

RESOLUTION NO. R-2012- 1054

RESOLUTION APPROVING ZONING APPLICATION ABN/DOA/R/TDR-2011-03177
(CONTROL NO. 2004-00458)
a Requested Use Request
APPLICATION OF Hypoluxo Acquisition LLC, Trinacria Acquisition LLC
BY CMS Engineering, LLC, AGENT
(Toscana Isles 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 applications 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 as amended), have been satisfied; and

WHEREAS, Zoning Application ABN/DOA/R/TDR-2011-03177 was presented to the Board of County Commissioners at a public hearing conducted on May 24, 2012; 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 recommendation of the Zoning Commission; and

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Requested Use Request.

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 ABN/DOA/R/TDR-2011-03177, the petition of Hypoluxo Acquisition LLC, Trinacria Acquisition LLC, by CMS Engineering, LLC, agent, for a Requested Use Request to allow the Transfer of Development Rights (TDR's) 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 May 24, 2012, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

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

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 26, 2012

Filed with the Clerk of the Board of County Commissioners on July 31, 2012.

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

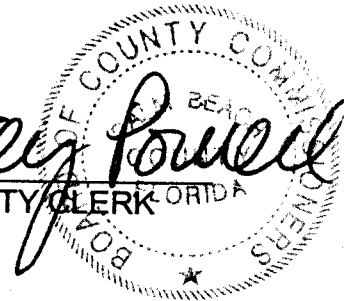


EXHIBIT A

LEGAL DESCRIPTION

ALL OF ISOLA BELLA ISLES - PHASE I, AS RECORDED IN PLAT BOOK 111, PAGES 119 THROUGH 122 OF PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

TOGETHER WITH:

TRACT 14, AND THE WEST ONE-HALF OF THE NORTHWEST ONE-QUARTER, OF THE NORTHWEST ONE-QUARTER OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, AS SHOWN ON THE AMENDED PLAT OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MARY A. LYMAN ET. AL., AS RECORDED IN PLAT BOOK 9, PAGE 74, LYING SOUTH OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-18, AS RECORDED IN OFFICIAL RECORD BOOK 7511, PAGE 1952, ALL OF PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID ISOLA BELLA ISLES - PHASE I; THENCE SOUTH 88°50'23" EAST ALONG THE NORTH LINE THEREOF, A DISTANCE OF 777.25 FEET; THENCE SOUTH 02°19'29" WEST ALONG THE EAST LINE OF SAID ISOLA BELLA ISLES - PHASE I, A DISTANCE OF 316.08 FEET; THENCE SOUTH 89°12'21" EAST ALONG THE NORTH LINE OF SAID ISOLA BELLA ISLES - PHASE I, A DISTANCE OF 385.72 FEET; THENCE SOUTH 02°52'11" WEST ALONG THE EAST LINE OF SAID ISOLA BELLA ISLES - PHASE I, A DISTANCE OF 962.15 FEET; THENCE NORTH 89°35'07" WEST ALONG THE SOUTH LINE OF SAID ISOLA BELLA ISLES - PHASE I, A DISTANCE OF 376.64 FEET; THENCE SOUTH 02°19'29" WEST ALONG THE EAST LINE OF SAID ISOLA BELLA ISLES - PHASE I, A DISTANCE OF 1,336.39 FEET; THENCE SOUTH 89°36'43" WEST ALONG THE SOUTH LINE OF SAID ISOLA BELLA ISLES - PHASE I, A DISTANCE OF 724.74 FEET; THENCE NORTH 01°10'08" EAST ALONG THE WEST LINE OF SAID ISOLA BELLA ISLES - PHASE I, A DISTANCE OF 686.29 FEET; THENCE NORTH 89°19'20" WEST ALONG THE SOUTH LINE OF SAID TRACT 14 OF THE AMENDED PLAT OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MARY A. LYMAN ET. AL., A DISTANCE OF 434.49 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST; THENCE NORTH 04°29'07" EAST SAID WEST LINE, A DISTANCE OF 1,956.51 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT CANAL L-18; THENCE SOUTH 89°00'25" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 4.77 FEET; THENCE SOUTH 88°50'23" EAST, A DISTANCE OF 316.53 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 3,075,805 SQUARE FEET OR 70.6108 ACRES MORE OR LESS.
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

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VICINITY SKETCH

