

RESOLUTION NO. R-98- 415

RESOLUTION APPROVING ZONING PETITION **Z87-63(A)**
OFFICIAL ZONING *MAP* AMENDMENT (REZONING)
PETITION OF DENNIS AND KATHLEEN HOERBER
BY LEE STARKEY, AGENT
(2141 INDIAN ROAD 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 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 **Z87-63(A)** was presented to the Board of County Commissioners at a public hearing conducted on March 26, 1998; 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 Z87-63(A), the petition of Dennis and Kathleen Hoerber, by Lee Starkey, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the General Commercial (CG) Zoning District to the Light Industrial (IL) 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 March 26, 1998 subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	Absent
Karen T. Marcus	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on March 26, 1998.

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

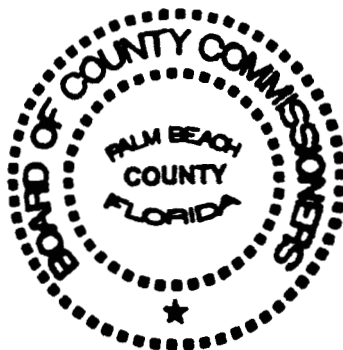


EXHIBIT A
LEGAL DESCRIPTION

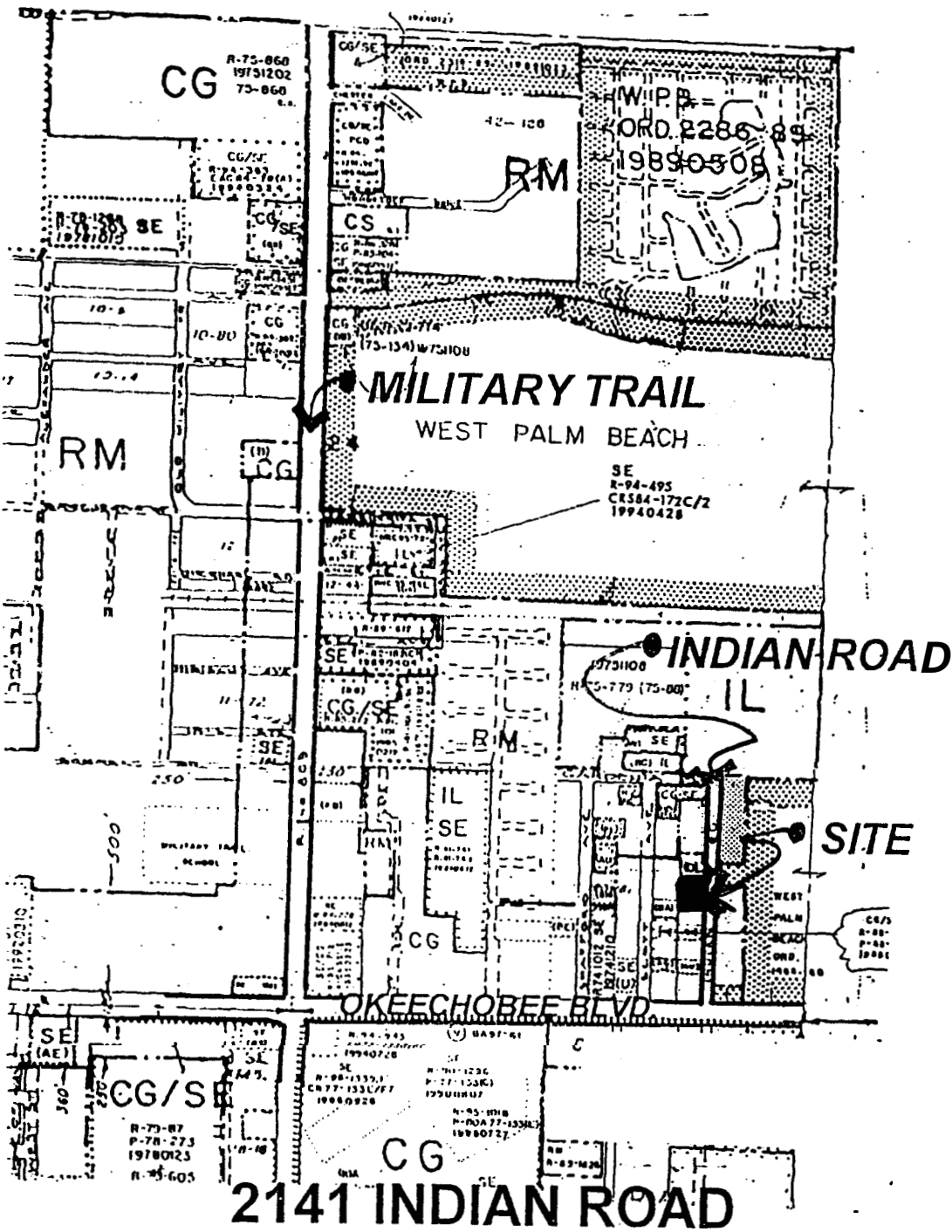
Hoerber Property

PIN = 00 42 43 24 00 000 5280

2141 Indian Road

The North 150.00 feet of the South 755.00 feet of the West One Half of the East One Half of the southeast quarter of the southeast quarter of Section 24, Township 43 South Range 42 East, Palm Beach County, Florida. LESS the East 195 feet thereof. (Containing 0.49 acres, more or less)

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



Petition Number 87-63 A

Zoning Quad Page 31

Date: 11/19/97



EXHIBIT C

VOLUNTARY COMMITMENTS

NOTE: **There** is no **voluntary commitment D**. The letter **E** is reserved for the Engineering Department and Compliance **is always** last in the order.

A. ALL PETITIONS

1. All previous **conditions** of approval applicable to the subject property, as contained in **Resolutions R-89-752** (Petition 87-63) shall remain in full force and effect. (ONGOING: MONITORING-Zoning)

B. EXISTING LANDSCAPING

1. Prior to **July 1, 1998**, the petitioner shall replace any dead or missing plant materials on the site and shall comply to the previously approved site plan (Petition 87-63, Exhibit 17) dated April 17th, 1987. (DATE: LANDSCAPE-Zoning)

C. USE LIMITATIONS

1. Use of the site is limited to the existing building square footsge. (ONGOING: Zoning)
2. Repair or maintenance of vehicles or heavy equipment shall not be permitted on site. (ONGOING: CODE ENF - Zoning)

E. ENGINEERING

1. **Prior to July 1, 1998** the property Owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Incian Road, **40 feet from centerline** along the project's entire frontage, free of all encumbrances and encroachments. 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)

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)
2. Failure to comply with any of the conditions of approval for **the** subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by *the* Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)