

RESOLUTION NO. R-2006-1194

RESOLUTION APPROVING ZONING APPLICATION R2005-1333  
(CONTROL NO. 2005-456)  
REQUESTED USE  
APPLICATION OF D R HORTON HOMES  
BY JULIAN BRYAN & ASSOCIATES, AGENT  
(EASTWOOD 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 Board of County Commissioners, pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), as amended, is authorized and empowered to consider, approve, approve with conditions or deny Requested Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application R2005-1333 was presented to the Board of County Commissioners at a public hearing conducted on June 22, 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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Requested Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Requested Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Requested Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Requested Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Requested Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Requested Use meets applicable local land development regulations.

7. This Requested Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Requested Use has a concurrency determination and complies with Article 2.F, Concurrency of the ULDC.
9. This Requested Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Requested Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 2 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 R2005-1333, the application of D R Horton Homes, by Julian Bryan & Associates, agent, for a Requested Use to allow workforce housing 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 shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on June 22, 2006, subject to the conditions of approval described in EXHIBIT C of PDD2005-1333.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

|                                   |   |        |
|-----------------------------------|---|--------|
| Tony Masilotti, Chairman          | - | Absent |
| Addie L. Greene, Vice Chairperson | - | Aye    |
| Karen T. Marcus                   | - | Aye    |
| Jeff Koons                        | - | Aye    |
| Warren H. Newell                  | - | Aye    |
| Mary McCarty                      | - | Aye    |
| Burt Aaronson                     | - |        |

The Chairman thereupon declared that the resolution was duly passed and adopted on June 22, 2006.

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

BY:   
COUNTY ATTORNEY

SHARON R. BOCK  
CLERK & COMPTROLLER

BY:   
DEPUTY CLERK

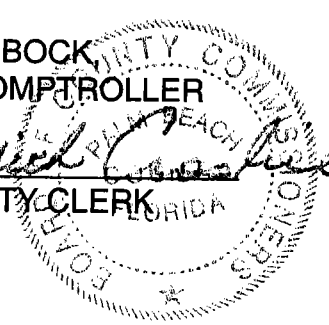


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1

TRACT 7 OF BLOCK 4, LESS THE THEREFROM AND EXCEPTING THAT PART LYING EAST OF THE WEST RIGHT-OF-WAY FOR JOG ROAD DESCRIBED AND ESTABLISHED BY AND IN OFFICIAL RECORD BOOK 6678, PAGE 1382, OFFICIAL RECORD BOOK 12001, PAGE 46 AND JOG ROAD OVERPASS AS DESCRIBED IN PALM BEACH COUNTY RESOLUTION R-91-628 AND FURTHER LESS AND EXCEPTING LANDS LYING NORTH OF THE SOUTH LINE OF THE STATE OF FLORIDA TURNPIKE RIGHT-OF-WAY BY ORDER OF TAKING, DESCRIBED IN OFFICIAL RECORD BOOK 18023, PAGE 530 AND MCC BOOK 68, PAGE 196, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT 8 OF BLOCK 4, LESS THEREFROM AND EXCEPTING LANDS LYING NORTHWEST OF THE SOUTHEAST LINE OF THE STATE OF FLORIDA TURNPIKE RIGHT-OF-WAY, ORDER OF TAKING, DESCRIBED IN OFFICIAL RECORD BOOK 18023, PAGE 530 AND MCC BOOK 68, PAGE 196, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT 9 OF BLOCK 4 LESS THEREFROM AND EXCEPTING LANDS LYING NORTHWEST OF THE SOUTHEAST LINE OF THE STATE OF FLORIDA TURNPIKE RIGHT-OF-WAY, ORDER OF TAKING, DESCRIBED IN OFFICIAL RECORD BOOK 18023, PAGE 530 AND MCC BOOK 68, PAGE 196, AND FURTHER LESS AND EXCEPTING THE FLORIDA GAS TRANSMISSION COMPANY BY ORDER OF TAKING DESCRIBED IN OFFICIAL RECORD BOOK 8124, PAGE 1739, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALL OF TRACTS 11 AND 14 OF PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT 12 AND 13 OF BLOCK 4 LESS THEREFROM AND EXCEPTING THAT PART LYING EAST OF THE WEST RIGHT-OF-WAY FOR JOG ROAD DESCRIBED AND ESTABLISHED BY AND IN OFFICIAL RECORD BOOK 6678, PAGE 1382, OFFICIAL RECORD BOOK 12001, PAGE 46 AND JOG ROAD OVERPASS AS DESCRIBED IN PALM BEACH COUNTY RESOLUTION R-91-628, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT 15 OF BLOCK 4 LESS THEREFROM AND EXCEPTING THE STATE OF FLORIDA TURNPIKE RIGHT-OF-WAY, ORDER OF TAKING, DESCRIBED IN MCC BOOK 68, PAGE 196 AND FURTHER LESS AND EXCEPTING THE FLORIDA GAS TRANSMISSION COMPANY BY ORDER OF TAKING DESCRIBED IN OFFICIAL RECORD BOOK 8124, PAGE 1739 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT 18 OF BLOCK 4 LESS THEREFROM THAT PART LYING SOUTH OF THE NORTH RIGHT-OF-WAY FOR BELVEDERE ROAD DESCRIBED AND ESTABLISHED BY ORDER OF TAKING RECORDED IN OFFICIAL BOOK 6995, PAGE 1218, AND IN OFFICIAL BOOK 6678, PAGE 1377, DEED BOOK 1072, PAGE 267, DEED BOOK 693, PAGE 174, OFFICIAL RECORD BOOK 12001, PAGE 45 AND FURTHER LESS AND EXCEPTING THE FLORIDA GAS TRANSMISSION COMPANY BY ORDER OF TAKING DESCRIBED IN OFFICIAL RECORD BOOK 8124, PAGE 1739 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT 19 OF BLOCK 4 LESS THEREFROM THAT PART LYING SOUTH OF THE NORTH RIGHT-OF-WAY FOR BELVEDERE ROAD DESCRIBED AND ESTABLISHED BY AND IN OFFICIAL BOOK 6678, PAGE 1377, DEED BOOK 1072, PAGE 267, DEED BOOK 693, PAGE 174, OFFICIAL RECORD BOOK 12001, PAGE 45, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT 20 OF BLOCK 4 LESS THEREFROM THAT PART LYING SOUTH OF THE NORTH RIGHT-OF-WAY FOR BELVEDERE ROAD DESCRIBED AND ESTABLISHED BY AND IN OFFICIAL BOOK 6678, PAGE 1377, DEED BOOK 1072, PAGE 267, DEED BOOK 693, PAGE 174, OFFICIAL RECORD BOOK 12001, PAGE 45, AND FURTHER LESS THEREFROM THAT PART LYING EAST OF THE WEST RIGHT-OF-WAY FOR JOG ROAD DESCRIBED AND ESTABLISHED BY AND IN OFFICIAL RECORD BOOK 6678, PAGE 1382, OFFICIAL RECORD BOOK 12001, PAGE 46, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2

