

RESOLUTION NO. R-98- 414

RESOLUTION APPROVING ZONING PETITION Z97-107  
OFFICIAL ZONING *MAP* AMENDMENT (REZONING)  
PETITION OF DENNIS AND KATHLEEN HOERBER  
BY LEE STARKEY, AGENT  
(2091 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 Z97-107 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 Z97-107, 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    |
| <del>Maude</del> 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.

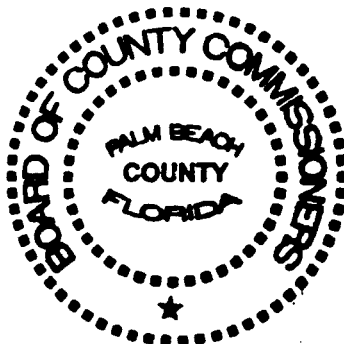
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Danuta Altman*  
COUNTY ATTORNEY

BY: *Joan Hawley*  
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

Hoerber Property

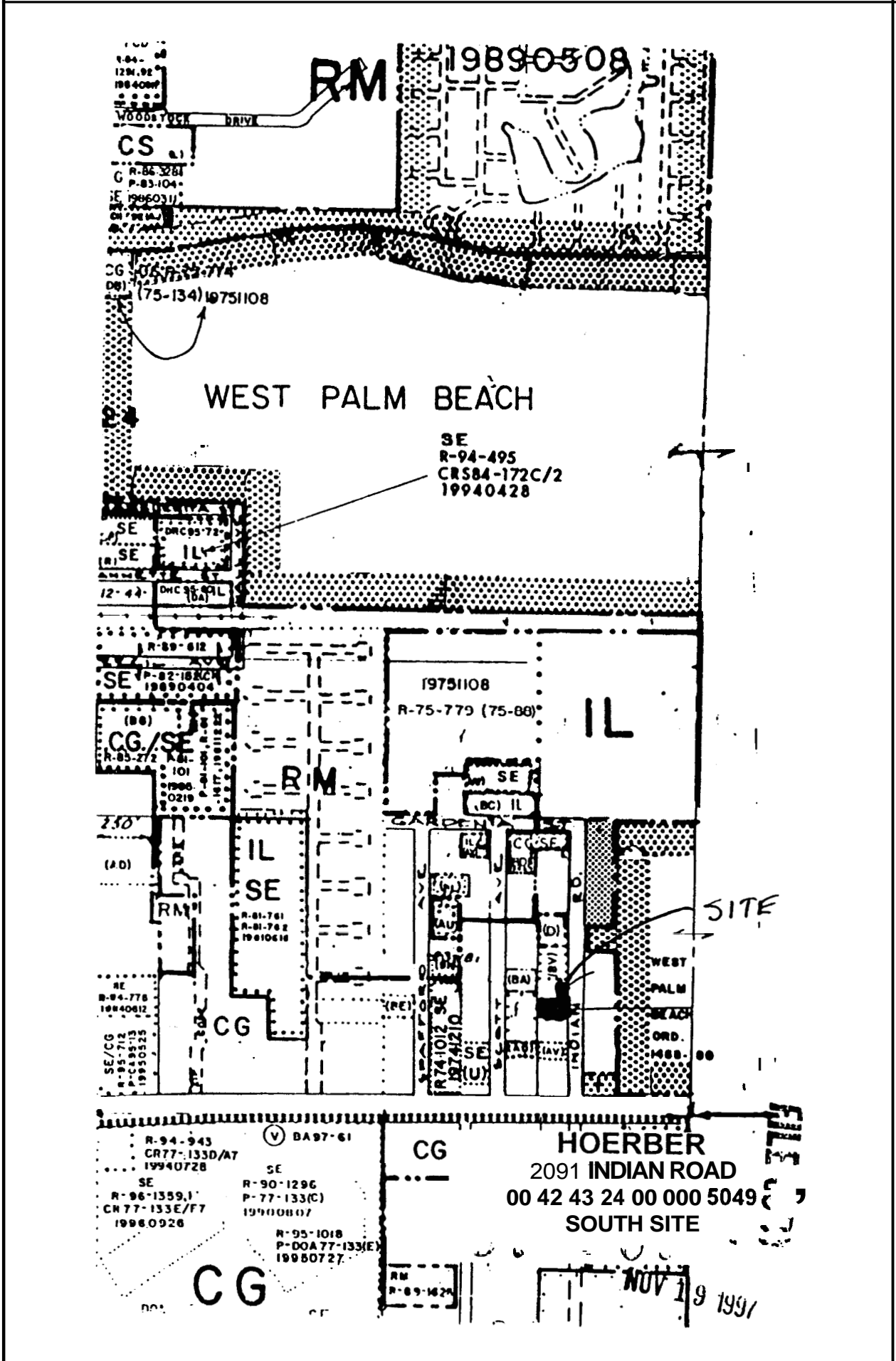
**PIN = 00 42 43 24 00 000 5049**

**2091 Indian Road**

**The North 75 feet of the South 530 feet of the West Half of the East Half of the southeast quarter of the southeast quarter, LESS the East 195 feet thereof, all lying in Section 24, Township 43 South Range 42 East, Palm Beach County, Florida. (Containing 0.24 acres, more or less)**

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH / ZONING



Petition Number: 97-107

Zoning Quad Page \_\_\_\_\_

Date: 11/19/97



## EXHIBIT C

### VOLUNTARY COMMITMENTS

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

#### A. USE LIMITATIONS

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

#### B. LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES

1. Landscaping and buffering along the above property lines shall include:
  - a. A six (6) foot high vinyl-coated chain link fence with slats shall be installed along the seventy five (75) feet of the west property line and the west 110 feet of the north property line, the fence with gates shall extend thirty three feet to the northeast corner of the building.
  - b. Credit may be given to existing fence along the north property line provided the fence meets Condition B.1.a standard. (CO: LANDSCAPE)

#### 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 Indian 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. HEALTH

1. An annual operating permit for the onsite sewage treatment and disposal system (OSTDS) issued by the Palm Beach County Health Department will be required prior to final DRC approval. (DRC: HEALTH)

#### G. 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)