

RESOLUTION NO. R-2008- 1359

RESOLUTION APPROVING ZONING APPLICATION W2007-2012
(CONTROL NO.2007-00482)
WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS) (W)
APPLICATION OF REALTY DUKE
BY MILLER LAND PLANNING, AGENT
(JOG DISTRIBUTION)

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), have been satisfied; and

WHEREAS, Zoning Application W2007-2012 was presented to the Board of County Commissioners at a public hearing conducted on July 24, 2008 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 W2007-02012, the application of Realty Duke, by Miller Land Planning, agent, for a WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS WAIVER) to allow a reduction of required frontage for a Planned 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 July 24, 2008.

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:

Addie L. Greene, Chairperson	¥ Aye
Jeff Koons, Vice Chair	¥ Aye
Karen T. Marcus	¥ Aye
Robert J. Kanjian	¥ Aye
Mary McCarty	¥ Absent
Burt Aaronson	¥ Aye
Jess R. Santamaria	¥ Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 24, 2008.

Filed with the Clerk of the Board of County Commissioners on July 29, 2008.

This resolution is effective when filed with the Clerk of the Board of County Commissioner

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 that portion of Tracts 9 and 15 and that portion of a 30 foot wide Right-of-Way lying in Block 4, Palm Beach Farms Company Plat No.3, as recorded in Plat Book 2, Page 45 through 54, Public Records of Palm Beach County, Florida. Lying Northwesterly of the Sunshine State Parkway (Florida's Turnpike) Less Northerly 47.19 feet for Lake Worth Drainage District Lateral 2 Canal, as recorded in O.R. Book 6495, Page 761, Public Records of Palm Beach County, Florida. Said Parcel lying in section 27 and 28, Township 43 South, Range 42 East, Palm Beach County, Florida.

ALSO DESCRIBED AS:

A parcel of land lying in Sections 27 and 28, Township 43 South, Range 42 East, Palm Beach County, Florida, said parcel being a portion of Tracts 9 and 15 and that portion of a 30 foot wide Right-of-Way lying in Block 4, Palm Beach Farms Company Plat No.3, as recorded in Plat Book 2, Page 45 through 54, Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commencing at a found Palm Beach County brass disc, said disc being the intersection of the West line of said Block 4 and the centerline of the 30.00 foot wide right-of-way between Tracts 3 and 10 of said Block 4;

thence North 89°02'44" East, along said centerline, a distance of 1344.62 feet;

thence South 00°57'28" East, along the West line of said Tract 9 and the Northerly extension thereof, a distance of 62.19 feet to the POINT OF BEGINNING;

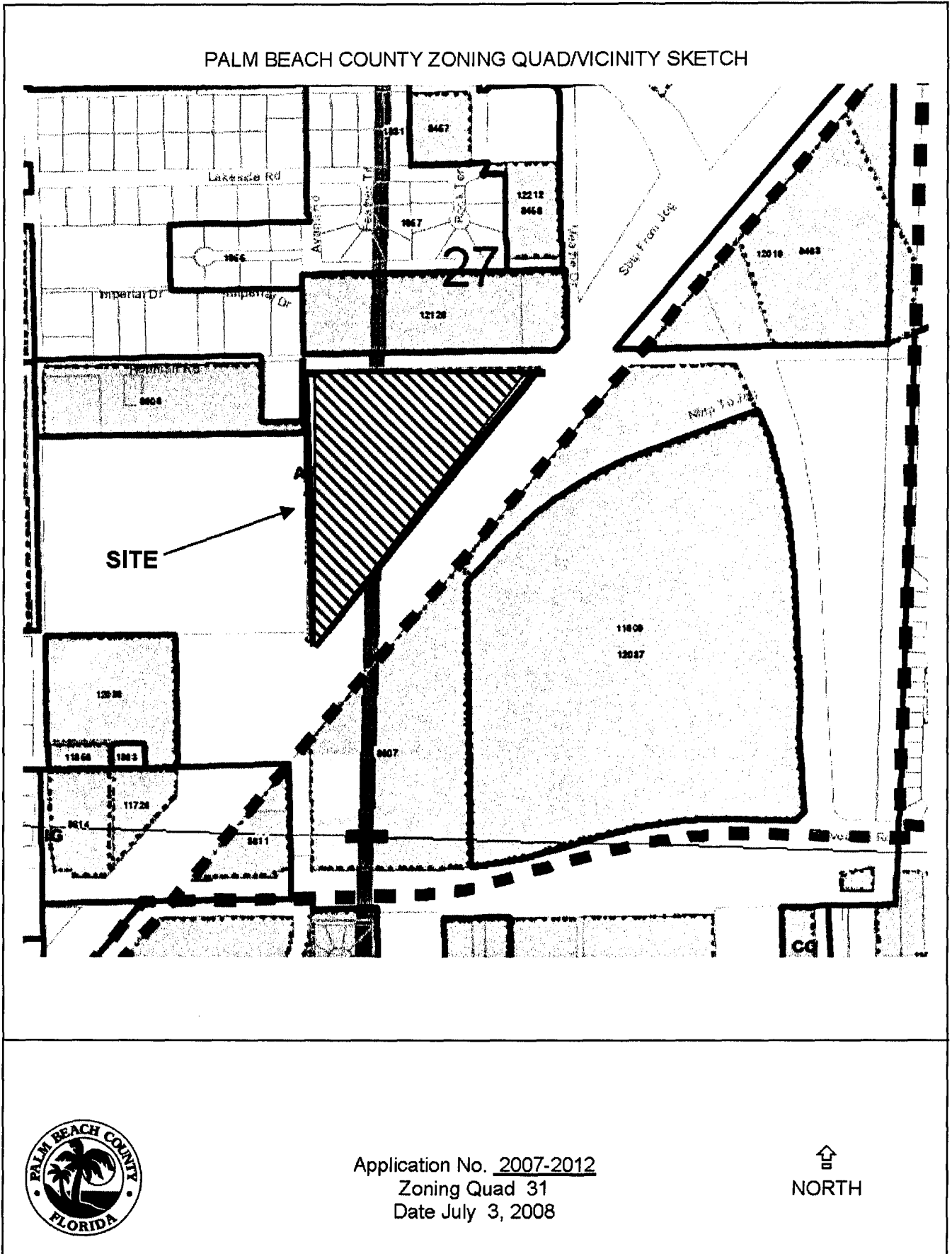
thence North 89°02'44" East, along a line 47.19 feet South of and parallel with the North line of said Tract 9, also being the South line of the Lake Worth Drainage District L-2 Canal Right-of-Way, a distance of 1192.99 feet to the Northwesterly Right-of-way line of the Florida Turnpike (Sunshine State Parkway) as per Florida State Turnpike Authority Right-of-way map Station 2795+00 to Station 2909+37.62;

thence South 40°38'55" West, along said Northwesterly Right-of-way line, a distance of 1796.66 feet;

thence North 00°57'28" West, along the West line of said Tracts 9 and 15, and the extensions thereof, a distance of 1343.48 feet to the POINT OF BEGINNING.

The above-described property contains 18.397 acres, more or less.

EXHIBIT B
VICINITY SKETCH



Application No. 2007-2012
Zoning Quad 31
Date July 3, 2008

