

RESOLUTION NO. R-2006-1549

RESOLUTION APPROVING ZONING APPLICATION W2006-024  
(CONTROL NO. 2005-422)

WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS) (W)  
APPLICATION OF FRANK BUTTERWORTH, G. CARDEN, HIDDEN CREEK SOUTH  
LLC, MARTIN ESTRADA, PAUL OLIVER, POLO FLORIDA, RONALD MASTROIANNI,  
THOMAS BIDDLE, TLH BOS CORP., TLHC 2 INC.  
BY KILDAY & ASSOCIATES, INC., AGENT  
(ALLIE POLO ESTATES 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 W2006-024 was presented to the Board of County Commissioners at a public hearing conducted on August 23, 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 W2006-024, the application of Frank Butterworth, G. Carden, Hidden Creek South LLC, Martin Estrada, Paul Oliver, Polo Florida, Ronald Mastroianni, Thomas Biddle, Tlh Bos Corp., Tlhc 2 Inc., by Kilday & Associates, Inc., agent, for a WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS (WAIVER) to allow deviation from cul-de-sac 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 August 23, 2006.

Commissioner Greene 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	-	Nay
Addie L. Greene, Vice Chairperson	-	Aye
Karen T. Marcus	-	Absent
Jeff Koons	-	Absent
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye

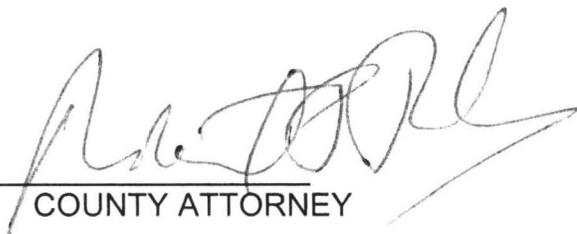
The Chairman thereupon declared that the resolution was duly passed and adopted on August 23, 2006.

Filed with the Clerk of the Board of County Commissioners on 23rd day of August, 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 BOCK,  
CLERK & COMPTROLLER

BY:   
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 2, BLOCK 28, LESS THE NORTH 56.10 FEET PER CHANCERY CASE NO. 407 TO LAKE WORTH DRAINAGE DISTRICT, RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 1957, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACT 4, BLOCK 28, LESS THE NORTH 56.10 FEET PER CHANCERY CASE NO. 407 TO LAKE WORTH DRAINAGE DISTRICT, RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 1957, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE EAST 40 FEET OF TRACT 5, BLOCK 28, LESS THE NORTH 56.10 FEET PER CHANCERY CASE NO. 407 TO LAKE WORTH DRAINAGE DISTRICT, RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 1957, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACT 13, LESS THE WEST 100 FEET OF THE NORTH 50 FEET THEREOF; TRACT 14, LESS THE SOUTH 130 FEET THEREOF; TRACTS 20, 29, 35, 36, 45 AND 46, ALL IN BLOCK 28.

TOGETHER WITH:

THE SOUTH 343.00 FEET OF TRACT 17, LESS RIGHT-OF-WAY FOR FLORIDA'S TURNPIKE, AND THE SOUTH 343.00 FEET OF TRACT 18, LESS THE NORTH 32.40 FEET OF THE WEST 213.86 FEET THEREOF; AND THE NORTH ONE-HALF (N 1/2) OF TRACTS 31 AND 32, LESS THE RIGHT-OF-WAY FOR FLORIDA'S TURNPIKE, ALL IN BLOCK 28.

TOGETHER WITH:

TRACTS 15 AND 16, LESS THE RIGHT-OF-WAY FOR FLORIDA'S TURNPIKE, ALL IN BLOCK 28.

TOGETHER WITH:

TRACT 17, LESS RIGHT-OF-WAY FOR FLORIDA'S TURNPIKE, AND ALSO LESS THE SOUTH 343.00 FEET THEREOF; AND TRACT 18, LESS THE SOUTH 343.00 FEET THEREOF, ALL IN BLOCK 28.

