

RESOLUTION NO. R-93-242

RESOLUTION APPROVING ZONING PETITION 292-55
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF ROY G. KUNNEMAN

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

WHEREAS, Zoning Petition 292-55 was presented to the Board of County Commissioners at a public hearing conducted on February 25, 1993; and

WHEREAS, the petitioner applied for an OZMA to the CG Zoning District and voluntarily accepted an additional Conditional Overlay Zone (COZ) District.

WHEREAS, the Development Standards of the CG Zoning District shall regulate the development of the subject property, except as limited herein.

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 Land Development Code.
3. This official zoning map amendment (rezoning) is consistent with all requirements of Article 5, Section 5.3 (Official Zoning Map Amendments) of the Palm Beach County Land Development Code, Ordinance 92-20.
4. This official zoning map amendment (rezoning) is consistent with all requirements of Article 6, Section 6.7.G (Conditional Overlay Zone District) of the Palm Beach Land Development Code, Ordinance 92-20.
5. 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 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 Z92-55, the petition of ROY G. KUNNEMAN, BY T. J. MESSLER, AGENT for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the MULTI-FAMILY RESIDENTIAL (HIGH DENSITY) (RH) ZONING DISTRICT to the COMMERCIAL GENERAL (CG) WITH A CONDITIONAL OVERLAY ZONE DISTRICT (COZ) 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 25, 1993, subject to the conditions of approval 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 Foster and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 25th day of February, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A
LEGAL DESCRIPTION

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF STATE ROAD No. 5 (U.S. HIGHWAY No. 1) WITH THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; THENCE NORTHEASTERLY, ALONG THE CENTERLINE OF SAID STATE ROAD No. 5 (U.S. No. 1), A DISTANCE OF 700 FEET; THENCE WESTERLY ON A LINE PARALLEL TO THE SOUTH LINE OF SAID QUARTER SECTION A DISTANCE OF 61.35 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD No. 5 (U.S. No. 1); THENCE CONTINUE WESTERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 250 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY, ALONG SAID PARALLEL LINE, A DISTANCE OF 200 FEET; THENCE SOUTHWESTERLY, PARALLEL WITH THE SAID WEST RIGHT-OF-WAY LINE OF STATE ROAD No. 5, (U.S. No. 1), A DISTANCE OF 100 FEET; THENCE EASTERLY, PARALLEL WITH THE SOUTH LINE OF SAID QUARTER SECTION, A DISTANCE OF 200 FEET; THENCE NORTHEASTERLY, PARALLEL WITH THE SAID WEST RIGHT-OF-WAY LINE OF STATE ROAD No. 5, (U.S. No. 1), A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING.
CONTAINING 0.459 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