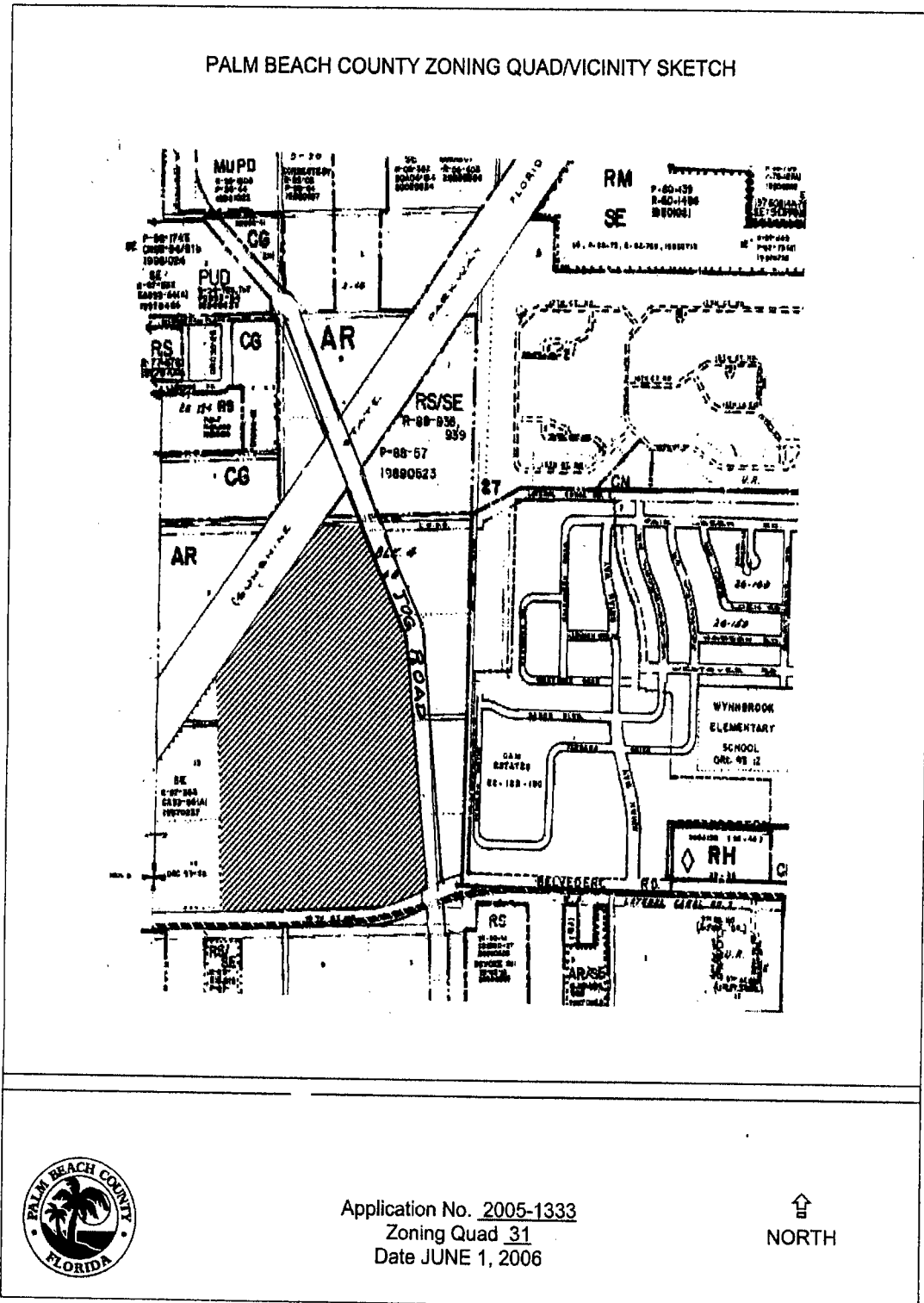
THE 30 FOOT PLATTED ROAD RIGHT-OF-WAYS AS FOLLOWS: COMMENCING WITH THE EAST BOUNDARY OF SUNSHINE STATE PARKWAY (FLORIDA'S TURNPIKE) RIGHT-OF-WAY RUNNING SOUTHERLY BETWEEN AND ADJACENT TO TRACTS 8 AND 11 AND TRACT 9, TRACTS 14 AND 15 AND TRACTS 18 AND 19 TO THE NORTH BOUNDARY OF BELVEDERE ROAD; AND COMMENCING WITH THE EAST BOUNDARY OF SUNSHINE STATE PARKWAY (FLORIDA'S TURNPIKE) RIGHT-OF-WAY RUNNING EASTERLY BETWEEN AND ADJACENT TO TRACT 9 AND TRACT 15, TRACT 11 AND TRACT 14, AND TRACTS 12 AND 13 TO THE WEST BOUNDARY OF JOG ROAD; AND COMMENCING AT THE NORTHWEST BOUNDARY OF SUNSHINE STATE PARKWAY (FLORIDA'S TURNPIKE) RIGHT-OF-WAY RUNNING WESTERLY AND ADJACENT TO TRACTS 9 AND 15, ALL OF BLOCK 4, RECORDED IN PALM BEACH FARMS COMPANY PLAT NO 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THOSE LANDS LYING WEST OF THE EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8124, PAGE 1739 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THE AFORESAID PARCELS OF LAND ARE LYING AND SITUATE IN PALM BEACH FARMS COMPANY PLAT NO 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS CONTAIN 67.157 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



