

RESOLUTION NO. R-2008- 0700

RESOLUTION APPROVING ZONING APPLICATION PDD-2007-884
(CONTROL NO. 2005-003)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
APPLICATION OF BOYNTON BEACH ASSOC XIX LLLP
BY KILDAY & ASSOCIATES, INC., AGENT
(LYONS WEST 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, 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 PDD-2007-884 was presented to the Board of County Commissioners at a public hearing conducted on April 24, 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 PDD - 2007-884, the application of Boynton Beach Assoc XIX LLLP, by Kilday & Associates, Inc., agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Residential Planned Unit Development (AGR-PUD) 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 April 24, 2008, subject to the conditions of approval described in EXHIBIT C of DOA-2007-884, attached thereto and made a part thereof.

Commissioner Robert Kanjian 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:

Addie L. Greene, Chairperson	- Absent
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 April 24, 2008.

Filed with the Clerk of the Board of County Commissioners on 24th day of April, 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

PARCEL 2B

LAND DESCRIPTION:

THE WEST ONE-HALF OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION LYING SOUTH AND WEST OF THE EASTERLY RIGHT OF WAY OF LEVEE L-40 AS DESCRIBED IN THAT CERTAIN COUNTY DEED RECORDED IN DEED BOOK 936, PAGE 528, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THE NORTH 3425.33 FEET OF THE WEST ONE-HALF OF SAID SECTION 14, PALM BEACH COUNTY, FLORIDA.

CONTAINING 59.885 ACRES, MORE OR LESS.

PARCEL 2C

LAND DESCRIPTION:

THE SOUTH 3/4 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 45 SOUTH, RANGE 41 EAST LESS THE 145 FEET OF RIGHT-OF-WAY FOR FLORIDA POWER & LIGHT COMPANY AS SHOWN IN OFFICIAL RECORDS BOOK 1744, PAGE 627, LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 53.724 ACRES, MORE OR LESS.

PARCEL 2E

LEGAL DESCRIPTION:

TRACTS 29, 31 AND 32, BLOCK 52, PALM BEACH FARMS COMPANY PLAT NO.3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALL LYING WITHIN SECTION 25, TOWNSHIP 45 SOUTH, RANGE 41 EAST, SAID PALM BEACH COUNTY.

LESS AND EXCEPT: THE EAST 15.00 FEET OF SAID TRACT 29 AND THE WEST 165 FEET OF SAID TRACT 31.

LESS AND EXCEPT: THE NORTH 68.00 FEET OF SAID TRACT 29 PER DEED BOOK 811, PAGE 196.

CONTAINING 25.054 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH