

RESOLUTION NO. R-2009- 0174

RESOLUTION APPROVING ZONING APPLICATION W/PDD/R-2008-01372
(Control No.2008-00026)
WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS) (W)
APPLICATION OF Diwatch Intrntnal Consultants Inc
BY Seminole Bay Land Company Inc., AGENT
(Retreat at Palm Beach)

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 public 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 W/PDD/R-2008-01372 was presented to the Board of County Commissioners at a public hearing conducted on January 29, 2009 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 proposed development is consistent with the provisions of the Article 3.E.1.C.1;
2. This proposed development is consistent with the provisions of the Article 3.E.1.C.2, except the following which the BCC is waiving:
 - a) Minimum lot frontage for a PDD on the north property line.
3. The waiver will not adversely impact the development of this property and will result in logical, timely and orderly development patterns.

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 W/PDD/R-2008-01372, the application of Diwatch Intrntnal Consultants Inc, by Seminole Bay Land Company Inc., agent, for a WAIVER OF OBJECTIVES AND STANDARDS (PERFORMANCE STANDARDS WAIVER) to allow deviation for the MXPB in the Planned 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 29, 2009 subject to the conditions as amended for the concurrent rezoning application.

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:

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 29, 2009.

Filed with the Clerk of the Board of County Commissioners on March 3rd, 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 BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

THE EAST 10 FEET OF THE SOUTH 466 FEET OF THE EAST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ALSO THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA;

LESS THE FOLLOWING PARCELS CONVEYED TO COUNTY OF PALM BEACH, STATE OF FLORIDA, FOR ROAD AND DRAINAGE PURPOSES TO WIT; FROM THE NORTHWEST CORNER OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST; THENCE RUN SOUTH 01°53'25" WEST, FOR 58 FEET; THENCE RUN SOUTH 86°54'01" EAST FOR 166.39 FEET TO A POINT ON THE EAST LINE OF SAID WEST 1/2 OF THE WEST 1/2 OF NORTHEAST 1/4 OF NORTHEAST 1/4 OF NORTHEAST 1/4; THENCE RUN NORTH 1°53'18" EAST, FOR 58.50 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 25; THENCE RUN NORTH 87°04'21" WEST, ALONG SAID SECTION LINE FOR 166.38 FEET TO POINT OF BEGINNING, SUBJECT TO EXISTING ROAD AND CANAL RIGHT OF WAY, ALSO FROM THE SOUTHWEST CORNER OF SAID WEST 1/2 OF WEST 1/2 OF NORTHEAST 1/4 OF NORTHEAST 1/4 OF NORTHEAST 1/4 RUN EASTERLY ALONG THE SOUTH LINE OF SAID WEST 1/2 OF WEST 1/2 OF NORTHEAST 1/4 OF NORTHEAST 1/4 OF NORTHEAST 1/4 FOR A DISTANCE OF 166.43 FEET TO THE SOUTHEAST CORNER THEREOF, THENCE RUN NORTH 1°53'18" EAST, ALONG THE EAST LINE OF SAID WEST 1/2 OF WEST 1/2 OF NORTHEAST 1/4 OF NORTHEAST 1/4 OF NORTHEAST 1/4 FOR A DISTANCE OF 30.46 FEET; THENCE RUN SOUTH 82°37'01" WEST, FOR A DISTANCE OF 168.60 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THOSE LANDS DESCRIBED IN THAT CERTAIN AFFIDAVIT RECORDED IN OFFICIAL RECORDS BOOK 22960, PAGE 341, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 2.34 ACRES, MORE OR LESS

EXHIBIT B

VICINITY SKETCH