AND THE NORTH 32.40 FEET OF THE SOUTH 343.00 FEET OF THE WEST 213.86 FEET OF TRACT 18, BLOCK 28.

TOGETHER WITH:

THE SOUTH 130 FEET OF TRACT 14, BLOCK 28; ALSO TRACT 19, BLOCK 28, LESS THE FOLLOWING:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 19; THENCE NORTH ALONG THE WEST LINE OF SAID TRACT 19 FOR A DISTANCE OF 79.93 FEET;

THENCE NORTH 89°58'58" EAST FOR A DISTANCE OF 659.79 FEET TO THE EAST LINE OF SAID TRACT 19; THENCE SOUTH 00°00'28" WEST ALONG THE EAST LINE OF SAID TRACT 19 FOR A DISTANCE OF 80.17 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 19; THENCE SOUTH 89°59'49" WEST ALONG THE SOUTH LINE OF SAID TRACT 19 FOR A DISTANCE OF 659.78 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 19 AND THE POINT OF BEGINNING.

TOGETHER WITH:

TRACT 43 AND THE SOUTH 329.91 FEET OF TRACT 38, LESS THAT PORTION OF TRACT 38 CONVEYED IN OFFICIAL RECORD BOOK 8960, PAGE 167, ALL IN BLOCK 28, OF PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE SOUTH ONE QUARTER (S 1/4) OF THE FOLLOWING DESCRIBED PARCEL:

TRACT 44 AND THE SOUTH 461.95 FEET OF TRACT 37, ALL IN BLOCK 28.

TOGETHER WITH:

THE SOUTH 330 FEET OF TRACT 39, BLOCK 28.

TOGETHER WITH:

TRACTS 42 AND 41, LESS THE WEST 70 FEET OF TRACT 41, BLOCK 28.

TOGETHER WITH:

TRACT 30, BLOCK 28, AND THE FOLLOWING PORTION OF TRACT 19, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, AT PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TO WIT:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 19; THENCE NORTH ALONG THE WEST LINE OF SAID TRACT 19 FOR A DISTANCE OF 79.93 FEET; THENCE NORTH 89°58'58" EAST FOR A DISTANCE OF 659.79 FEET TO THE EAST LINE OF SAID TRACT 19; THENCE SOUTH 00°00'28" WEST ALONG THE EAST LINE OF SAID TRACT 19 FOR A DISTANCE OF 80.17 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 19; THENCE SOUTH 89°59'49" WEST ALONG THE SOUTH LINE OF SAID TRACT 19 FOR A DISTANCE OF 659.78 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 19 AND THE POINT OF BEGINNING.

TOGETHER WITH:

THAT PORTION OF THE 30 FOOT PALM BEACH FARMS COMPANY PLAT NO. 3 (PLAT BOOK 2, PAGES 45-54) RIGHT-OF-WAY LYING EAST OF AND CONTIGUOUS WITH THE EAST LINE OF THE FOLLOWING DESCRIBED PARCEL OF LAND, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH ONE QUARTER (S 1/4) OF THE FOLLOWING DESCRIBED PARCEL:

TRACT 44 AND THE SOUTH 461.95 FEET OF TRACT 37, ALL IN BLOCK 28.

TOGETHER WITH:

