

RESOLUTION NO. R-98- 1129

RESOLUTION APPROVING ZONING PETITION PDD97-109
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT(PDD)
PETITION OF CONTINENTAL HOMES OF FLORIDA
BY JULIAN BRYAN, AGENT
(BRYNTESON NURSERY 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 hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD97-109 was presented to the Board of County Commissioners at a public hearing conducted on July 23, 1998; 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 made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

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WHEREAS, Article 5, Section 5.3.D.9 (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 Petition PDD97-109, the petition of Continental Homes of Florida by Julian Bryan, agent, for an Official Zoning Map Amendment (PDD) Rezoning AR to PUD 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 July 23, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	Aye
Karen T. Marcus	--	Absent
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

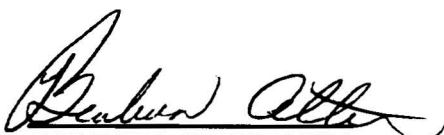
The Chair thereupon declared that the resolution was duly passed and adopted on July 23, 1998.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

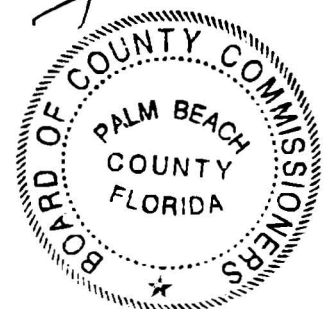
DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



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EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

(Parcel - A)

A part of Lot 2, Tract 37, as same are shown by Government Plat of the Hiatus between Townships 44 and 45 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

COMMENCING at the Southwest corner of Section 36, Township 44 South, Range 42 East; thence, run S.38°05'29"E., a distance of 52.21 feet, more or less, to a point in the Southerly right-of-way line of State Road S-812; said point also being the POINT OF BEGINNING of the herein described parcel of land; thence continuing S.38°05'29"E., a distance of 756.84 feet, more or less, to the Northwest corner of Section 1, Township 45 South, Range 42 East; thence N.89°50'42"E., along the North line of said Section 1, a distance of 894.95 feet; thence N.01°54'04"E., a distance of 547.73 feet, more or less, to a point in the Southerly right-of-way line of said State Road S-812; thence N.88°05'56"W. and along said Southerly right-of-way line, a distance of 1380.79 feet, more or less to the POINT OF BEGINNING.

TOGETHER WITH: Westerly 5 acre parcel (Parcel - B)

A parcel of land being a part of Lot 2, Tract 37, as shown on the Government Plat of the Hiatus between Townships 44 and 45 South, Range 42 East, Palm Beach County, Florida, said parcel being specifically described as follows:

From the Southwest corner of Section 36, Township 44 South, Range 42 East, run (bearings cited herein are in a meridian assuming S.88°05'56"E. along the South line of said Southwest one-quarter (SW ¼) of said Section 36) S.88°05'56"E. along the said South line of the Southwest one-quarter (SW ¼) of Section 36 and along the centerline of the 80 foot wide right-of-way of Lantana Road (S.R. No.812) a distance of 1414.35 feet; thence S.01°54'05"W., a distance of 40.00 feet to the Southerly right-of-way line of said Lantana Road and the POINT OF BEGINNING of the herein described parcel; and from said POINT OF BEGINNING run, by the following numbered courses:

1. S.88°05'56"E., along the said Southerly right-of-way line, a distance of 402.96 feet; thence
2. S.01°54'04"W., a distance of 533.26 feet, more or less, to a point in the North line of the Northwest one-quarter (NW ¼) of Section 1, Township 45 South, Range 42 East; thence
3. S.89°50'42"W., along said North line of the Northwest one-quarter (NW ¼) of Section 1, a distance of 403.22 feet; thence
4. N.01°54'04"E., a distance of 547.73 feet, more or less to the POINT OF BEGINNING.

SUBJECT TO an easement over the South 55 feet thereof for Lake Worth Drainage District Lateral No.16.

