

RESOLUTION NO. R-2002- 0844

RESOLUTION APPROVING ZONING PETITION 22002-004  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
PETITION OF ROBERT V. KENNA  
BY JEFF H. IRAVANI, AGENT  
(KENNA PROPERTY)

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 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended), have been satisfied; and

WHEREAS, Zoning Petition 22002-004 was presented to the Board of County Commissioners at a public hearing conducted on May 23, 2002; 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 Standards) of the Palm Beach County Unified Land Development Code; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

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 Z2002-004, the petition of Robert V. Kenna, by Jeff Iravani, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Residential Single Family Zoning District to the Residential Transitional Suburban 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 May 23, 2002 subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on May 23, 2002.

Filed with the Clerk of the Board of County Commissioners on 10 day of June, 2002.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

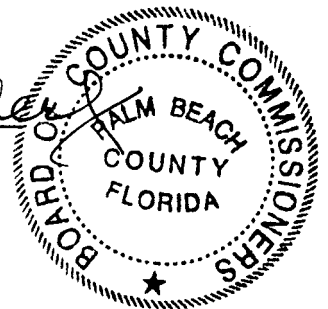
DOROTHY H. WILKEN, CLERK

BY:

*Matthew P. [Signature]*  
COUNTY ATTORNEY

BY:

*Jean Hawley [Signature]*  
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

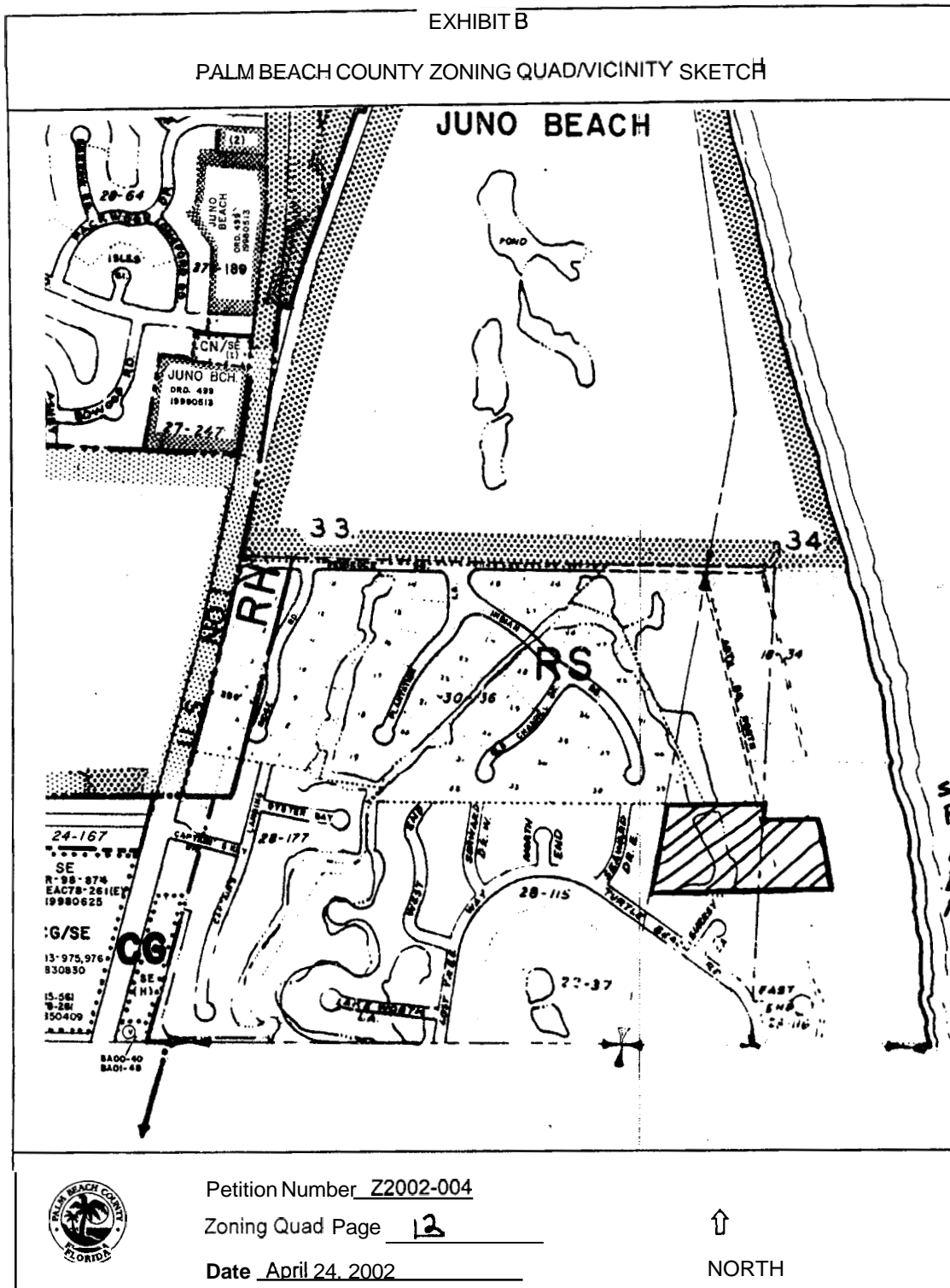
The following description is based on those certain parcels of land known as, Parcels 4, 5, and 6 as recorded in Official Record Book 12118, Page 139, Public Records of Palm Beach County Florida.

