

RESOLUTION NO. R-2008- 0264

RESOLUTION APPROVING ZONING APPLICATION PDD2007-1610  
(CONTROL NO. 2004-369)  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
APPLICATION OF WHITWORTH ESTATES PUD LLC  
BY ASCOT DEVELOPMENT, AGENT  
(ASCOT - LYONS AND ATLANTIC 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, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application PDD2007-1610 was presented to the Board of County Commissioners at a public hearing conducted on February 28, 2008; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; 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 stated purpose and intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations.
3. This official zoning map amendment (rezoning) is compatible and 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, orderly and timely development pattern.
6. This official zoning map amendment is consistent with applicable Neighborhood Plans.
7. This official zoning map amendment (rezoning) complies with Article 2.F (Concurrency) of the Palm Beach County Unified Land Development Code.

8. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 PDD2007-1610, the application of Whitworth Estates PUD LLC, by Ascot Development, agent, for an Official Zoning Map Amendment to a Planned Development District from the Traditional Marketplace Development (Preservation Area) Zoning District to the Agricultural Reserve Planned Unit Development (Preservation Area) Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on February 28, 2008, subject to the conditions of approval described in EXHIBIT C of DOA2007-1610.

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	¥	Aye
Burt Aaronson	¥	Aye
Jess R. Santamaria	¥	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on February 28, 2008.

Filed with the Clerk of the Board of County Commissioners on February 28, 2008.

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 R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

**SURVEY: DELRAY MARKETPLACE TMD PRESERVE PARCEL 2**

00-41-45-14-00-000-5110 & 00-41-45-14-00-000-5050

THE NORTH ONE HALF (N. ½) OF THE SOUTHEAST QUARTER (S.E. ¼) OF THE SOUTHEAST QUARTER (S.E. ¼) OF THE SOUTHEAST QUARTER (S.E. ¼) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA. SUBJECT TO EASEMENTS, COVENANTS, RESTRICTIONS AND RESERVATIONS OF RECORD, MUNICIPAL ORDINANCES AND ZONING CODES, AND TAXES FOR THE YEAR OF CONVEYANCE AND SUBSEQUENT YEARS.

TOGETHER WITH

THE SOUTH ONE HALF (S. ½) OF THE SOUTHEAST QUARTER (S.E. ¼) OF THE SOUTHEAST QUARTER (S.E. ¼) OF THE SOUTHEAST QUARTER (S.E. ¼) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA. TOGETHER WITH A NON-EXCLUSIVE RIGHT OF INGRESS AND EGRESS OVER THE PROPERTY ON WHICH FLORIDA POWER AND LIGHT COMPANY PRESENTLY HOLDS AND EASEMENT, SUBJECT HOWEVER, TO THE EASEMENT RIGHTS OF FLORIDA POWER AND LIGHT COMPANY SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS AND COVENANTS OF RECORD, IF ANY, TO THE EXTENT THAT THE SAME ARE VALID AND ENFORCEABLE.

CONTAINING 437902 . 9400 SQUARE FEET OR 10.05 ACRE, MORE OR LESS.

**SURVEY: DELRAY MARKETPLACE TMD PRESERVE PARCEL 4**

00-41-45-14-000-000-1060

THE NORTH HALF (N. ½) OF THE SOUTHEAST QUARTER (S.E. ¼) OF THE SOUTHEAST QUARTER (S.E. ¼) OF THE NORTHEAST QUARTER (N.E. ¼) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST. PALM BEACH COUNTY, FLORIDA. SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 30 FEET OF THE AFOREDESCIBED PARCEL.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 50 FEET OF THE SOUTH HALF (S. ½) OF THE NORTH HALF (N. ½) OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND A NON EXCLUSIVE RIGHT OF INGRESS AND EGRESS OVER THE PROPERTY OF WHICH FLORIDA POWER AND LIGHT COMPANY PRESENTLY HOLD AND EASEMENT: SUBJECT HOWEVER, TO THE EASEMENT RIGHTS OF FLORIDA POWER AND LIGHT COMPANY TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 30 FEET OF THE EAST THREE QUARTERS (E. ¾) OF THE SOUTH HALF (S. ½) OF THE SOUTH HALF (S. ½) OF THE NORTHEAST QUARTER (N.E. ¼) OF SAID SECTION 14.

CONTAINING 5.01 ACRE, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

