

RESOLUTION NO. R-2007- 0233

RESOLUTION APPROVING ZONING APPLICATION W2006-1186
(CONTROL NO. 2004-471)
WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS) (W)
APPLICATION OF BOYNTON BEACH ASSOCIATES, X, LLP
BY KILDAY & ASSOCIATES, INC., AGENT
(CANYON TOWN CENTER TMD)

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 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 W2006-1186 was presented to the Board of County Commissioners at a public hearing conducted on February 22, 2007 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.F for a Traditional Development District, except the following which the BCC is waiving:
 - a) Maximum length of a block; 660 feet and up to 750 feet with pedestrian pass thru.
 - b) A minimum of one main street shall cross through the entire length or width of a TMD.
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.A.1.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 W2006-1186, the application of Boynton Beach Associates, X, LLP, by Kilday & Associates, Inc., agent, for a WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS (WAIVER) to allow for a Block Structure Waiver and to allow for a Main Street Waiver 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 February 22, 2007.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on February 22, 2007.

Filed with the Clerk of the Board of County Commissioners on 2nd day of March, 2007.

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

COMMERCIAL AND CIVIC TRACTS

A PORTION OF TRACTS 12 THROUGH 16, AND TRACTS 17 THROUGH 21, INCLUSIVE, ALL LYING WITHIN BLOCK 54, 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, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF TRACT "BT3", CANYON LAKES-PLAT SIX, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 103, PAGES 27 THROUGH 37, SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°23'24" WEST, ALONG A LINE 155.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE WEST LINE OF SAID BLOCK 54, A DISTANCE OF 140.04 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 15,155.00 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°36'32", A DISTANCE OF 425.56 FEET TO A POINT OF TANGENCY; THENCE NORTH 01°59'56" WEST, A DISTANCE OF 248.87 FEET; THENCE NORTH 11°29'49" EAST, A DISTANCE OF 51.42 FEET; THENCE NORTH 01°59'56" WEST, A DISTANCE OF 373.29 FEET; THENCE NORTH 89°02'44" EAST, ALONG A LINE 77.88 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 12 THROUGH 16, A DISTANCE OF 1,319.95 FEET; THENCE SOUTH 00°23'24" EAST, ALONG A LINE 117.04 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE WEST LINE OF SAID TRACT 12, A DISTANCE OF 436.47 FEET; THENCE SOUTH 01°18'14" EAST, A DISTANCE OF 812.54 FEET; THENCE SOUTH 89°26'03" WEST, A DISTANCE OF 99.22 FEET; THENCE NORTH 00°23'24" WEST, A DISTANCE OF 2.18 FEET; THENCE SOUTH 89°26'03" WEST, ALONG THE NORTH LINE OF CANYON LAKES - PLAT SIX, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 103, PAGES 27 THROUGH 37, SAID PUBLIC RECORDS AND ITS EASTERLY EXTENSION THEREOF, A DISTANCE OF 1220.78 FEET TO THE POINT OF BEGINNING.

CONTAINING 37.550 ACRES, MORE OR LESS.

SCHOOL SITE & RESIDUAL PARCEL

A PORTION OF TRACTS 9 THROUGH 12 AND TRACTS 21 THROUGH 24, BLOCK 54, 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, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 24; THENCE NORTH 00°23'24" WEST, ALONG THE EAST LINE OF SAID TRACT 24, A DISTANCE OF 63.55 FEET, THENCE SOUTH 89°26'03" WEST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 89°26'03" WEST, A DISTANCE OF 1140.00 FEET; THENCE NORTH 01°18'14" WEST, A DISTANCE OF 812.54 FEET; THENCE NORTH 00°23'24" WEST, ALONG A LINE 117.04 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE WEST LINE OF SAID TRACT 12, A DISTANCE OF 436.47 FEET; THENCE NORTH 89°02'44" EAST, ALONG A LINE 77.88 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE

OF SAID TRACTS 9 THROUGH 12, A DISTANCE OF 1,174.79 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF ACME DAIRY ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 16665, PAGE 1527, SAID PUBLIC RECORDS; THENCE SOUTH 01°02'47" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE FOR THE FOLLOWING TWO COURSES, A DISTANCE OF 868.50 FEET; THENCE SOUTH 00°23'24" EAST, A DISTANCE OF 388.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 33.257 ACRES, MORE OR LESS.

PRESERVE PARCEL

A PORTION OF TRACTS 19 THROUGH 24, 41 THROUGH 46, 51 THROUGH 56 AND A PORTION OF A ROAD, DYKE AND DITCH RESERVATION, 30.00 FEET IN WIDTH, ALL LYING WITHIN BLOCK 54, 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, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 24; THENCE NORTH 38°39'08" WEST,
A DISTANCE OF 80.74 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 00°23'24" EAST, ALONG A LINE 50.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACT 24, 41 AND 56, A DISTANCE OF 1,413.80 FEET; THENCE SOUTH 89°36'22" WEST, ALONG THE SOUTH LINE OF SAID TRACTS 51 THROUGH 56, A DISTANCE OF 1,612.37 FEET; THENCE NORTH 00°08'58" WEST, A DISTANCE OF 1,411.17 FEET; THENCE NORTH 89°26'03" EAST, A DISTANCE OF 367.22 FEET; THENCE SOUTH 00°23'24" EAST, A DISTANCE OF 2.18 FEET; THENCE NORTH 89°26'03" EAST, A DISTANCE OF 1,239.23 FEET TO THE POINT OF BEGINNING.

CONTAINING 52.165 ACRES, MORE OR LESS.

100' RURAL PARKWAY EASEMENT

A PORTION OF TRACTS 16 AND TRACTS 17, BLOCK 54, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 17; THENCE NORTH 00°23'24" WEST, ALONG THE WEST LINE OF SAID TRACT 17, A DISTANCE OF 57.88 FEET; THENCE NORTH 89°26'03" EAST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 00°23'24" WEST, ALONG A LINE 30.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE WEST LINE OF SAID TRACTS 16 AND 17, A DISTANCE OF 140.34 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 15,055.00 FEET ; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°36'32", A DISTANCE OF 422.75 FEET TO A POINT OF TANGENCY; THENCE NORTH 01°59'56" WEST, A DISTANCE OF 260.70 FEET; THENCE NORTH 11°29'49" EAST, A DISTANCE OF 51.42 FEET; THENCE NORTH 01°59'56" WEST, A DISTANCE OF 363.28 FEET; THENCE NORTH 89°02'44" EAST, ALONG A LINE 77.88 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 16, A DISTANCE OF 100.02 FEET; THENCE SOUTH 01°59'56" EAST, A DISTANCE OF 373.29 FEET; THENCE SOUTH 11°29'49" WEST, A DISTANCE OF 51.42 FEET; THENCE SOUTH 01°59'56" EAST, A DISTANCE OF 248.87 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 15,155.00 FEET ; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°36'32", A DISTANCE OF 425.56 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°23'24" EAST, A DISTANCE OF 140.04 FEET; ALONG A LINE 30.00 FEET

EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE WEST LINE OF SAID TRACTS 16 AND 17, THENCE SOUTH 89°26'03" WEST, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.844 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

