

RESOLUTION NO. R-2000- 1085

RESOLUTION APPROVING ZONING PETITION Z2000-026
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF NEIL J. GAETA, ARLINE R. TREZZA
BY NEIL J. GAETA, AGENT
(DONALD ROSS PALMWOOD)

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 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended), have been satisfied; and

WHEREAS, Zoning Petition Z2000-026 was presented to the Board of County Commissioners at a public hearing conducted on July 27, 2000; 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 made 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 11 (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 5, Section 5.3.D.9 (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 Petition Z2000-026, the petition of Neil J. Gaeta, Arline R. Trezza, by Neil J. Gaeta, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential (AR) and Residential Single Family (RS) to the Residential Transitional Suburban (RTS) Zoning District on a parcel of land legally described in EXHIBITA, 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 July 27, 2000 subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Maude Ford Lee, Chair		Aye
Warren Newell, Vice Chair	—	Aye
Karen T. Marcus		Aye
Carol A. Roberts		Aye
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Absent

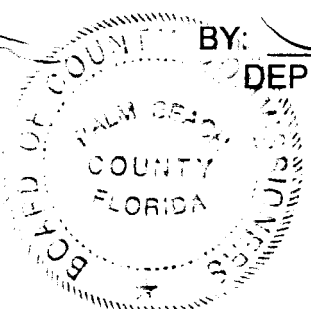
The Chair thereupon declared that the resolution was duly passed and adopted on July 27, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY



BY: 
DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

APARCELOFLANDSITUATEINSECTION20,TOWNSHIP41 SOUTH,RANGE43EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBEDAS FOLLOWS:

THAT PART OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 20, LYING SOUTHERLY OF THE PLAT OF PALMWOOD ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 25, PAGE 184, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WESTERLY OF THE PLATOF WATERWAY MANOR, ACCORDING TO THE PLATTHEEOF RECORDED IN PLATBOOK26, PAGE 242 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDAANDALSO LYING WESTERLY OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 20; THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID SECTION 20, A DISTANCE OF 1083 FEET, MORE OR LESS, TO A POINT OF INTERSECTION WITH THE CENTERLINE OF PALMWOOD ROAD, A COUNTY ROAD AS NOW LAID OUT AND IN USE; THENCE NORTHERLY,ALONGTHECENTERLINEOFSAIDPALMWOODROAD,ADISTANCEOF 772 FEET TO THE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE WESTERLY, PARALLEL TO THE AFORESAID SOUTH LINE OF SECTION 20, A DISTANCE OF 700 FEET; THENCE NORTHERLY, PARALLELTOTHEAFORESAID CENTERLINE OF PALMWOOD ROAD, A DISTANCE OF 330 FEET; THENCE EASTERLY PARALLEL TO THE AFORESAID SOUTH LINE OF SECTION 20, A DISTANCE OF 700 FEET TO A POINT IN THE CENTERLINE OF PALMWOOD ROAD; THENCE SOUTHERLYALONGTHE CENTERLINE OFSAIDPALMWOODROAD,ADISTANCEOF330FEETTOTHEPOINTOFBEGINNING.

LESS AND EXCEPTING THEREFROM THE RIGHT OF WAY OF DONALD ROSS ROAD.

TOGETHER WITHAPARCELOFLAND SITUATE IN SECTION 20, TOWNSHIP41 SOUTH, RANGE43 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCINGATTHESOUTHWESTCORNEROFSECTION 20, TOWNSHIP41 SOUTH, RANGE43 EAST; THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID SECTION 20, A DISTANCE OF 1083 FEET TO THE CENTERLINE OF PALMWOOD ROAD; THENCE NORTH, ALONG SAID CENTERLINE, A DISTANCE OF 772 FEET TO THE POINT OF BEGINNINGANDTHE SOUTHEAST CORNER OF PARCEL; THENCE WESTERLYAND PARALLEL TO THE SOUTHERLY LINE OF SECTION 20, A DISTANCE OF 700 FEET; THENCE NORTHERLYAND PARALLELTOTHE CENTERLINE OF PALMWOOD ROAD, A DISTANCE OF 330 FEET; THENCE EASTERLY AND PARALLELTOTHE SOUTHERLY LINE OF SECTION 20, A DISTANCE OF 700 FEET TO THE CENTERLINE OF PALMWOOD ROAD; THENCE SOUTHERLY ALONG SAID CENTERLINE, A DISTANCE OF 330 FEET TO THE POINT OF BEGINNING.

LESS THE EASTERLY 40 FEET FOR PALMWOOD ROAD.

