

RESOLUTION NO. R-2013- 0797

RESOLUTION APPROVING ZONING APPLICATION W/DOA-2013-00494  
(Control No.2005-00162)  
TYPE II WAIVER (PDD CUL-DE-SACS) (W)  
APPLICATION OF Boynton Beach Associates XXII LLLP  
BY G.L. Homes, AGENT  
(Amestoy AGR 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 W/DOA-2013-00494 was presented to the Board of County Commissioners at a public hearing conducted on June 24, 2013 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Articles 2.B.2.G.3; 3.E.1.C.1; and, 3.E.1.C.2.

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 W/DOA-2013-00494, the application of Boynton Beach Associates XXII LLLP, by G.L. Homes, agent, for a Type II Waiver to allow an increase in the number of cul-de-sacs 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, was approved on June 24, 2013 subject to the conditions of approval described in Exhibit C, attached hereto and made a part hereof.

Commissioner Taylor moved for the approval of the Resolution.

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

Commissioner Steven L. Abrams, Mayor	-	Aye
Commissioner Priscilla A. Taylor, Mayor Chair	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on June 24, 2013.

Filed with the Clerk of the Board of County Commissioners on June 25th, 2013

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

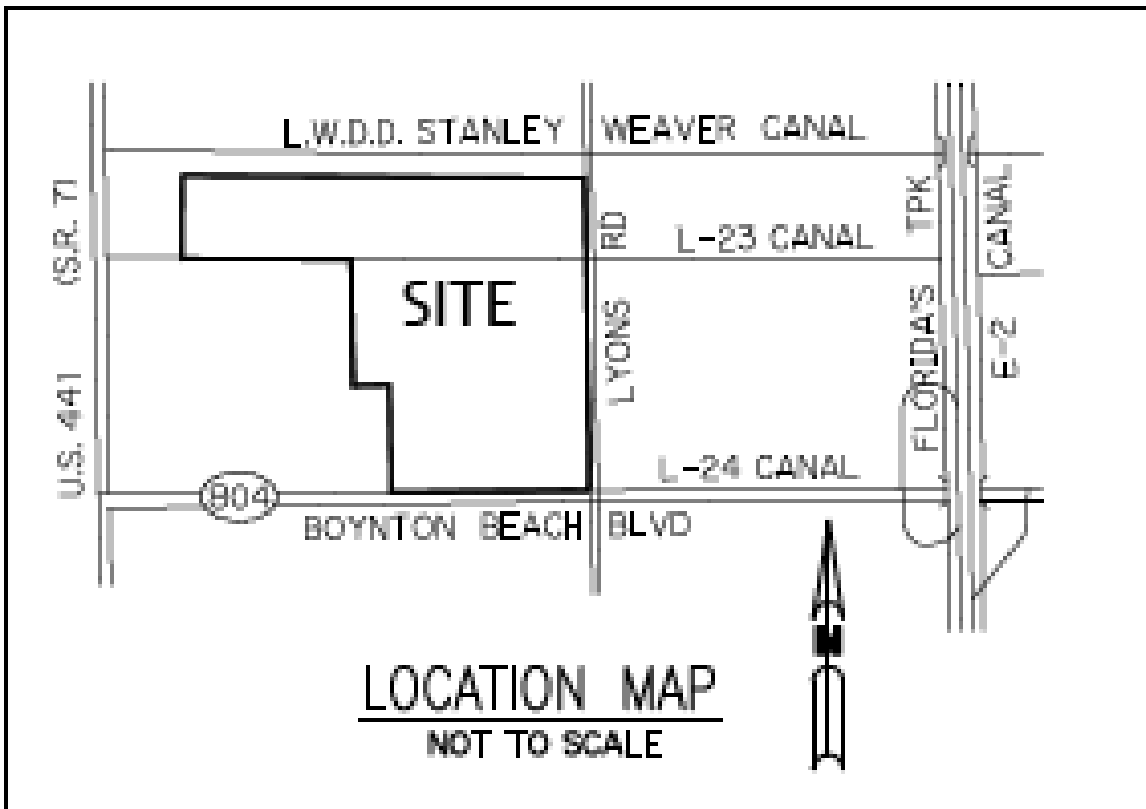
#### DESCRIPTION: AMESTOY DEVELOPMENT PARCEL

