

RESOLUTION NO. R-2005-1615

RESOLUTION APPROVING ZONING APPLICATION Z2005-471
(CONTROL NO. 2005-191)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
APPLICATION OF RICHARD SMITZ
BY JUPITER BY THE SEA REALTY, INC., AGENT
(SMITZ REZONING)

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 Z2005-471 was presented to the Board of County Commissioners at a public hearing conducted on August 25, 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) 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) 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 and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY - Adequate Public Facilities Standards) of the Palm Beach County Unified Land Development Code; and,
7. This official zoning map amendment (rezoning) 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 Z2005-471, the application of Richard Smitz, by Jupiter by the Sea Realty, Inc., agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Single Family Residential Zoning District to the Residential Transitional Zoning 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 August 25, 2005.

Commissioner Koons 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, Chair	- 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 Chairman thereupon declared that the resolution was duly passed and adopted on August 25, 2005.

Filed with the Clerk of the Board of County Commissioners on 25th day of August, 2005.

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

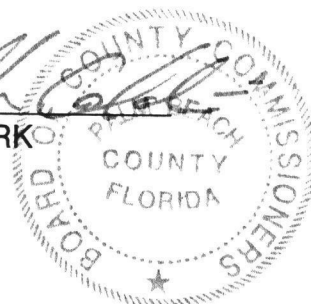


EXHIBIT A

LEGAL DESCRIPTION

Lot 5 of unrecorded portion of PARADISE PORT, lying east of Frenchman's Creek, lying in the Southwest Quarter (SW 1/4) of Section 20, Township 41 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

From the intersection of the South line of said Section 20 with the westerly right of way line of the Intracoastal Waterway, as shown on 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 17, Page 6; thence North $15^{\circ}50'59''$ West on said right of way line, a distance of 612.15 feet to the Point of Beginning of the Parcel herein conveyed, said point being the intersection of said Westerly right of way line with the east line of the Southwest Quarter (SW 1/4) of said Section 20; thence North $87^{\circ}27'16''$ West, a distance of 105.15 feet to a point on the Center line of the Private Road known as Paradise Point Road; thence South $25^{\circ}02'30''$ East on said center line, a distance of 166.52 feet to the beginning of a curve, concave to the west and having a radius of 146.88 feet and a central angle of $26^{\circ}36'22''$; thence Southerly on the arc of said curve, a distance of 68.21 feet to the point of tangency of said curve; thence South $87^{\circ}27'16''$ East, a distance of 15 feet to a point on the said East line of the Southwest Quarter (SW 1/4) of Section 20; thence North $01^{\circ}33'52''$ East on said Quarter Section line, a distance of 213.10 feet to the Point of Beginning.

Subject to an easement over the Westerly 15 feet thereof, for right of way for said Paradise Road.

