

RESOLUTION NO. R-2005- 0153

RESOLUTION APPROVING ZONING APPLICATION PDD2004-654  
CONTROL NUMBER (1980-054)  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF CYPRESS ISLAND PROPERTY OWNERS ASSOCIATION, INC.,  
AND ESTATES OF PENNOCK POINT LLC  
BY KILDAY & ASSOCIATES, INC. - KIERAN J KILDAY, AGENT  
(CYPRESS ISLAND 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, is authorized and empowered to consider petitions relating to zoning; and

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

WHEREAS, Zoning Application PDD2004-654 was presented to the Board of County Commissioners at a public hearing conducted on January 27, 2005; 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 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 requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is 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) with approved conditions 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) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 2.K.3.b (Action by Board of County Commissioners) 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 PDD2004-654, the petition of Cypress Island Property Owners Association Inc., and Estates of Pennock Point LLC by Kilday & Associates, Inc., agent, for an Official Zoning Map Amendment from the Residential Transitional Suburban Zoning District with a Conditional Overlay Zone to the Residential Planned Unit Development 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 27, 2005, subject to the conditions of approval described in EXHIBIT C of DOA2004-654.

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:

Tony Masilotti, Chairman	-	AYE
Addie L. Greene, Vice Chairperson	-	AYE
Karen T. Marcus	-	AYE
Jeff Koons	-	AYE
Warren H. Newell	-	AYE
Mary McCarty	-	ABSENT
Burt Aaronson	-	AYE

The Chair thereupon declared that the resolution was duly passed and adopted on January 27, 2005.

Filed with the Clerk of the Board of County Commissioners on 9TH day of FEBRUARY, 2005.

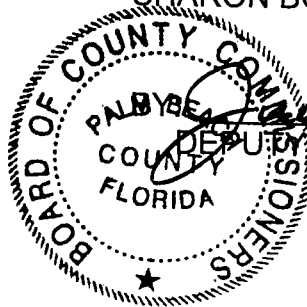
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON BOCK, CLERK AND COMPTROLLER

BY:

  
COUNTY ATTORNEY



  
COUNTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF THE PLAT OF CYPRESS ISLAND P.U.D. AS RECORDED IN PLAT BOOK 59 AT PAGES 1 THROUGH 3 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA TOGETHER WITH A PARCEL OF LAND SITUATE IN SECTION 20, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF SAID PLAT OF CYPRESS ISLAND P.U.D.

TOGETHER WITH THE FOLLOWING:

BEGIN AT THE SOUTHERN MOST NORTHWEST CORNER OF TRACT "Y" AS SHOWN ON SAID PLAT OF CYPRESS ISLAND P.U.D.; THENCE SOUTH 87°43'14" EAST 149.29 FEET ALONG THE NORTH LINE OF SAID TRACT "Y" TO THE INTERSECTION OF SAID NORTH LINE AND THE NORTHWESTERLY LINE OF EASEMENT "E" AS SHOWN ON SAID PLAT; THENCE NORTH 41°31'24" EAST 76.92 FEET ALONG THE EXTENSION OF SAID NORTHWESTERLY LINE; THENCE NORTH 48°28'36" WEST 202.76 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 123.00 FEET AND A RADIAL BEARING OF NORTH 22°23'56" WEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°02'39" AN ARC LENGTH OF 15.12 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 40°47'40" WEST 45.58 FEET; THENCE SOUTH 89°36'09" WEST 30.00 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 2904.93 FEET AND A RADIAL BEARING OF SOUTH 89°36'09" WEST, SAID POINT ALSO LYING ON THE EASTERLY RIGHT OF WAY LINE OF PALMWOOD ROAD AS SHOWN ON THE PLAT RECORDED IN ROAD PLAT BOOK 2 AT PAGE 76 OF SAID PUBLIC RECORDS; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°56'57" AN ARC DISTANCE OF 98.83 FEET TO A POINT OF TANGENCY; THENCE SOUTH 01°31'24" WEST 46.55 FEET ALONG SAID EAST LINE; THENCE SOUTH 87°43'14" EAST 28.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING:

A STRIP OF LAND BEING 28.00 FEET WIDE AND BOUNDED ON THE EAST BY THE WEST LINE OF SAID PLAT OF CYPRESS ISLAND; BOUNDED ON THE WEST BY THE EAST LINE OF PALMWOOD ROAD AS RECORDED IN ROAD PLAT BOOK 2 AT PAGES 75 AND 76 OF SAID PUBLIC RECORDS; BOUNDED ON THE NORTH BY THE INTERSECTION OF THE EXTENSION OF THE SOUTHERN MOST NORTHERLY LINE OF SAID TRACT "Y" AND THE SAID EAST RIGHT OF WAY LINE OF PALMWOOD ROAD; BOUNDED ON THE SOUTH BY THE INTERSECTION OF THE EXTENSION OF THE WESTERN MOST SOUTH LINE OF SAID PLAT OF CYPRESS ISLAND AND THE SAID EAST RIGHT OF WAY LINE OF PALMWOOD ROAD.

LESS THE FOLLOWING:

BEGIN AT THE NORTHEAST CORNER OF TRACT "Y" AS SHOWN ON SAID PLAT OF CYPRESS ISLAND P.U.D.; THENCE NORTH 87°43'14" WEST 129.99 FEET ALONG THE NORTH LINE OF SAID TRACT "Y" TO THE NORTHERN MOST NORTHWEST CORNER OF SAID TRACT "Y"; THENCE SOUTH 01°33'06" WEST 356.85 FEET ALONG THE WESTERLY LINE OF SAID TRACT "Y"; THENCE SOUTH 48°28'36" EAST 34.83 FEET; THENCE NORTH 41°31'24" EAST 304.92 FEET ALONG THE EXTENSION OF THE NORTHWESTERLY LINE OF SAID EASEMENT "E" TO A POINT ON THE COMMON LINE OF SAID TRACT "Y" AND TRACT "M-A" AS SHOWN ON THE SAID PLAT OF CYPRESS ISLAND P.U.D.; THENCE NORTH 31°12'32" WEST 171.11 FEET TO THE NORTHEAST CORNER OF TRACT "Y", SAID POINT ALSO BEING THE POINT OF BEGINNING.

SAID LANDS LYING, SITUATE AND BEING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 1,566,590.600 SQUARE FEET (35.964 ACRES) MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