TOGETHER WITH: Parcel 1 (Parcel in Hiatus Tract 38):

Being a parcel of land in Government Lot 1, Hiatus Tract 38, Township 44 ½ South, Range 42 East, Palm Beach County, Florida, said parcel lying South of the expanded intersection right-of-way for Lantana Road (S.R. 812) and East of the expanded intersection right-of-way for Haverhill Road as shown on the Haverhill Road Alignment Reservation Map as recorded in Road Plat Book 7, Page 44, Public Records of Palm Beach County, Florida, said parcel being more particularly described as follows:

COMMENCING at the Northeast corner of said Hiatus Tract 38; thence S.38°28'34"E. (State Plane Grid Bearing Datum) along the East line of Hiatus Tract 38, a distance of 87.43 feet to a point on a line that is 67.00 feet South of and parallel with the North line of Hiatus Tract

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37, said North line being the center line of said Lantana Road, said point being the POINT OF BEGINNING of the parcel described herein; thence S.38°28'34"E. along the East line of Hiatus Tract 38, a distance of 658.29 feet to a point on a line that is 50.00 feet North of and parallel with the South line of Hiatus Tract 38; thence S.89°24'46"W. along said parallel line being the North right-of-way line of the Lake Worth Drainage District L-16 Canal, 462.90 feet to the Easterly right-of-way line for an expanded intersection for Haverhill Road as referred to on said Alignment Reservation Map; thence Northerly along an arc of a non-tangent curve concave to the East having a radius of 1121.55 feet, a central angle of 06°05'42", a chord distance of 119.25 feet which bears N.05°00'43"W., an arc distance of 119.31 feet to a point of compound curvature; thence Northerly along said right-of-way line being an arc of a curve concave to the East having a radius of 894.42 feet, a central angle of 04°06'49", a chord distance of 64.20 feet bearing N.00°05'32"E., an arc distance of 64.22 feet to a point of tangency, said point being 60.50 feet East of and parallel with the center line of said Haverhill Road; thence N.02°08'57"E. along said parallel line, 299.13 feet to a tangent point on the chord of a 40.00 foot radius curve; thence N.46°49'28"E. along the chord of said curve being tangent to a line that is 67.00 feet South of said center line of Lantana Road, 56.25 feet to said tangent line; thence S.88°30'00"E. along said tangent line being 67.00 feet South of the North line of Hiatus Tract 37, a distance of 11.38 feet to the POINT OF BEGINNING.

TOGETHER WITH: Parcel 2 (60 foot access parcel)

A parcel of land being that portion of the South 60.00 feet of the North 80.00 feet of Section 2, Township 45 South, Range 42 East, Palm Beach County, Florida, lying East of the expanded intersection right-of-way for Haverhill Road as shown on the Haverhill Road Alignment Reservation Map as recorded in Road Plat Book 7, Page 44, Public Records of Palm Beach County, Florida, said parcel being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 2; thence S.00°20'19"E. (State Plane Grid Bearing Datum) along the East line of Section 2, a distance of 20.00 feet to a point on a line that is 20.00 feet South of and parallel with the North line of Section 2, said point being the POINT OF BEGINNING of the parcel described herein; thence S.89°24'46"W. along said parallel line, 490.28 feet to the East right-of-way line of said expanded intersection of Haverhill Road being a non-tangent curve; thence Southeasterly along said right-of-way line being an arc of a curve concave to the East having a radius of 1121.55 feet, a central angle of 03°08'31", a chord distance of 61.50 feet bearing S.13°15'16"E., an arc distance of 61.50 feet to a point on a non-tangent line that is 80.00 feet South of and parallel with the North line of Section 2; thence N.89°24'46"E. along said parallel line, 476.54 feet to the East line of Section 2; thence N.00°20'19"W. along the East line of Section 2; a distance of 60.00 feet to the POINT OF BEGINNING.