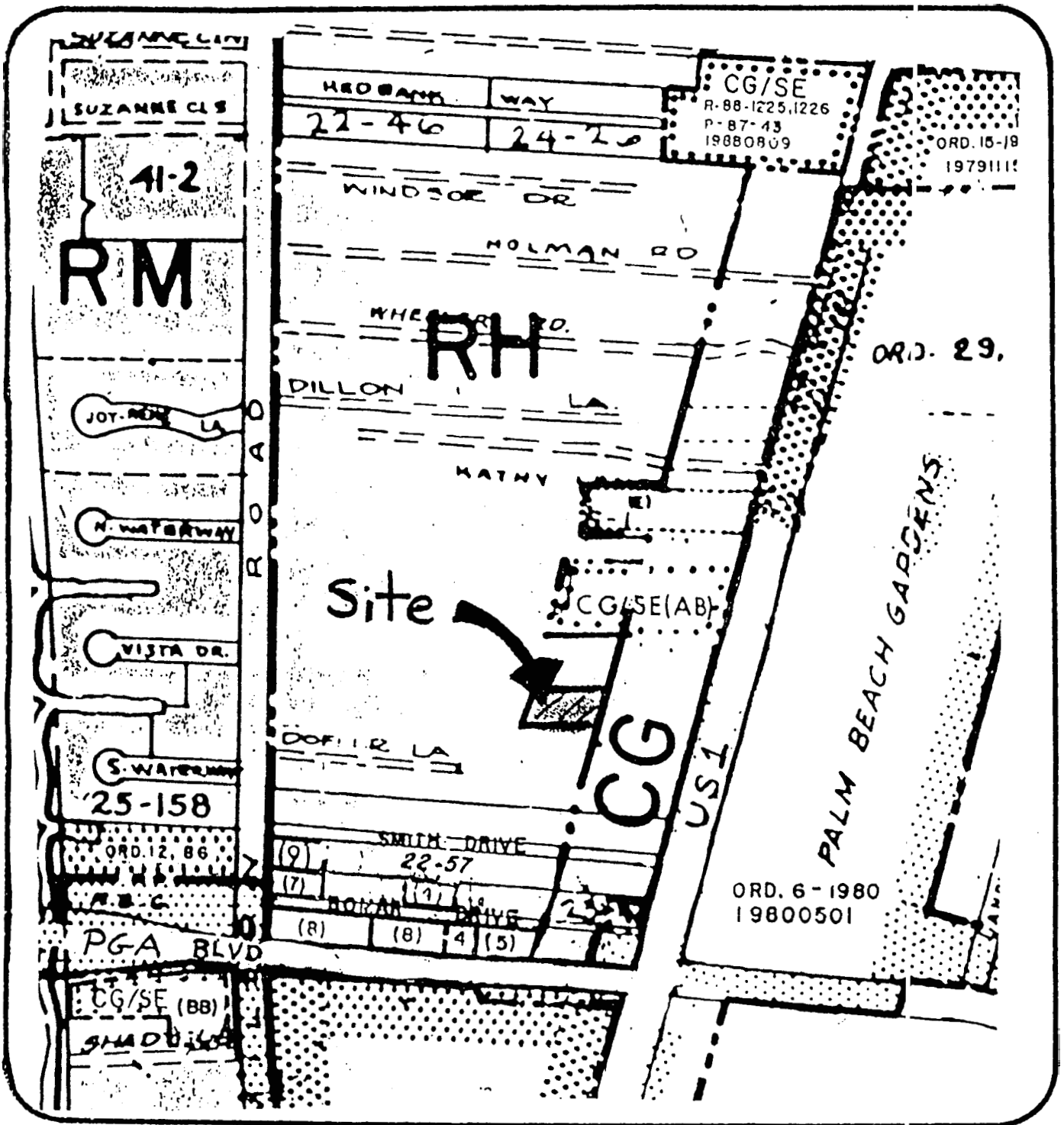


EXHIBIT C

CONDITIONS OF APPROVAL

A. STANDARD CONDITIONS

1. The site's use shall be limited to additional parking to serve the parcel to the east, in addition there shall be **no** buildings permitted on site. (ZONING)
2. Prior to the issuance of a paving and drainage permit, the property owner shall submit a final site plan and receive site plan Certification from the DRC. (ENGINEERING/ZONING)

E. ENGINEERING

1. Prior to issuance of a paving and drainage permit the property owner shall receive approval from Seacoast Utilities for the proposed parking lot improvements (parking, paved area and curbing) adjacent to their sewage lift station. (COUNTY ATTORNEY/ENGINEERING)
2. Prior to issuance of a paving and drainage permit **the** property owner shall record a Unity of Title and a Unity of Control on the subject property subject to approval by the County Attorney. This Unity of Title may be **broken with** the approval of the Executive Director of Planning, Zoning and Building. (NOTE: The petitioner has submitted recorded copies of the Unity of Title) (COUNTY ATTORNEY/ENGINEERING)

F. COMPLIANCE

1. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; **the** issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for **any** developer-owner, commercial-owner, lessee, or user of **the** subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. (MONITORING)