

RESOLUTION NO. R-2008-0275

RESOLUTION APPROVING ZONING APPLICATION Z2007-1175
(CONTROL NO. 2007-284)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
APPLICATION OF JAMES FITZGERALD
BY GENTILE, HOLLOWAY, O'MAHONEY & ASSOCIATES, AGENT
(FITZGERALD SUBDIVISION)

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 Z2007-1175 was presented to the Board of County Commissioners at a public hearing conducted on February 28, 2008; 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, contingent upon the approval of Small Scale Land Use Amendment SCA 2008-001;
2. This official zoning map amendment (rezoning) is consistent with the stated purpose and intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations.
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land.
4. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment.
5. 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.
6. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern.
7. This official zoning map amendment is consistent with applicable Neighborhood Plans.
8. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY) of the Palm Beach County Unified Land Development Code.

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 Z2007-1175, the application of James Fitzgerald, by Gentile, Holloway, O'Mahoney & Assoc, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Residential Single Family 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 February 28, 2008.

Commissioner Marcus moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	¥	Aye
Jeff Koons, Vice Chair	¥	Aye
Karen T. Marcus	¥	Aye
Robert J. Kanjian	¥	Aye
Mary McCarty	¥	Aye
Burt Aaronson	¥	Aye
Jess R. Santamaria	¥	Aye

The Chairperson thereupon declared that this resolution shall not become effective until Small Scale Land Use Amendment No. SCA 2008-001 is effective.

Filed with the Clerk of the Board of County Commissioners on February 28, 2008.

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

Lot 13 of the Replat of River Crest, according to such replat file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, in Plat Book 21, Page 97, TOGETHER with a part of Lot 12 of the same plat, as follows:

Begin at the northeasterly corner of Lot 12, River Crest, as recorded in Plat Book 21, Page 97, Public Records of Palm Beach County, Florida, said corner being also the northwesterly corner of Lot 13, RIVER CREST, thence southwesterly, parallel to the northwesterly line of said Lot 12, a distance of 330 feet, more or less, to the waters of the Loxahatchee River; thence meander the waters of the Loxahatchee River to the southeasterly line of said Lot 12, said line being also the northwesterly line of said Lot 13; thence northeasterly, along the said southeasterly line of Lot 12, a distance of 405 feet, more or less, to the point of beginning.

EXHIBIT B
VICINITY SKETCH