TOGETHER WITH: Parcel 3 (Central parcel in Section 2)

A parcel of land being a portion of the Northeast one-quarter (NE ¼) of Section 2, Township 45 South, Range 42 East, Palm Beach County, Florida, lying East of the expanded intersection right-of-way for Haverhill Road as shown on the Haverhill Road Alignment Reservation Map as recorded in Road Plat Book 7, Page 44, Public Records of Palm Beach County, Florida, said parcel being more particularly described as follows:

COMMENCING at the Northeast corner of Said Section 2; thence S.00°20'19"E. (State Plane Grid Bearing Datum) along the East line of Section 2, a distance of 80.00 feet to a point on a line that is 80.00 feet South of and parallel with the North line of Section 2, said point being the POINT OF BEGINNING of the parcel described herein; thence S.00°20'19"E. along the East line of Section 2, a distance of 445.10 feet; thence S.89°39'41"W.

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perpendicular to the previous course, 249.43 feet to the East right-of-way line of said Haverhill Road; thence N.32°09'23"W. along said right-of-way line, 276.32 feet to a point of curvature; thence Northwesterly along said right-of-way line being an arc of a curve concave to the Northeast, having a radius of 914.92 feet, a central angle of 02°51'31", a chord distance of 45.64 feet bearing N.30°43'38"W., an arc distance of 45.65 feet to a point on a non-tangent curve; thence Northwesterly along said right-of-way line, being an arc of a curve concave to the Northeast having a radius of 1121.55 feet, a central angle of 09°08'12", a chord distance of 178.66 feet bearing N.19°23'38"W., an arc distance of 178.85 feet to a point on a non-tangent line that is 80.00 feet South of and parallel with the North line of Section 2; thence N.89°74'46"E. along said parallel line, 476.54 feet to the POINT OF BEGINNING.

TOGETHER WITH: Parcel 4 (Southerly 1.2 acre parcel)

A parcel of land being a portion of the Northeast one-quarter (NE ¼) of Section 2, Township 45 South, Range 42 East, Palm Beach County, Florida, lying East of the right-of-way for Haverhill Road, as shown on the Haverhill Road Alignment Reservation Map as recorded in Road Plat Book 7, Page 44, Public Records of Palm Beach County, Florida, said parcel being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 2, thence S.00°20'19"E. (State Plane Grid Bearing Datum) along the East line of Section 2, a distance of 525.10 feet to the POINT OF BEGINNING of the parcel described herein; thence S.89°39'41"W. perpendicular to the previous course, 249.43 feet to the East right-of-way line of said Haverhill Road; thence S.32°09'23"E. along said right-of-way line, 265.41 feet to a point of curvature; thence Southeasterly along said right-of-way line being an arc of a curve concave to the Southwest having a radius of 994.92 feet, a central angle of 15°30'57", a chord distance of 268.60 feet bearing S. 24°23'54"E., an arc distance of 269.43 feet to the East line of Section 2 and a non-tangent point of cusp; thence N.00°20'19"W. along the East line of Section 2, a distance of 470.79 feet to the POINT OF BEGINNING.

TOGETHER WITH: (Parcel - C)

A parcel of land in Section 1, Township 45 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

The Northwest one-quarter (NW ¼) of the Northwest one-quarter (NW ¼) of the Northwest one-quarter (NW ¼) of said Section 1

TOGETHER WITH: (Parcel - D)

The Southwest one-quarter (SW ¼) of the Northwest one-quarter (NW ¼) of the Northwest one-quarter (NW ¼) of said Section 1;