RESOLUTION NO. R-2006-1195

RESOLUTION APPROVING ZONING APPLICATION W2005-1333  
(CONTROL NO. 2005-456)  
WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS) (W)  
APPLICATION OF D R HORTON HOMES  
BY JULIAN BRYAN & ASSOCIATES, AGENT  
(EASTWOOD 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 W2005-1333 was presented to the Board of County Commissioners at a public hearing conducted on June 22, 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 W2005-1333, the application of D R Horton Homes, by Julian Bryan & Associates, 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 June 22, 2006.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

|                                   |   |        |
|-----------------------------------|---|--------|
| Tony Masilotti, Chairman          | - | Absent |
| 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 June 22, 2006.

Filed with the Clerk of the Board of County Commissioners on 22nd day of June, 2006

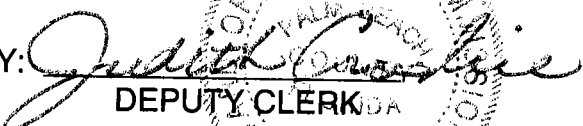
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APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

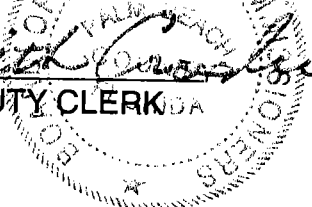


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PARCEL 2

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