

RESOLUTION NO. R-2002-2203

RESOLUTION APPROVING ZONING PETITION PDD1997-104C
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF THE OAKS AT BOCA RATON
BY KILDAY AND ASSOCIATES, AGENT
(THE OAKS AT BOCA (AKA RAINBOW 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 PDD1997-104C was presented to the Board of County Commissioners at a public hearing conducted on December 9, 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) with approved conditions 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) with approved conditions 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) with approved conditions 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) with approved conditions 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 PDD1997-104C, the petition of The Oaks at Boca Raton by Kilday and Associates, agent, for an Official Zoning Map Amendment to a Planned Development District for a rezoning from the Agricultural Reserve Zoning District to the Agricultural Reserve Planned Unit 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 December 9, 2002, subject to the conditions of approval as contained in EXHIBIT C of DOA1997-104C.

Commissioner Aaronson moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	-	May
Tony Masilotti, Vice Chairman	-	Aye
Jeff Koons	-	Nay
Warren H. Newell	-	Absent
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on December 9, 2002.

Filed with the Clerk of the Board of County Commissioners on 14 day of January, 2002.

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

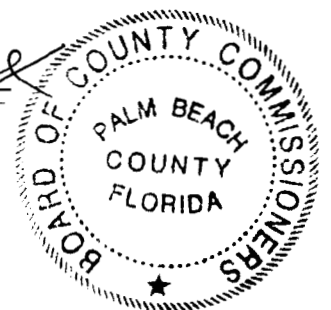


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

TRACTS 65, 66, 95, 96, 97, 98, 127 AND 128, BLOCK 70, "THE PALM BEACH FARMS COMPANY PLAT NO. 3", ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45-54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID LAND BEING IN SECTION 31, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THAT 30 FOOT WIDE ROAD STRIP LYING IN BLOCK 70, "THE PALM BEACH FARMS COMPANY PLAT NO. 3", ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45-54, INCLUSIVE, BOUNDED AS FOLLOWS: ON THE NORTH BY THE SOUTH LINE OF TRACTS 95 AND 96, ON THE EAST BY THE NORTHERLY PROLONGATION OF THE EAST LINE OF TRACT 97; ON THE SOUTH BY THE NORTH LINE OF TRACTS 97 AND 98; ON THE WEST BY THE NORTHERLY PROLONGATION OF THE WEST LINE OF TRACT 98; AND TOGETHER WITH THAT 25 FOOT PORTION OF THE 50 FOOT WIDE ROAD STRIP LYING BETWEEN BLOCKS 70 AND 71, "THE PALM BEACH FARMS COMPANY PLAT NO. 3", ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45-54, INCLUSIVE, SAID 25 FOOT WIDE PORTION BOUNDED AS FOLLOWS: ON THE NORTH BY THE EASTERLY PROLONGATION OF THE NORTH LINE OF TRACT 65, BLOCK 70 ON THE EAST BY THE CENTERLINE OF SAID 50 FOOT WIDE STRIP; ON THE SOUTH BY THE EASTERLY PROLONGATION OF THE SOUTH LINE OF TRACT 128, BLOCK 70; ON THE WEST BY THE EAST LINE OF TRACTS 65, 96, 97, 128 AND THE NORTHERLY PROLONGATION OF THE EAST LINE OF SAID TRACT 97, BLOCK 70;

LESS AND EXCEPTING THEREFROM THAT PORTION OF THE ABOVE DESCRIBED PROPERTY THAT CONSTITUTES THE RIGHT-OF-WAY OF LYONS ROAD WHICH IS DESCRIBED AS PARCEL 101 IN THE ORDER OF TAKING IN O.R. BOOK 11412, PAGE 1722 AND O.R. BOOK 11413, PAGE 1734, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

TRACTS 67, 68, 93, 94, 99, 100, 125, AND 126, BLOCK 70, "THE PALM BEACH FARMS COMPANY PLAT NO. 3", ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45-54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LAND BEING IN SECTION 31, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. TOGETHER WITH THAT 30 FOOT WIDE ROAD STRIP LYING IN BLOCK 70, "THE PALM BEACH FARMS COMPANY PLAT NO. 3", ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45-54, INCLUSIVE, BOUNDED AS FOLLOWS: ON THE NORTH BY THE SOUTH LINE OF TRACTS 93 AND 94; ON THE EAST BY THE NORTHERLY PROLONGATION OF THE EAST LINE OF TRACT 99; ON THE SOUTH BY THE NORTH LINE OF TRACTS 99 AND 100; ON THE WEST BY THE NORTHERLY PROLONGATION OF THE WEST LINE OF TRACT 100.

PARCEL 3:

TRACTS 69, 70, 91, 92, 101, 102, 123, AND 124, BLOCK 70, "THE PALM BEACH FARMS COMPANY PLAT NO. 3", ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45-54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA SAID LAND BEING IN SECTION 31, TOWNSHIP 46 SOUTH, RANGE 42 EST, PALM BEACH COUNTY, FLORIDA; TOGETHER WITH THAT 30 FOOT WIDE ROAD STRIP LYING IN BLOCK 70, "THE PALM BEACH FARMS COMPANY PLAT NO. 3", ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45-54, INCLUSIVE, BOUNDED AS FOLLOWS: ON THE NORTH BY THE SOUTH LINE OF TRACTS 91 AND 92; ON THE EAST BY THE NORTHERLY PROLONGATION OF THE EAST LINE OF TRACT 101; ON THE SOUTH BY THE NORTH LINE OF TRACTS 101 AND 102; ON THE WEST BY THE NORTHERLY PROLONGATION OF THE WEST LINE OF TRACT 102.

SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING AT THE SOUTHWEST CORNER OF SAID TRACT 123"; THENCE N00°25'59"W ALONG THE WEST LINE THEREOF, A DISTANCE OF 2,634.36 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-39 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 1732, PAGE 612; THENCE N89°34'01"E SAID RIGHT-OF-WAY LINE, A DISTNACE OF 1,950.07NFEEET

TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 11413, PAGES 1734 THROUGH 1749; THENCE S00 °26'13"E ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1,943.85 FEET; THENCE S00 °35'39"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 250.04 FEET; THENCE S00 °26'13"E ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 270.51 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACTS 123 THROUGH 128; THENCE S89 °34'01"W ALONG SAID SOUTH LINE, A DISTANCE OF 1,933.74 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 5,131,318 SQUARE FEET OR 117.799 ACRES MORE OR LESS.
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

