

RESOLUTION NO. R-98-731

RESOLUTION APPROVING ZONING PETITION 297-76
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF BRIAN MAHONEY
BY SARA LOCKHART, AGENT
(PRESTIGE GUNITE)

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

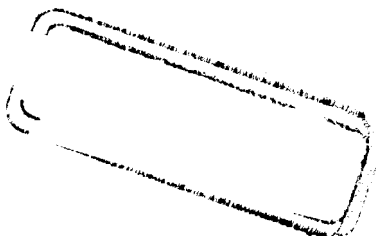
WHEREAS, the notice and public hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended), have been satisfied; and

WHEREAS, Zoning Petition Z97-76 was presented to the Board of County Commissioners at a public hearing conducted on May 28, 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 Z97-76, the petition of Brian Mahoney, by Sara Lockhart, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential (AR) 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 May 28, 1998 subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts 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	--	Aye
Karen T. Marcus		Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on May 28, 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

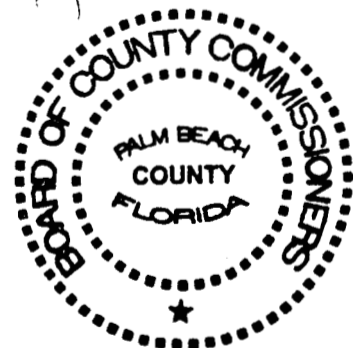


EXHIBIT A
LEGAL DESCRIPTION

PARCEL A

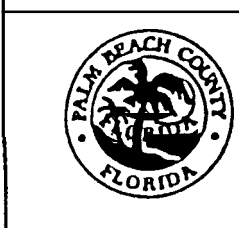
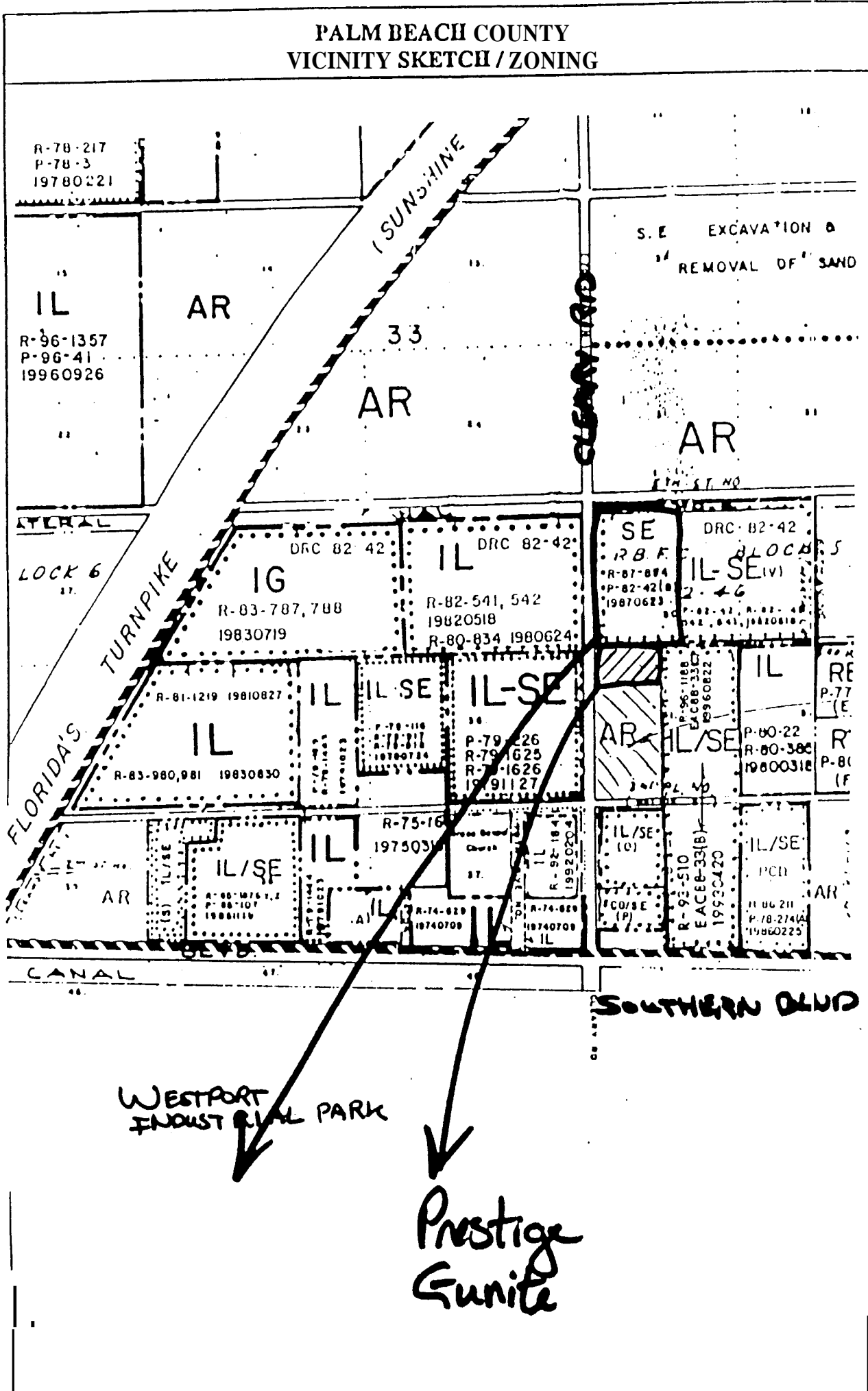
The North 132 feet of the West ½ of Tract 51, Block 5, Palm Beach Farms Company Plat No. 3, recorded in Plat Book 2, pages 45 to 54, in the office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida.

