM NORTH TO EAST A DISTANCE OF 658.09 FEET; THENCE NORTHERLY, MAKING AN ANGLE OF 92 DEGREES 09 MINUTES 32 SECONDS WITH THE PRECEDING COURSE MEASURED FROM WEST TO NORTH A DISTANCE OF 339.76 FEET TO THE POINT OF BEGINNING: EXCEPTING THEREFROM THE NORTH 80 FEET OF CANAL R/W AND THE W 25 FEET AS ROAD R/W; AND EXCEPTING THAT PORTION TAKEN FOR WIDENING OF HYPOLUXO ROAD AS SET FORTH IN OFFICIAL RECORD BOOK 6798, PAGE 1051, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL F:

THE WEST HALF OF THE EAST HALF OF TRACT 12 OF "HYPOLUXO FARMS", ACCORDING TO THE UNRECORDED PLAT THEREOF, PREPARED BY E. ELLIOTT GROSS & ASSOC., REGISTERED ENGINEERS, WEST PALM BEACH, FLORIDA - JUNE 1954; BEING A SUBDIVISION OF THE NE QUARTER OF SECTION 11, TOWNSHIP 45 SOUTH OF RANGE 42 EAST; PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, SAID POINT BEING 1696.29 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SECTION 11, WHICH NORTHEAST CORNER IS 2652.23 FEET WESTERLY FROM THE CENTERLINE OF MILITARY TRAIL; THENCE WESTERLY, AT AN ANGLE OF 93 DEGREES 51' 07" WITH THE SAID EAST LINE OF SECTION 11, MEASURED FROM NORTH TO WEST, A DISTANCE OF 312.65 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE HEREIN CONVEYED; FROM THIS POINT OF BEGINNING, THENCE NORTHERLY, AT AN ANGLE OF 86 DEGREES 50' 32" WITH THE PRECEDING COURSE MEASURED FROM EAST TO NORTH, A DISTANCE OF 339.51 FEET; THENCE WESTERLY, AT AN ANGLE OF 86 DEGREES 55' 06" WITH THE PRECEDING COURSE, MEASURED FROM SOUTH TO WEST, A DISTANCE OF 316.74 FEET; THENCE SOUTHERLY, AT AN ANGLE OF 92 DEGREES 23' 15" WITH THE PRECEDING COURSE, MEASURED FROM EAST TO SOUTH, A DISTANCE OF 339.76 FEET; THENCE EASTERLY, AT AN ANGLE OF 87 DEGREES 32' 10" WITH THE PRECEDING COURSE, MEASURED FROM NORTH TO EAST, A DISTANCE OF 312.64 FEET TO THE POINT OF BEGINNING, EXCEPT THE SOUTH 20 FEET THEREOF FOR ROAD RIGHT-OF-WAY.

SUBJECT TO ANY AND ALL RESERVATIONS OF RECORD. ALL DRIVEWAYS TO BE BUILT OVER CULVERTS OR IN A MANNER TO PERMIT PROPER DRAINAGE OF ROADS.

TOGETHER WITH:

PARCEL B:

THE WEST HALF OF TRACT 15 OF HYPOLUXO FARMS, ACCORDING TO THE UNRECORDED PLAT THEREOF PREPARED BY E. ELLIOTT GROSS & ASSOCIATES, REGISTERED ENGINEERS, WEST PALM BEACH, FLORIDA, JUNE 1954, BEING A SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 45 SOUTH OF RANGE 42 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE EAST LINE OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, SAID POINT BEING 678.52 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SECTION 11, WHICH NORTHEAST CORNER IS 2652.23 FT. WESTERLY FROM THE CENTER LINE OF MILITARY TRAIL; THENCE WESTERLY MAKING AN ANGLE OF 93 DEGREES 37' 24" WITH THE PRECEDING COURSE MEASURED FROM NORTH TO WEST, A DISTANCE OF 649.89 FT. TO THE POINT OF BEGINNING OF THE TRACT TO BE HEREIN DESCRIBED; FROM SAID POINT OF BEGINNING CONTINUE WESTERLY A DISTANCE OF 649.89 FT; THENCE NORTHERLY, MAKING AN ANGLE 89 DEGREES 09' 12" WITH THE PRECEDING COURSE, MEASURED FROM EAST TO NORTH, A DISTANCE OF 340.26 FEET; THENCE EASTERLY MAKING AN ANGLE WITH THE PRECEDING COURSE OF 90 DEGREES 46' 14" MEASURED FROM SOUTH TO EAST, A DISTANCE OF 658.09 FEET; THENCE SOUTHERLY MAKING AN ANGLE OF 87 DEGREES 50' 28" WITH THE PRECEDING COURSE, MEASURED FROM WEST TO SOUTH, A DISTANCE OF 339.76 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE WEST 25 FEET AS ROAD RIGHT-OF-WAY.

