

RESOLUTION NO. R-2010- 0151

RESOLUTION APPROVING ZONING APPLICATION Z-2009-03944
(CONTROL NO. 2009-02233)
an Official Zoning Map Amendment
APPLICATION OF Pennock Point Estate LLC
BY Cotleur & Hearing, Inc., AGENT
(Pennock Point)

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 applications relating to zoning; and

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

WHEREAS, Zoning Application Z-2009-03944 was presented to the Board of County Commissioners at a public hearing conducted on January 28, 2010; 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 recommendation of the Zoning Commission; and

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.1.B.

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 Z-2009-03944, the application of Pennock Point Estate LLC, by Cotleur & Hearing, Inc., agent, for an Official Zoning Map Amendment to allow a rezoning from the Residential Single-family (RS) Zoning District to the Residential Transitional (RT) 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 in EXHIBIT B, attached hereto and made a part hereof, was approved on January 28, 2010 subject to the conditions 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 Vana and, upon being put to a vote, the vote was as follows:

Commissioner Burt Aaronson, Chair	-	Aye
Commissioner Karen T. Marcus, Vice Chair	-	Aye

Commissioner Jeff Koons - Aye
Commissioner Shelley Vana - Aye
Commissioner Steven L. Abrams - Aye
Commissioner Jess R. Santamaria - Aye
Commissioner Priscilla A. Taylor - Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 28, 2010.

Filed with the Clerk of the Board of County Commissioners on January 28, 2010.

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

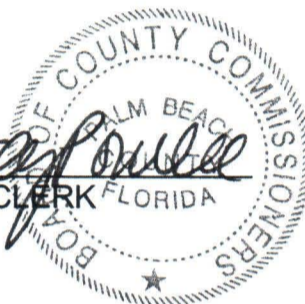


EXHIBIT A

LEGAL DESCRIPTION

BEING A PORTION TRACT "E", AS SHOWN ON THE PLAT OF PENNOCK POINT, RECORDED IN PLAT BOOK 22, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 8 OF SAID PLAT OF PENNOCK POINT; THENCE NORTH $61^{\circ}46'03''$ EAST, ALONG THE NORTHERLY LINE OF SAID TRACT "E" A DISTANCE OF 202.24 FEET; THENCE SOUTH $36^{\circ}35'57''$ EAST, A DISTANCE OF 25.36 FEET; THENCE SOUTH $61^{\circ}44'58''$ WEST, A DISTANCE OF 35.39 FEET; THENCE SOUTH $36^{\circ}35'57''$ EAST, A DISTANCE OF 119.90 FEET; THENCE NORTH $61^{\circ}44'58''$ EAST, A DISTANCE OF 35.39 FEET; THENCE SOUTH $36^{\circ}35'57''$ EAST, A DISTANCE OF 247.60 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF THE SOUTH PRONG OF THE LOXAHATCHEE RIVER LOCATED ON NOVEMBER 30, 2007 AT ELEVATION 1.44 N.G.V.D. 1929; THENCE SOUTH $34^{\circ}49'12''$ WEST ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 20.87 FEET; THENCE CONTINUING ALONG SAID MEAN HIGH WATER LINE SOUTH $42^{\circ}14'26''$ WEST, A DISTANCE OF 24.85 FEET; THENCE SOUTH $27^{\circ}22'51''$ WEST, A DISTANCE OF 30.36 FEET; THENCE SOUTH $44^{\circ}03'04''$ WEST, A DISTANCE OF 24.55 FEET; THENCE SOUTH $34^{\circ}58'27''$ WEST, A DISTANCE OF 4.60 FEET; THENCE SOUTH $33^{\circ}46'00''$ WEST, A DISTANCE OF 17.96 FEET; THENCE SOUTH $32^{\circ}07'14''$ WEST, A DISTANCE OF 16.92 FEET; THENCE SOUTH $23^{\circ}23'16''$ WEST, A DISTANCE OF 17.10 FEET; THENCE SOUTH $24^{\circ}54'38''$ WEST, A DISTANCE OF 17.01 FEET; THENCE SOUTH $58^{\circ}39'29''$ WEST, A DISTANCE OF 37.76 FEET; THENCE DEPARTING SAID MEAN HIGH WATER LINE NORTH $36^{\circ}35'57''$ WEST ALONG THE WEST LINE OF SAID TRACT "E", A DISTANCE OF 477.90 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

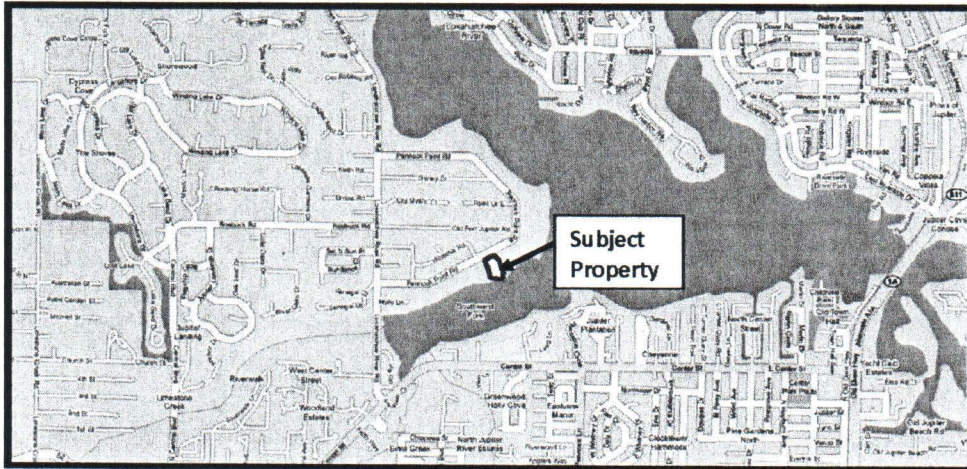


EXHIBIT C

CONDITIONS OF APPROVAL

ENGINEERING

1. Prior to issuance of the first building permit the property owner shall combine Lot 2 and Lot 3, as proposed with Z-2009-3944, in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the applicant 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 voluntary commitments of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the voluntary commitments of approval 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, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or,
- c. A requirement of the development to conform with the standards of the Unified Land Development Code (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 voluntary commitments; 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 the 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any voluntary commitment of approval. (ONGOING: MONITORING - Zoning)