and

PARCEL B

The South two feet of the North 134 feet of the West ½ of Tract 51, Block 5, according to the Plat of Palm Beach Farms Company, Plat No. 3, as recorded in Plat Book 2, page 45, in and for the Public Records of Palm Beach County, Florida. Subject to restrictions, reservations, conditions and easements of record and taxes for the year 1995 and subsequent years. **(AKA)** The North 134 feet of the west ½ of Tract 51, Block 5, Palm Beach Farms Company Plat No. 3, according to the plat thereof, as recorded in Plat Book 2, pages 45 to 54, public records of Palm Beach County, Florida. Contains 1.015 acres +/-.

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: 9776
 Zoning Quad Page _____
 Date: Dec. 18, 1996



EXHIBIT C

VOLUNTARY COMMITMENTS

A. ACCESS

1. The south access of the subject parcel from Cleary Road will be utilized as the only access for trucks associated with the Prestige Gunitite facility. Vehicular access through the subject site to Westport Industrial Park shall be prohibited, unless and until the parcel is incorporated into the Westport Industrial Park. (DRC: ZONING)
2. Access for the loading and unloading of the sand or gunitite shall occur only through the Cleary Road access. (ONGOING: CODE ENF - Zoning)

B. SIGNS

1. Freestanding point of purchase signs fronting on Cleary Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 80 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)

C. SITE DESIGN

1. The sand pile used for the Prestige Gunitite operation shall be effectively covered at all times except when the sand material is being delivered to the premise or loaded into the trucks. (ONGOING: CODE ENF - Zoning)
2. The property owner of the gunitite operation shall take all reasonable precautions to ensure that the fugitive particulates from this project do not become a nuisance to neighboring properties or the drainage system of the Westport Industrial Park Property Owners Association. (ONGOING: CODE ENF - Zoning)

D. SITE PLAN APPROVAL

1. The petitioner shall submit an application to the Development Review Committee (DRC) on or before August 5, 1998 for the certification of the final site plan. (DATE: MONITORING - Zoning)

E. ENGINEERING

1. There shall be no building permits issued until legal positive outfall is available to the site. (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 standard, of the ULDC at the time of the finding of noncompliance, 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