BEING ALL OF TRACTS 46 THROUGH 57, TRACTS 60 THROUGH 66, TRACTS 79 THROUGH 85 AND TRACTS 88 THROUGH 92, AND A PORTION OF TRACTS 31 THROUGH 43, TRACTS 58, 59, 86, 87, 93 AND TRACTS 106 THROUGH 112, AND A PORTION OF ROAD, DYKE AND DITCH RESERVATIONS, 30 FEET IN WIDTH, ALL LYING WITHIN BLOCK 51, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF TRACT 44, SAID BLOCK 51; THENCE SOUTH 00°56'47" EAST, ALONG THE WEST LINE OF SAID TRACT 44, A DISTANCE OF 270.00 FEET TO A POINT ON THE SOUTH LINE OF A 160.00 FOOT FLORIDA POWER AND LIGHT COMPANY EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 480, PAGE 6 OF SAID PUBLIC RECORDS; THENCE NORTH 89°03'05" EAST, ALONG SAID SOUTH LINE FOR THE FOLLOWING TWO DESCRIBED COURSES, A DISTANCE OF 679.01 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL OF LAND; THENCE NORTH 89°03'05" EAST, A DISTANCE OF 4,590.99 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 23226, PAGE 1022, SAID PUBLIC RECORDS; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE FOR THE FOLLOWING FOUR DESCRIBED COURSES, SOUTH 00°57'00" EAST, A DISTANCE OF 3275.49 FEET; THENCE SOUTH 11°27'27" WEST, A DISTANCE OF 51.20 FEET; THENCE SOUTH 00°57'00" EAST, A DISTANCE OF 280.88 FEET; THENCE SOUTH 44°02'44" WEST, A DISTANCE OF 56.40 FEET; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF BOYNTON BEACH BOULEVARD AS DESCRIBED IN OFFICIAL RECORDS BOOK 16189, PAGE 1405, SAID PUBLIC RECORDS FOR THE FOLLOWING FOUR DESCRIBED COURSES, SOUTH 89°02'44" WEST, A DISTANCE OF 425.65 FEET; THENCE SOUTH 87°08'11" WEST, A DISTANCE OF 345.20 FEET; THENCE SOUTH 89°02'44" WEST, A DISTANCE OF 394.80 FEET; THENCE NORTH 00°57'00" WEST, A DISTANCE OF 12.00 FEET; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE AS DESCRIBED IN OFFICIAL RECORDS BOOK 16189, PAGE 1405 AND OFFICIAL RECORDS BOOK 23005, PAGE 674, SAID PUBLIC RECORDS, SOUTH 89°02'44" WEST, A DISTANCE OF 330.00 FEET; THENCE SOUTH 00°57'00" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE ACCORDING TO SAID OFFICIAL RECORDS BOOK 23005, PAGE 674, A DISTANCE OF 12.00 FEET; THENCE SOUTH 89°02'44" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE AS DESCRIBED IN OFFICIAL RECORDS BOOK 16189, PAGE 1405, SAID PUBLIC RECORDS, A DISTANCE OF 558.23 FEET; THENCE, DEPARTING SAID NORTH RIGHT-OF-WAY OF BOYNTON BEACH BOULEVARD, NORTH 00°57'00" WEST ALONG A LINE 476.43 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF SAID TRACTS 94 AND 105, A DISTANCE OF 1204.17 FEET THENCE SOUTH 89°03'00" WEST, A DISTANCE OF 506.43 FEET; THENCE NORTH 00°57'00" WEST ALONG THE EAST LINE OF TRACT 95, SAID BLOCK 51, A DISTANCE OF 25.00 FEET; THENCE NORTH 89°02'58" EAST, ALONG THE EASTERLY PROLONGATION OF THE NORTH LINE OF SAID TRACT 95, A DISTANCE OF 15.00 FEET; THENCE NORTH 00°57'00" WEST ALONG THE WEST LINE OF THE EAST 15.00 FEET OF SAID ROAD, DYKE AND DITCH RESERVATION 30 FEET IN WIDTH (ALSO BEING A LINE 15.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE SAID TRACTS 66 AND 79), A DISTANCE OF 1,380.06 FEET; THENCE SOUTH 89°03'00" WEST, ALONG THE SOUTH LINE OF SAID TRACTS 46 THROUGH 50 AND THE EASTERLY PROLONGATION THEREOF, A DISTANCE OF 1,994.99 FEET; THENCE NORTH 00°57'00" WEST, ALONG THE WEST LINE OF SAID TRACTS 43 AND 46, A DISTANCE OF 1,048.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 252.083 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. The approved Preliminary Street Layout Plan is dated April 11, 2013. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. The approved Preliminary Street Layout Plan (PSLP) is dated April 11, 2013. Three (3) additional pedestrian amenities and one (1) additional pedestrian connection as indicated on the PSLP shall be provided. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)