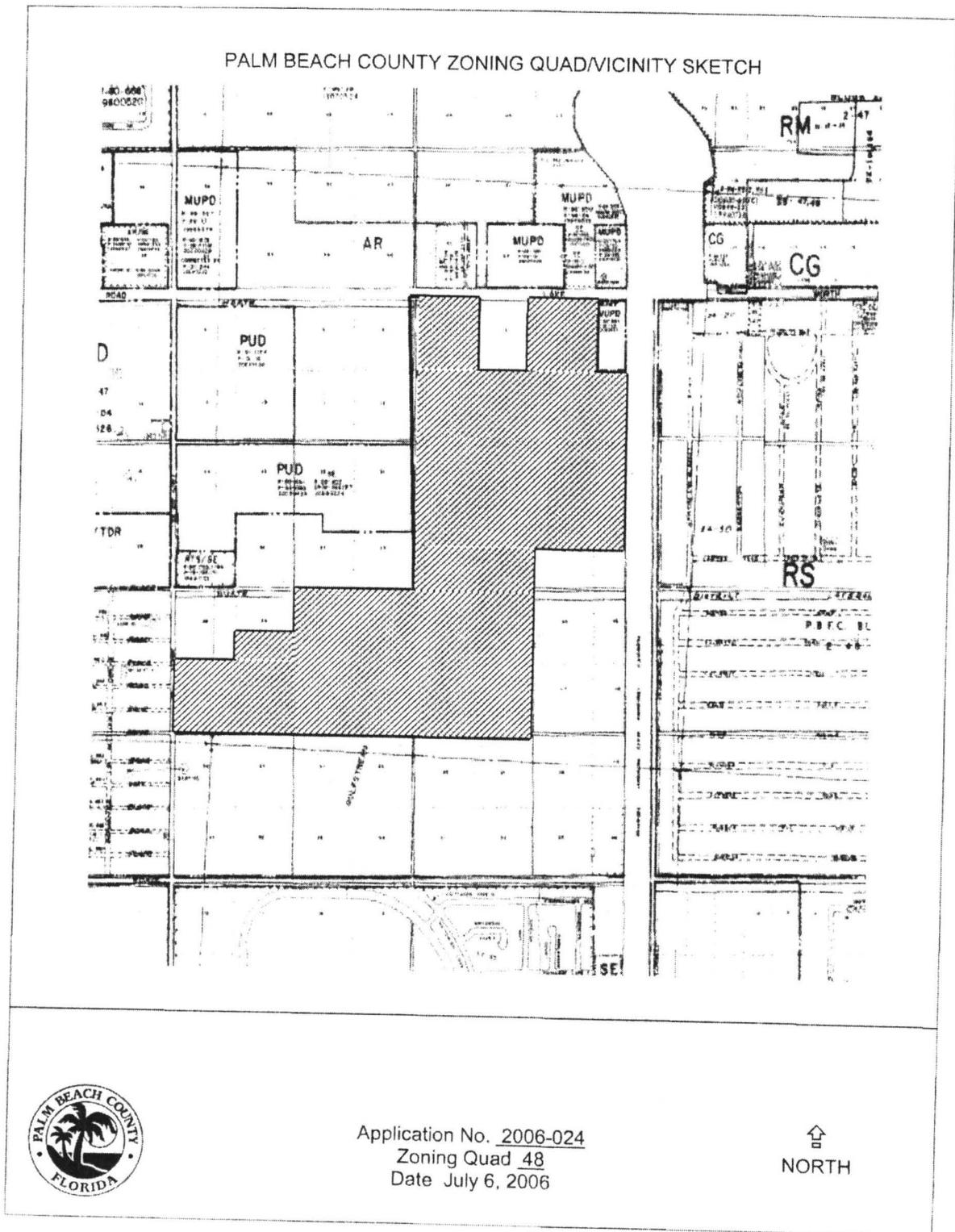
THAT PORTION OF THE 30 FOOT PALM BEACH FARMS COMPANY PLAT NO. 3 (PLAT BOOK 2, PAGES 45-54) RIGHT-OF-WAY LYING BETWEEN TRACTS 29-30 AND 35-36, BLOCK 28.

TOGETHER WITH:

THAT PORTION OF THE 30 FOOT PALM BEACH FARMS COMPANY PLAT NO. 3 (PLAT BOOK 2, PAGES 45-54) RIGHT-OF-WAY LYING BETWEEN TRACTS 13, 14, 15, 16, AND TRACTS 17, 18, 19, 20, BLOCK 28, LESS THE RIGHT-OF-WAY FOR FLORIDA'S TURNPIKE.

CONTAINING 201.968 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



Application No. 2006-024  
Zoning Quad 48  
Date July 6, 2006

