

RESOLUTION NO. R-2022- 0766

RESOLUTION APPROVING ZONING APPLICATION Z-2022-00226
(CONTROL NO. 2005-00191)
an Official Zoning Map Amendment
APPLICATION OF Paradise Point Homes, LLC
BY Schmidt Nichols, AGENT
(Paradise Point)

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;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application Z-2022-00226 was presented to the Board of County Commissioners at a public hearing conducted on July 28, 2022;

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;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for an Official Zoning Map Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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 Z-2022-00226, the Application of Paradise Point Homes, LLC, by Schmidt Nichols, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Residential Transitional (RT) Zoning District to the Single Family Residential (RS) Zoning District, on a parcel of land generally described as shown on the legal description 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 July 28, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kerner moved for the approval of the Resolution.

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

Commissioner Robert S. Weinroth, Mayor	- Aye
Commissioner Gregg K. Weiss, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 28, 2022.

Filed with the Clerk of the Board of County Commissioners on August 2nd, 2022.

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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

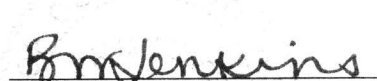
BY: 
DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

LOT 5 OF UNRECORDED PORTION OF PARADISE PORT, LYING EAST OF FRENCHMAN'S CREEK, LYING 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 DEGREES 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 EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) SAID SECTION 20; THENCE NORTH 87 DEGREES 27'16" WEST, A DISTANCE OF 105.15 FEET TO A POINT ON THE CENTERLINE OF THE PRIVATE ROAD KNOWN AS PARADISE POINT ROAD; THENCE SOUTH 25 DEGREES 02' 30" EAST ON SAID CENTERLINE, 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 DEGREES 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 DEGREES 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 DEGREES 33'52" EAST ON SAID QUARTER SECTION LINE, A DISTANCE OF 213.10 FEET TO THE POINT OF BEGINNING. SUBJECT AN EASEMENT OVER THE WESTERLY 15 FEET THEREOF FOR RIGHT-OF-WAY FOR PARADISE POINT ROAD. LESS AND

EXCEPT THE FOLLOWING DESCRIBED PARCEL:

A PARCEL OF LAND 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: COMMENCING AT THE INTERSECTION OF 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 AND THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 20; THENCE SOUTH 01 DEGREES 09'01" WEST (SAID BEARING RELATIVE TO PALM BEACH COUNTY SECTION DATUM AND ALL OTHER BEARINGS SHOWN HEREIN ARE RELATIVE THERETO) ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (SW 1/4) A DISTANCE OF 107.43 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01 DEGREES 09'01" WEST, ALONG SAID EAST LINE, A DISTANCE OF 105.67 FEET; THENCE NORTH 87 DEGRESS 52'07" WEST, ALONG A NON RADIAL LINE, A DISTANCE OF 15.00 FEET TO A POINT OF CURVE HAVING A TANGENT OF NORTH 01 DEGREES 09'01" EAST, A RADIUS OF 146.88 FEET AND A CENTRAL ANGLE OF 26 DEGREES 36'22.", SAID POINT OF CURVE LYING ON THE CENTERLINE OF A PRIVATE ROAD KNOWN AS PARADISE POINT ROAD: THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE AND CENTERLINE OF SAID PRIVATE ROAD, A DISTANCE OF 68.21 FEET: THENCE NORTH 38 DEGREES 46'40" EAST A DISTANCE OF 50.04 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER (SE 1/4) OF SECTION 20, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY EASEMENT 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 AND THE WEST LINE OF THE

SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 20; THENCE SOUTH 87 DEGREES 55'01" EAST ON A LINE PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER (SE 1/4), A DISTANCE OF 263.39 FEET TO A POINT ON THE CENTERLINE OF INTRACOASTAL WATERWAY 500 FOOT RIGHT-OF-WAY EASEMENT PER SAID PLAT BOOK 17, PAGE 6; THENCE SOUTH 16 DEGREES 15'54" EAST ALONG SAID CENTERLINE A DISTANCE OF 105.36 FEET; THENCE NORTH 87 DEGREES 55'01" WEST A DISTANCE OF 294.93 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER (SE 1/4); THENCE NORTH 01 DEGREES 09'01" EAST (SAID BEARING IS RELATIVE TO PALM BEACH COUNTY SECTION DATUM AND ALL OTHER BEARINGS SHOWN HEREIN ARE RELATIVE THERETO) ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER (SE 1/4) A DISTANCE OF 100.01 FEET TO THE POINT OF BEGINNING.

ALL TOGETHER CONTAINING 0.857 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

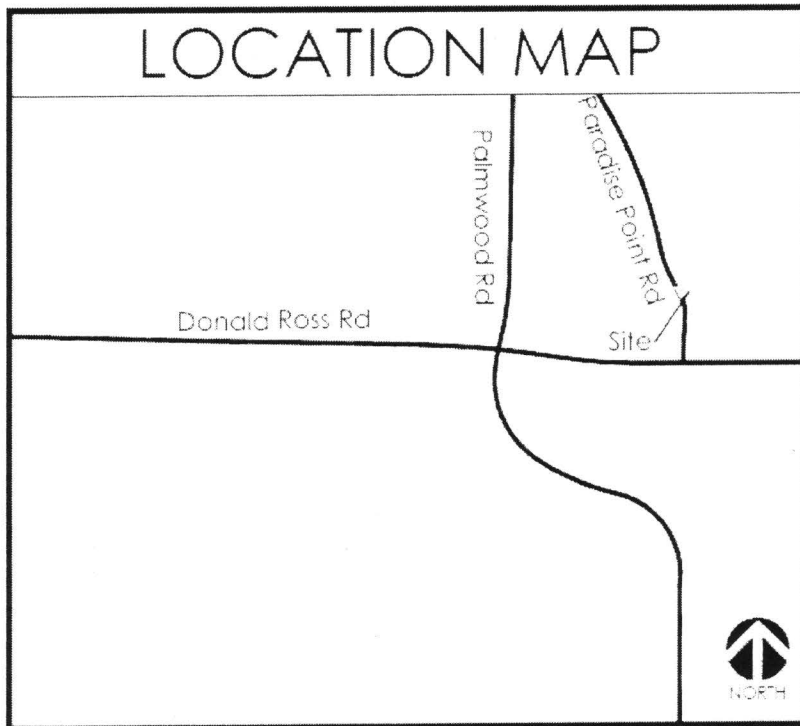


EXHIBIT C

CONDITIONS OF APPROVAL

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.