

RESOLUTION NO. R-2011- 0005

RESOLUTION DENYING ZONING APPLICATION DOA-2010-00982
(CONTROL NO. 2004-00206)
APPLICATION OF Atl 441 W LLC
BY ATL 441 W, LLC, AGENT
(441-Atlantic PUD (aka Tivoli Isles))

WHEREAS, the Board of County Commissioners, as the governing body, 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 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application DOA-2010-00982 was presented to the Board of County Commissioners at a public hearing conducted on January 6, 2011; 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 found that the application fails to meet the following standards: 3 Compatibility with Surrounding Uses; 4 Design Minimizes Adverse Impact; 5 Design Minimizes Environmental Impact; 6 Development Patterns; and, 9 Changed Conditions or Circumstances as contained in Article 2.B.2.B.

WHEREAS, Article 2 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 441-Atlantic PUD (aka Tivoli Isles), the Application of Atl 441 W LLC, by ATL 441 W, LLC, agent, for a Development Order Amendment to delete land area and modify Condition of Approval (Planning) in the 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 denied on January 6, 2011, with prejudice.

Commissioner Aaronson moved for approval of the Resolution.

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

Commissioner Karen T. Marcus, Chair	-	Aye
Commissioner Shelley Vana, Vice Chair	-	Aye
Commissioner Paulette Burdick	-	Absent
Commissioner Steven L. Abrams	-	Aye
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairman thereupon declared the resolution was duly passed and adopted on January 6, 2011.


Filed with the Clerk of the Board of County Commissioners on 11th day of January, 2011.

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
Legal Description - 441-Atlantic PUD

Development Parcel:

ALL OF THE PLAT TIVOLI ISLES PUD, AS RECORDED IN PLAT BOOK 107, PAGE 92 THROUGH 100 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

130.22 ACRES

TOGETHER WITH:

Preserve Parcel 1:

ALL OF PRESERVE PARCEL 1, OF THE PLAT PRESERVE PARCEL 1 AS RECORDED IN PLAT BOOK 107, PAGE 83, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PARCEL.

COMMENCE AT THE SOUTHWEST CORNER OF SAID PARCEL 1 THENCE EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF ATLANTIC AVENUE SAID LINE BEING A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 2804.79 FEET AND A RADIAL BEARING OF N 13°08'08"W A CENTRAL ANGLE OF 00°53'45" AN ARC DISTANCE OF 43.85 FEET TO THE POINT OF BEGINNING THENCE N 00°45'55"W A DISTANCE OF 182.77 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 110.00 FEET THENCE NORTHEAST ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 47°42'54" A DISTANCE OF 91.61 FEET THENCE N 00°45'55"W A DISTANCE OF 265.28 FEET THENCE N 90°00'00"E A DISTANCE OF 467.44 FEET THENCE S00 45'55"E A DISTANCE OF 321.13 FEET THENCE S 89°41'05"W A DISTANCE OF 44.42 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 30.00 FEET THENCE SOUTHWEST ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°27'00" AN ARC DISTANCE OF 47.36 FEET THENCE S00°45'55"E A DISTANCE OF 70.20 FEET TO THE SOUTH LINE OF SAID PARCEL 1 AND THE NORTH RIGHT-OF-WAY LINE OF ATLANTIC AVE THENCE S75°49'31"W ALONG SAID LINE A DISTANCE OF 433.73 FEET TO THE POINT OF BEGINNING.

98.89 ACRES

ALSO TOGETHER WITH:

Preserve Parcel 2:

ALL OF THE PLAT CRITCHFIELD PLAT – PRESERVE AREA 2 AS RECORDED IN PLAT BOOK 107, PAGE 85 THROUGH 86, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

4.90 ACRES

ALSO TOGETHER WITH:

Preserve Parcel 3:

ALL OF THE PLAT EAGLE PLANTS PRESERVE AREA PARCEL 3 AS RECORDED IN PLAT BOOK 107, PAGE 89 THROUGH 91, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

9.80 ACRES

ALSO TOGETHER WITH:

Preserve Parcel 4:

ALL THAT PORTION OF THE OPEN SPACE PRESERVE AREA KNOWN AS TRACT "A", "B", "C" AND "D" THAT ARE SUBJECT TO A CONSERVATION EASEMENT AS SHOWN ON THE PLAT WINDSPIRIT PRESERVE AS RECORDED IN PLAT BOOK 107, PAGE 78 THROUGH

80, OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

70.58 ACRES

ALSO TOGETHER WITH:

Preserve Parcel 5:

ALL OF THE PLAT NANAK PLAT – PRESERVE AREA 5 AS RECORDED IN PLAT BOOK 107, PAGE 87 THROUGH 88, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

6.04 ACRES

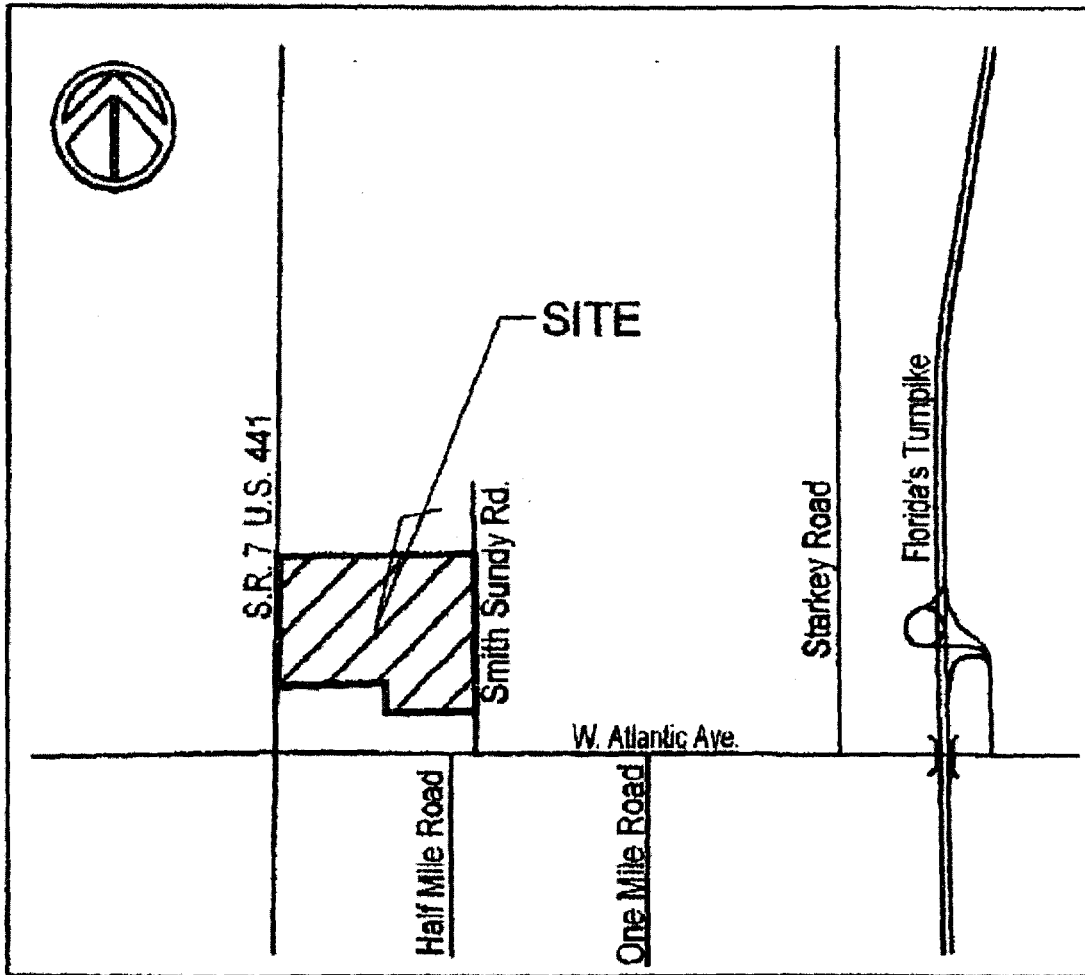
ALSO TOGETHER WITH:

Preserve Parcel 6:

ALL OF THE PLAT LONG, DEKA & MONTI PLAT – PRESERVE AREA 6 AS RECORDED IN PLAT BOOK 107, PAGE 81 THROUGH 82, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

5.03 ACRES

EXHIBIT B
VICINITY SKETCH



LOCATION MAP
NOT TO SCALE