TOGETHER WITH:

PARCEL C:

THE EAST HALF OF TRACTS 15 AND 16 OF HYPOLUXO FARMS, ACCORDING TO THE UNRECORDED PLAT THEREOF PREPARED BY E. ELLIOTT GROSS & ASSOCIATES, ENGINEERS, WEST PALM BEACH, FLORIDA, JUNE 1954, BEING A SUBDIVISION OF THE NE QUARTER OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, WHICH NORTHEAST CORNER IS 2,652.23 FEET WESTERLY FROM THE CENTERLINE OF MILITARY TRAIL: THENCE SOUTHERLY ALONG THE EAST LINE OF SECTION 11, A DISTANCE OF 678.52 FEET; THENCE WESTERLY MAKING AN ANGLE OF 93 DEG. 37' 24" WITH THE PRECEDING COURSE, MEASURED FROM NORTH TO WEST, A DISTANCE OF 649.89 FEET; THENCE NORTHERLY MAKING AN ANGLE OF 87 DEG, 45' 54", MEASURED FROM EAST TO NORTH, A DISTANCE OF 679.52 FEET TO A POINT IN THE NORTH LINE OF SAID SECTION 11 THENCE; EASTERLY ALONG THE NORTH LINE OF SAID SECTION 11 A DISTANCE OF 666.295 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM, THE NORTH 56 FEET AS CANAL RIGHT-OF-WAY.

TOGETHER WITH:

PARCEL D:

TRACT 13, HYPOLUXO FARMS, ACCORDING TO THE UNRECORDED PLAT THEREOF PREPARED BY E. ELLIOTT GROSS & ASSOCIATES, REGISTERED ENGINEERS, WEST PALM BEACH FLORIDA, JUNE, 1954, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, SAID POINT BEING 1017.78 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SECTION 11, WHICH NORTHEAST CORNER IS 2652.23 FEET WESTERLY FROM THE CENTERLINE OF MILITARY TRAIL; THENCE CONTINUE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 11, A DISTANCE OF 339.26 FEET; THENCE WESTERLY MAKING AN ANGLE OF 93 DEG. 46' 33" WITH THE PRECEDING COURSE, MEASURED FROM NORTH TO WEST, A DISTANCE OF 1266.98 FEET; THENCE NORTHERLY MAKING AN ANGLE OF 89 DEG. 00' 03" WITH THE PRECEDING COURSE MEASURED FROM EAST TO NORTH, A DISTANCE OF 340.26 FEET; THENCE EASTERLY MAKING AN ANGLE OF 90 DEG. 55' 22" WITH THE PRECEDING COURSE, MEASURED FROM SOUTH TO EAST, A DISTANCE OF 1283.38 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE WEST 25 FEET AS ROAD RIGHT-OF-WAY.

TOGETHER WITH:

PARCEL E:

BEGINNING AT A POINT IN THE EAST LINE OF SECTION 11, TOWNSHIP 45 SOUTH OF RANGE 42 EAST, SAID POINT BEING 678.52 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SECTION 11, WHICH NORTHEAST CORNER IS 2,652.23 FEET WESTERLY FROM THE CENTERLINE OF MILITARY TRAIL; THENCE CONTINUE SOUTHERLY ALONG THE EAST LINE OF SECTION 11, A DISTANCE OF 339.26 FEET; THENCE WESTERLY MAKING AN ANGLE OF 90 DEG 41' 58" WITH THE PRECEDING COURSE MEASURED FROM NORTH TO WEST A DISTANCE OF 1,283.38 FEET; THENCE NORTHERLY MAKING AN ANGLE OF 89 DEG. 04' 38" WITH THE PRECEDING COURSE, MEASURED FROM EAST TO NORTH, A DISTANCE OF 340.26 FEET, THENCE EASTERLY MAKING AN ANGLE OF 90 DEG. 50' 48" WITH THE PRECEDING COURSE, MEASURED FROM SOUTH TO EAST, A DISTANCE OF 1,299.78 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE WEST 25 FEET AS ROAD RIGHT-OF-WAY.

TOGETHER WITH:

PARCEL G:

A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTH ¼ CORNER OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, WHICH CORNER IS 8.65 FEET MORE OR LESS EAST OF THE PRESENT CENTER LINE OF MILITARY TRAIL; THENCE GO WESTERLY ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 2652.23 FEET; THENCE SOUTHERLY FORMING AN ANGLE OF 93%%D 47' 25" MEASURED FROM EAST TO SOUTH A DISTANCE OF 1696.30 FEET; THENCE WESTERLY FORMING AN ANGLE OF 93%%D 51' 07" MEASURED FROM NORTH TO WEST, A DISTANCE OF 625.29 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN TO BE DESCRIBED; THENCE CONTINUE WESTERLY FROM THE POINT OF BEGINNING A DISTANCE OF 625.29 FEET; THENCE NORTHERLY FORMING AN ANGLE 88%%D 55' 28" MEASURED FROM EAST TO NORTH, A DISTANCE OF 340.26 FEET; THENCE EASTERLY FORMING AN ANGLE OF 90%%D 59' 57" MEASURED FROM SOUTH TO EAST, A DISTANCE OF 633.49 FEET; THENCE SOUTHERLY

