

RESOLUTION NO. R-2009-0020

RESOLUTION APPROVING ZONING APPLICATION PDD-2008-01177
(CONTROL NO. 2008-00290)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
APPLICATION OF BYRON RUSSELL
BY LAND DESIGN SOUTH, INC., AGENT
(CHENEY RANCH)

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-2008-01177 was presented to the Board of County Commissioners at a public hearing conducted on January 8, 2009; 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 PDDPDD-2008-01177, the application of Byron Russell, by Land Design South, Inc., agent, for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) Zoning District in the 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 January 8, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Absent
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
District 4 Commissioner Mary McCarty	-	Absent
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 8, 2009.

Filed with the Clerk of the Board of County Commissioners on February 4th, 2009

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 1

The North one-half of the Northwest Quarter of the Northeast Quarter of Section 3, Township 44 South, Range 42 East, Palm Beach County, Florida, **LESS** and **EXCEPT** Jog Road right-of-way.

PARCEL 2

A tract of land in Section 3, Township 44 South, Range 42 East, Palm Beach County, Florida, bounded as follows:

On the North by the North line of said Section 3; on the South by the Westerly extension of the South line of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 3; on the East by the West line of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 3 and on the West by the East line of Blocks 5 and 13, **PALM BEACH FARMS CO. PLAT NO. 3**, Palm Beach County, Florida, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54.

LESS and **EXCEPT** Jog Road right-of-way.

PARCEL 3

A tract of land in Section 3, Township 44 South, Range 42 East, Palm Beach County, Florida, bounded as follows:

On the North by the Westerly extension of the South line of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 3; on the East by the West line of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 3; on the West by the East line of Tract 1, Block 13, **PALM BEACH FARMS CO. PLAT NO. 3**, Palm Beach County, Florida, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54 inc.; and on the South by the Easterly extension of the South line of said Tract 1, Block 13, **THE PALM BEACH FARMS CO. PLAT NO. 3**.

LESS and **EXCEPT** Jog Road right-of-way.

PARCEL 4

The North $\frac{1}{2}$ of Tract 1, Block 13, **THE PALM BEACH FARMS CO. PLAT NO. 3**, a subdivision in Palm Beach County, Florida, according to the Plat thereof recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54, together with the rights granted to grantor in Official Records Book 1516, Page 559.

PARCEL 5

That part of the East $\frac{1}{2}$ of Tract 76 lying South of State Road 80, in Block 5 of the **PALM BEACH FARMS COMPANY PLAT NO. 3**, according to the Plat thereof recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54, inclusive.

PARCEL 6

The West $\frac{1}{2}$ of tract 76, Block 5, lying South of the West Palm Beach Canal, **THE**

PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, Recorded in Plat Book 2, Page 45.

PARCEL 7

That 50 foot wide strip of land lying South of the Westerly 570' of Tract 76, Block 5, and North of Tract 1, Block 13, **PALM BEACH FARMS CO. PLAT #3**, recorded in Plat Book 2, Pages 45-54 of the Public Records of Palm Beach County Florida.

PARCEL 8

That part of Tract 75, Block 5, **THE PALM BEACH FARMS COMPANY PLAT NO. 3**, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Page 45, lying South of and being adjacent to the Southerly right of way line of the West Palm Beach Canal C-51.

Together with

The North 19.50 feet of the South 330 feet of Tract 1, Block 13, **THE PALM BEACH FARMS CO. PLAT NO. 3**, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida.

AND

The North 19.50 feet of the South 330 feet of that part of the West half of Section 3, Township 44 South, Range 42 East, lying East of and adjacent to the South half of Tract 1, Block 13, **THE PALM BEACH FARMS CO. PLAT NO. 3**, less any rights-of-way for Jog Road, according to the Plat thereof recorded in Plat Book 2, Page 45, Public Records of Palm Beach County, Florida.

PARCEL 9

The East half of Tract 2, Block 13, **THE PALM BEACH FARMS COMPANY PLAT NO. 3**, according to the plat thereof recorded in Plat Book 2, Pages 45 to 54 inclusive, in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida.

TOGETHER WITH an easement for ingress and egress over the North 19.50 feet of the South 330 feet of Tract 1, Block 13, **THE PALM BEACH FARMS COMPANY PLAT NO. 3**, according to the plat thereof recorded in Plat Book 2, Pages 45 to 54 inclusive, in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida.

TOGETHER WITH and easement for ingress and egress over that part of the North 19.50 feet of the South 330 feet of the West half of Section 3, Township 44 South, Range 42 East, lying East of and adjacent to the South Half of Tract 1, Block 13, **THE PALM BEACH FARMS CO., PLAT NO. 3**, LESS any rights-of-way for Jog Road, according to the Plat thereof recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54 inclusive.

PARCEL 10

That 50 foot wide strip of land lying South of the East half of Tract 75, Block 5 and North of the East half of Tract 2, Block 13, **PALM BEACH FARMS CO. PLAT #3**, recorded in Plat Book 2, Pages 45-54 of the Public Records of Palm Beach County, Florida;

AND

The North half of that 50 foot wide strip of land lying South of the West half of Tract 75, Block 5, **PALM BEACH FARMS CO. PLAT #3**, recorded in Plat Book 2, Pages 45-54 of the Public Records of Palm Beach County, Florida.

PARCEL 11

The East 15 feet of that 30 foot wide strip of land lying between Tracts 74 & 75, Block 5, and South of West Palm Beach Canal, **PALM BEACH FARMS CO. PLAT #3**, recorded in Plat Book 2, Pages 45-54 of the Public Records of Palm Beach County, Florida.

Containing in all 40.599 acres, **MORE OR LESS.**

EXHIBIT B
VICINITY SKETCH