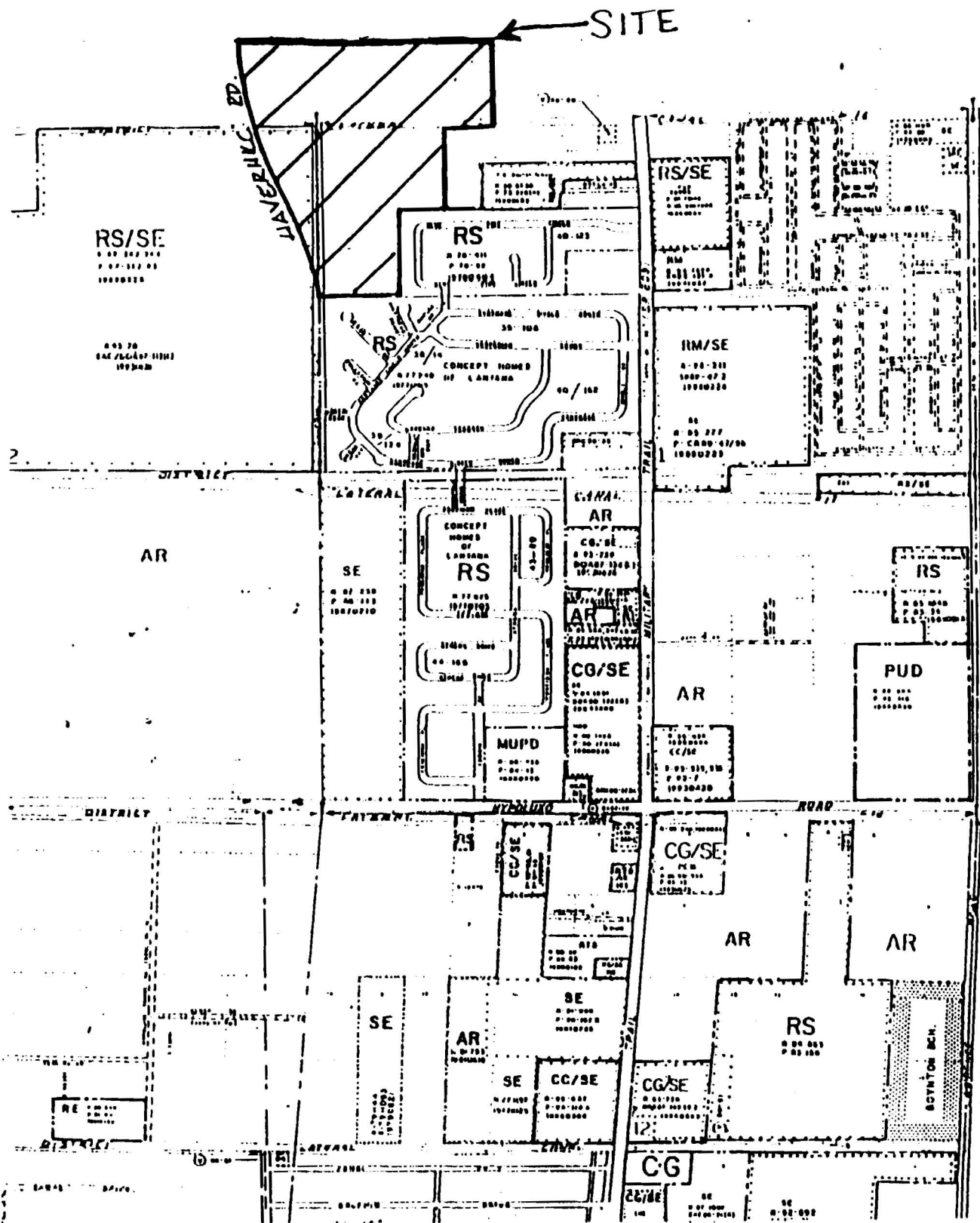
TOGETHER WITH: (Parcel - E)

The West one-half (W ½) of the Northeast one-quarter (NE ¼) of the Northwest one-quarter (NW ¼) of the Northwest one-quarter (NW ¼) of said Section 1.

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EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



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Petition Number: 97-109
 Zoning Quad Page _____
 Date: Nov. 19, 1997

