

RESOLUTION NO. R-2011-0006

RESOLUTION DENYING ZONING APPLICATION Z-2010-00981
(CONTROL NO. 2010-00176)
APPLICATION OF Atl 441 W LLC
BY ATL 441 W, LLC, AGENT
(Atlantic 441 West)

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 Z-2010-00981 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 denied concurrent application DOA-2010-982 requesting to delete the subject site from 441-Atlantic PUD (aka Tivoli Isles) AGR-PUD.

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 Atlantic 441 West, the Application of Atl 441 W LLC, by ATL 441 W, LLC, agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR/PUD) Zoning District to the Agricultural Reserve (AGR) 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

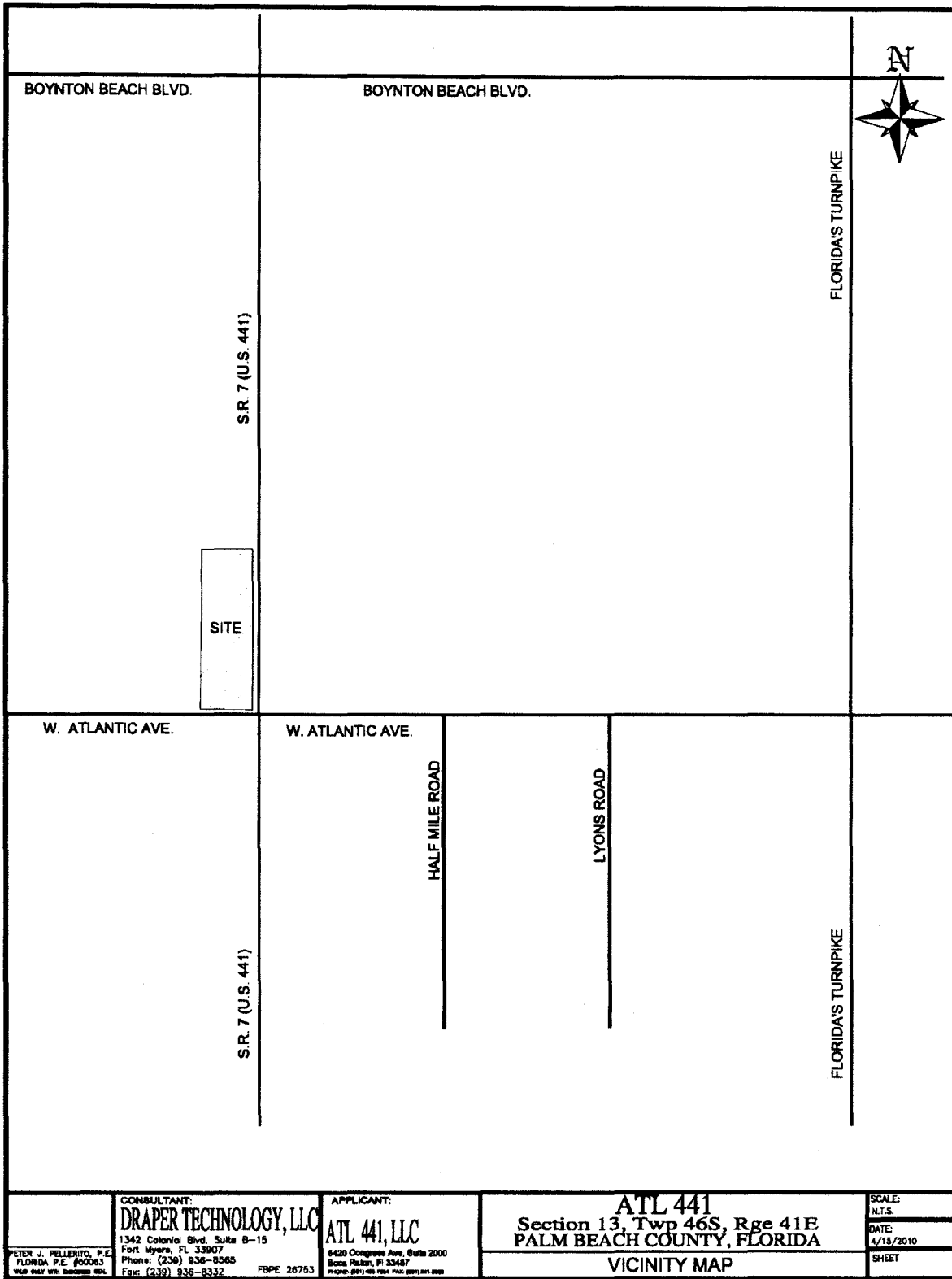
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A PORTION OF PRESERVE PARCEL 1, OF THE PLAT PRESERVE PARCEL 1 AS RECORDED IN PLAT BOOK 107, PAGES 83, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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 ARCDISTANCE 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

EXHIBIT B
VICINITY SKETCH



<small>PETER J. PELLETTO, P.E. FLORIDA P.E. #20043 MAPS ONLY WITH REGISTERED SEAL</small>	<small>CONSULTANT:</small> DRAPER TECHNOLOGY, LLC <small>1342 Colonial Blvd., Suite B-15 Fort Myers, FL 33907 Phone: (239) 936-8565 Fax: (239) 936-8332</small>	<small>APPLICANT:</small> ATL 441, LLC <small>6420 Congress Ave., Suite 2000 Boca Raton, FL 33487 PHONE: (561) 485-7884 FAX: (561) 941-2828</small>	ATL 441 Section 13, Twp 46S, Rge 41E PALM BEACH COUNTY, FLORIDA	<small>SCALE:</small> N.T.S. <small>DATE:</small> 4/15/2010 <small>SHEET</small>
	VICINITY MAP			