A parcel of land being a portion of the Plat of Sea Acres, according to the Plat thereof, as recorded in Plat Book 72, Page 120, Public Records of Palm Beach County, Florida and portions of Section 33 and 34, Township 41 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Lot 9, Seminole Club Addition, according to the Plat thereof recorded in Plat Book 18, Page 34, Public Records of Palm Beach County, Florida; thence S 12°07'53" E, along the Southerly projection of the West line of said Lot 9, a distance of 300.00 feet, to a point in the North line of Lot 4 said Plat of Sea Acres; thence S 88°01'53" E, along said North line a distance of 40.46 feet to the Northeast corner of Said Lot 4 and the Point of Beginning of the heron described parcel; thence S 07°04'16" E, along the East line of said Lot 4 a distance of 401.68 feet, to the Southeast corner of said Lot 4; thence N 88°26'23" W, along the Southerly line of said Lot 4 and the Westerly projection of said Southerly line a distance of 438.58 feet, to the Northeasterly corner of Lot 318, Old Port Village, according to the Plat thereof recorded in Plat Book 22, Page 37, Public Records of Palm Beach County, Florida; thence N 88°28'50" W, along the Northeasterly line of said Old Port Village, a distance of 570.65 feet; thence continue N 10°58'10" E along said Northeasterly line, a distance of 449.17 feet to the Northeasterly corner of Lot 310 of said Old Port Village and a point in the Southerly line of Lot 39, Seminole Landing, according to the Plat thereof recorded in Plat Book 30, Page 36, Public Records of Palm Beach County, Florida; thence S 88°39'02" E along the Southerly line and the Easterly extension of the Southerly line, of said Seminole Landing, a distance of 492.20 feet, to a point in the Centerline of Banyan Road (a 30 foot private right of way) as per Deed Book 658, Page 235, Public Records of Palm Beach County, Florida; thence S 12°07'53" E along said Centerline a distance of 46.06 feet to a point in the Northerly Line of said Lot 4, Sea Acres; thence S 88°01'53" E along said North line a distance of 372.42 feet to the Point of Beginning.

Containing in all 399,674 square feet and/or 9.18 acres.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### VOLUNTARY COMMITMENTS

#### A. HEALTH

1. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (BLDG PRMT: BLDG – Health)
2. Prior to final site plan approval an “Application for approval of subdivision with individual onsite sewage treatment disposal system (OSTDS) must be approved by the Palm Beach County Health Department. (DRC: HEALTH – Health)

There are no Voluntary Commitments for B, C and D

#### E. ENGINEERING

1. Prior to the issuance of the first building permit for any additional subdivided lots, the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING – Eng)

#### F. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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 Voluntary Commitments 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; revocation of any concurrency; and/or
  - b. The revocation of the Official Map Amendment, and/or any other zoning approval; and/or
  - c. A requirement of the development to conform with the standards of the ULDC 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; 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 a 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING – Zoning