

RESOLUTION NO. R-2006- 2555

RESOLUTION APPROVING ZONING APPLICATION W2006-1175
(CONTROL NO. 2005-008)
WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS) (W)
APPLICATION OF BOYNTON BEACH ASSOCIATES XXI, LLLP
SCHOOL BOARD OF PALM BEACH COUNTY
BY KILDAY & ASSOCIATES, INC., AGENT
(MINI-ASSEMBLAGE 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, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider applications 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 W2006-1175 was presented to the Board of County Commissioners at a public hearing conducted on November 27, 2006 and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant 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 BCC) 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 W2006-1175, the application of Boynton Beach Associates XXI, LLLP, School Board of Palm Beach County, by Kilday & Associates, Inc., agent, for a WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS) (WAIVER) to allow deviation from the cul-de-sac or dead-end restrictions in the Planned Unit Development 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 27, 2006.

Commissioner Koons 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:

Addie L. Greene, Chairperson	- Aye
John F. Koons, Vice Chair	- Aye
Karen T. Marcus	- Aye
Warren H. Newell	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye
Jess Santamaria	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on November 27, 2006.

Filed with the Clerk of the Board of County Commissioners on 8th day of December, 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

ALL OF TRACTS 73 THROUGH TRACT 76, INCLUSIVE, TRACTS 85 THROUGH 88, INCLUSIVE, TRACTS 105 THROUGH 120, AND THE SOUTH 15.00 FEET OF THAT PORTION OF ROAD, DYKE AND DITCH RESERVATION, 30.00 FEET IN WIDTH, LYING NORTH OF AND ADJACENT TO SAID TRACTS 109 THROUGH 112 BOUNDED ON THE WEST BY THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID TRACT 112 AND ON THE EAST BY THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID TRACT 109, AND THAT PORTION OF ROAD, DYKE AND DITCH RESERVATION, 30.00 FEET IN WIDTH, LYING BETWEEN SAID TRACTS 105 THROUGH 108 AND SAID TRACTS 85 THROUGH 88, ALL LYING WITHIN BLOCK 55, PALM BEACH FARMS CO. PLAT NO. 3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

LESS THE NORTH 48 FEET OF SAID TRACTS 75 AND 76, AND LESS THE NORTH 48 FEET OF SAID TRACT 74 LESS THE EAST 52.00 FEET THEREOF.

LESS THE NORTH 47.52 FEET OF SAID TRACT 73 AND LESS THE NORTH 47.52 FEET OF THE EAST 52.00 FEET OF SAID TRACT 74 AS DESCRIBED IN OFFICIAL RECORDS BOOK 6495, PAGE 761.

LESS THE EAST 25 FEET OF SAID TRACTS 73, 88, 105, 120 AND SAID ROAD, DYKE AND DITCH RESERVATION, 30.00 FEET IN WIDTH, LYING BETWEEN SAID TRACTS 105 THROUGH 108 AND SAID TRACTS 85 THROUGH 88 AS DESCRIBED IN DEED BOOK 1135, PAGE 92 AND DEED BOOK 1129, PAGE 412, SAID PUBLIC RECORDS.

LESS PARCEL 122, BEING THAT PORTION OF HAGEN RANCH ROAD RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 12744, PAGE 1840 SAID PUBLIC RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN SECTION 28, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT 120, BLOCK 55, PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 120; THENCE ALONG THE SOUTH LINE OF SAID TRACT 120, SOUTH 89°36'54" WEST FOR 25.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD AS RECORDED IN DEED BOOK 1129, PAGE 412 OF SAID PUBLIC RECORDS, AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH LINE, SOUTH 89°36'54" WEST FOR 6.92 FEET; THENCE NORTH 00°30'03" WEST FOR 33.82 FEET; THENCE NORTH 02°05'02" EAST 162.21 FEET TO SAID WEST RIGHT-OF-WAY LINE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 00 °23 '06" EAST FOR 195.88 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

BEING ALL OF TRACTS 49 THROUGH 56, BLOCK 55, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS