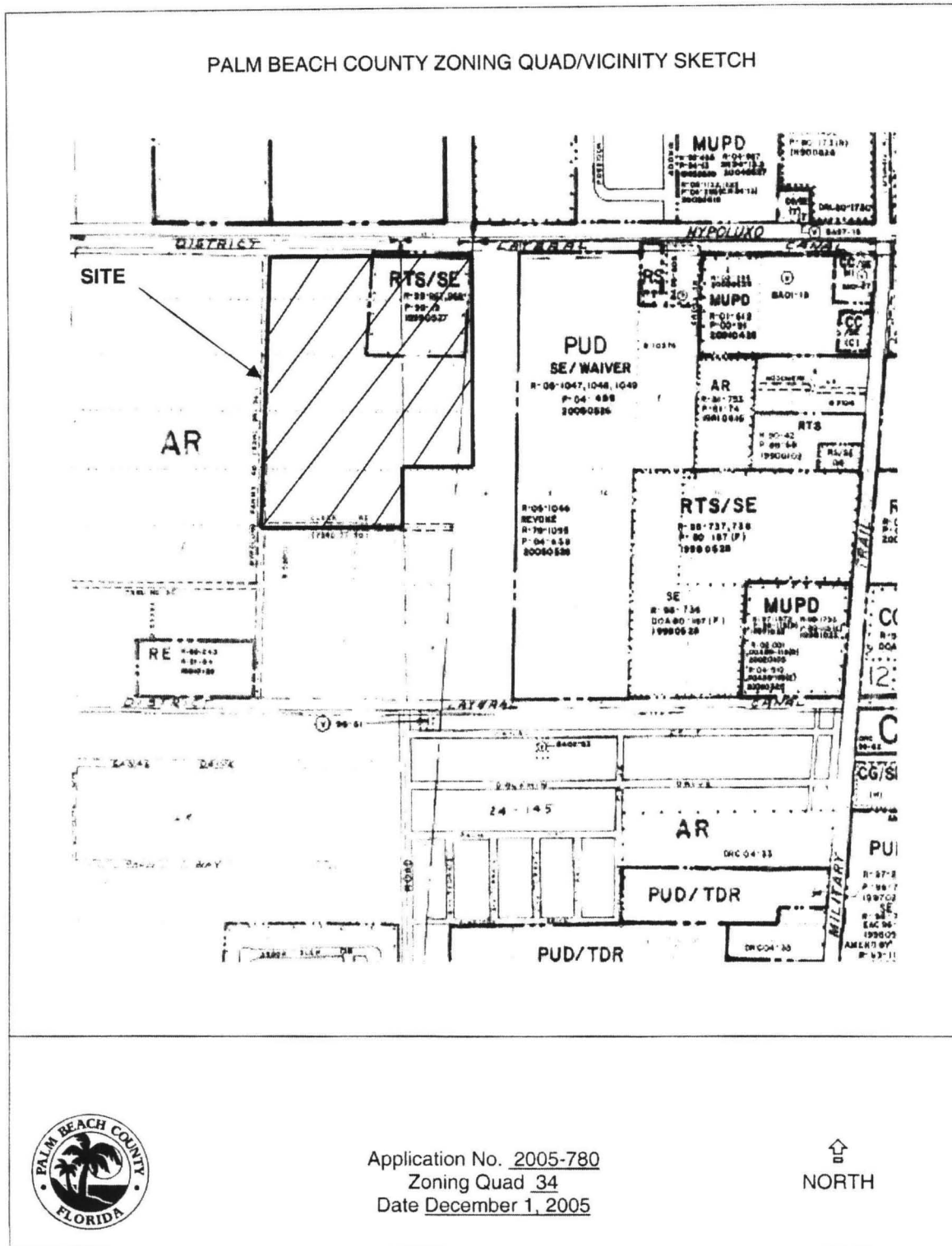
FORMING AN ANGLE OF 87° 36' 45" MEASURED FROM NORTH TO SOUTH A DISTANCE OF 339.76 FEET TO THE POINT OF BEGINNING.

(EXCEPTING THEREFROM THE WEST 25 FEET AND THE SOUTH 20 FEET FOR ROAD RIGHT-OF-WAY AS IN DEED BOOK 1057, PAGE 225, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA).

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 1,935,198 SQUARE FEET OR 44.426 ACRES, MORE OR LESS.
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B

VICINITY SKETCH



Application No. 2005-780
Zoning Quad 34
Date December 1, 2005