EXHIBIT B

VICINITY SKETCH

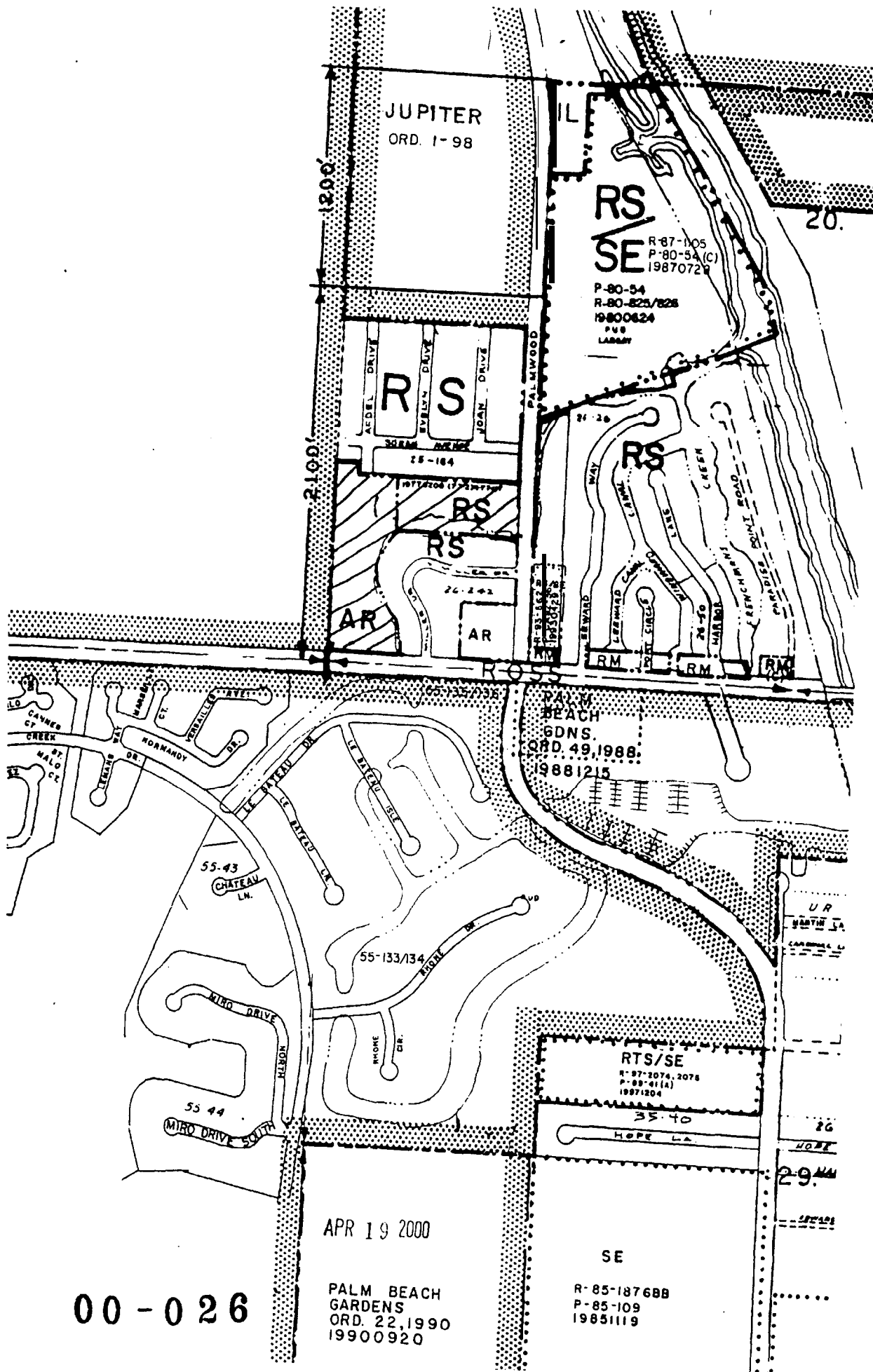


EXHIBIT C

VOLUNTARY COMMITMENTS

A. ANNEXATION

1. Prior to CO for the first residential unit, the property owner shall execute an agreement for voluntary annexation into the Town of Jupiter. Annexation shall occur at the discretion of the Town of Jupiter. (CO: BLDG PERMIT: PLANNING)

B. SITE DESIGN

1. The 13.99 acre site shall be limited to a maximum of 21 single family residential units subject to Section 6.4.D. of the ULDC. (DRC: Zoning - Bldg Permit)
2. Prior to final DRC approval of the site plan, the two entrance roads shall be redesigned to provide for an adequate turnaround for vehicles before the entry gates. (DRC: ZONING)

C. No Voluntary Commitments for C. or D.

E. ENGINEERING

1. Prior to September 1, 2001 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for:
 - a. Donald Ross Road, 60 feet from centerline;
 - b. Prosperity Farms Road Extension, 55 feet from centerline;
 - c. Sufficient Right -of-Way to provide for an expanded intersection on both Donald Ross Road and Prosperity Farms Road Extension on an alignment approved by the County Engineer.

The property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE/ BLDG PERMIT: MONITORING-Eng)

2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along both Donald Ross Road and Prosperity Farms Road Extension to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)
3. Prior to the issuance of a building permit the developer shall plat the developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

F. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)