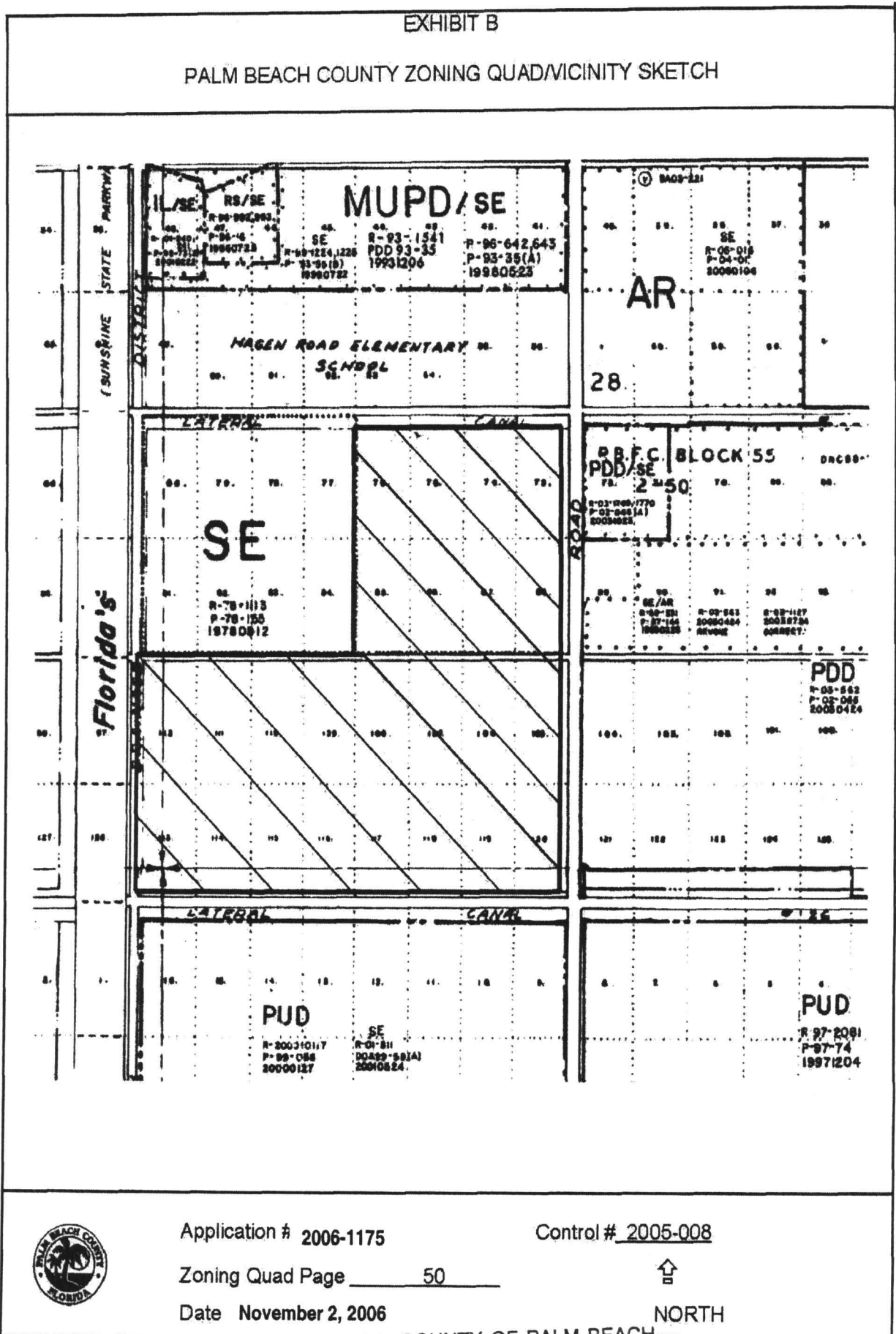
THE EAST 25 FEET OF SAID TRACT 56 FOR PUBLIC ROAD RIGHT-OF-WAY.

LESS

THE WEST 15 FEET OF SAID TRACT 49 AS DESCRIBED IN DEED BOOK 113,
PAGE 171, SAID PUBLIC RECORDS.

CONTAINING 157.878 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



Application # **2006-1175** Control # **2005-008**
 Zoning Quad Page **50**
 Date **November 2, 2006** NORTH

STATE OF FLORIDA, COUNTY OF PALM BEACH
 I, SHARON R. BOCK, Clerk & Comptroller
 this to be a true and correct copy of the original
 filed in my office on **NOV 27 2006**
 dated at West Palm Beach, Fla. on **12-18-2006**

By: *Sharon R. Bock*
 Deputy Clerk

