

RESOLUTION NO. R-2005- 0155

RESOLUTION APPROVING ZONING APPLICATION Z2004-655
(Control No. 2002-063)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
PETITION OF ESTATES OF PENNOCK POINT LLC AND CYPRESS ISLAND
PROPERTY OWNERS ASSOCIATION, INC.
BY KILDAY & ASSOCIATES, INC., AGENT
(HARBOR PLACE)

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 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Application Z2004-655 was presented to the Board of County Commissioners at a public hearing conducted on January 27, 2005; 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 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 2.F (CONCURRENCY - Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

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 Petition Z2004-655 the petition of Estates of Pennock Point LLC and Cypress Island Property Owners Association, Inc., by Kilday & Associates, Inc., agent, for an Official Zoning Map Amendment from the Residential Transitional Suburban Zoning District with a Conditional Overlay Zone and the Residential Planned Unit Development District to the Residential Transitional Zoning District with a Conditional Overlay Zone 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 January 27, 2005, subject to the conditions of the CONDITIONAL OVERLAY ZONE described in EXHIBIT C of DOA2004-655.

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:

Tony Masilotti, Chairman	- AYE
Addie L. Greene, Vice Chairperson	- AYE
Karen T. Marcus	- AYE
Jeff Koons	- AYE
Warren H. Newell	- AYE
Mary McCarty	- ABSENT
Burt Aaronson	- AYE

The Chair thereupon declared that the resolution was duly passed and adopted on January 27, 2005.

Filed with the Clerk of the Board of County Commissioners on 9TH day of FEBRUARY, 2005.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK CLERK AND COMPTROLLER

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK

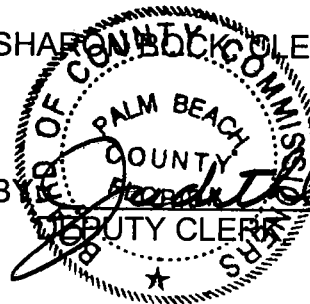


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATE IN SECTION 20, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF TRACT "M-A" AS SHOWN ON THE PLAT OF CYPRESS ISLAND P.U.D. AS RECORDED IN PLAT BOOK 59 AT PAGES 1 THROUGH 3 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH $31^{\circ}12'32''$ EAST 171.11 FEET ALONG THE WESTERLY LINE OF SAID TRACT "M-A" AS SHOWN ON SAID PLAT; THENCE SOUTH $41^{\circ}31'24''$ WEST 304.92 FEET ALONG THE EXTENSION OF THE NORTHERLY LINE OF EASEMENT "E" AS SHOWN ON SAID PLAT; THENCE DEPARTING SAID NORTHERLY LINE NORTH $48^{\circ}28'36''$ EAST 202.76 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 123.00 FEET AND A RADIAL BEARING OF NORTH $22^{\circ}23'56''$ WEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $07^{\circ}02'39''$ AN ARC LENGTH OF 15.12 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH $40^{\circ}47'40''$ WEST 45.58 FEET; THENCE SOUTH $89^{\circ}36'09''$ WEST 30.00 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 2904.93 FEET AND A RADIAL BEARING OF SOUTH $89^{\circ}36'09''$ WEST, SAID POINT ALSO LYING ON THE EASTERLY RIGHT OF WAY LINE OF PALMWOOD ROAD AS SHOWN ON THE PLAT RECORDED IN ROAD PLAT BOOK 2 AT PAGE 76 OF SAID PUBLIC RECORDS; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $12^{\circ}13'15''$ AN ARC LENGTH OF 619.60 FEET TO A POINT OF NON-TANGENCY, SAID POINT ALSO LYING ON THE SOUTH LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3455 AT PAGES 1003 AND 1004 OF SAID PUBLIC RECORDS; THENCE SOUTH $87^{\circ}43'14''$ EAST 468.51 FEET TO A POINT ON THE WEST LINE OF THE EAST ONE-HALF OF THE FLORIDA EAST COAST CANAL AS RECORDED IN DEED BOOK 443 AT PAGE 430 OF SAID PUBLIC RECORDS; THENCE SOUTH $31^{\circ}11'37''$ EAST 239.83 FEET ALONG SAID WEST LINE TO A POINT ON THE NORTH LINE OF SAID TRACT "M-A"; THENCE SOUTH $58^{\circ}47'28''$ WEST 213.89 FEET ALONG THE NORTH LINE OF SAID TRACT "M-A" TO THE POINT OF BEGINNING.

SAID LANDS LYING, SITUATE AND BEING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 272,447.983 SQUARE FEET (6.255 ACRES) MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

