

RESOLUTION NO. R-94-1086

RESOLUTION APPROVING ZONING PETITION **Z/COZ94-36**
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF VALERIE **ZAMMIT**

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 **Z/COZ94-36** was presented to the Board of County Commissioners at a public hearing conducted on August 25, 1994; 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 Land Development Code;
3. This official zoning **map** amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County 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) of the Palm Beach County Land Development Code, Ordinance 92-20; 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 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 Z/COZ94-36, the petition of Valerie Zammit for a OFFICIAL ZONING HAP AMENDMENT (REZONING) from the Agricultural Residential and Residential Medium (RM) ZONING DISTRICT to the Light Industrial (IL) ZONING DISTRICT with a CONDITIONAL OVERLAY ZONE (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 August 25, 1994, subject to the conditions of the Conditional Overlay Zone described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

The motion was seconded by Commissioner Newell 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	-- Absent
Warren Newell	-- Aye
Carol A. Roberts	-- Absent

The Chair thereupon declared that the resolution was duly passed and adopted this 25th day of August, 1994.

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 .

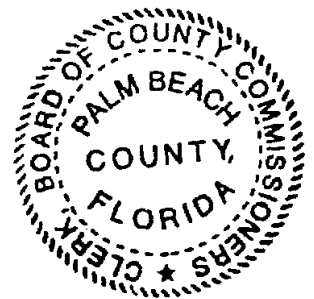


EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION:

THE WEST 1/2 OF LOT 2, BLOCK 6 OF THE PALM BEACH FARMS CO. PLAT NO. 3, A SUBDIVISION IN PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGES 45 TO 54;

TOGETHER WITH;

THE WEST 5 ACRES OF TRACT 11, BLOCK 6 OF THE PALM BEACH FARMS CO. PLAT NO. 3, A SUBDIVISION IN PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGES 45 TO 54.

BOTH TRACTS BEING SUBJECT TO RESERVATIONS OF RECORD.

CERTIFICATION:

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION SHOWN HEREON REPRESENTS THE PARCEL SHOWN ON A SURVEY PREPARED BY W. L. FISH & COMPANY, INC., DRAWING # 94-027, DATED MAY 5, 1994. I FURTHER CERTIFY THIS LEGAL DESCRIPTION REPRESENTS THE PARCELS DESCRIBED IN WARRANTY DEEDS RECORDED IN OFFICIAL RECORD BOOK 7843, PAGE 1013 (PROPERTY CONTROL NO. 00-42-43-27-05-006-0200) AND OFFICIAL RECORD BOOK 7844, PAGE 71 (PROPERTY CONTROL NO. 00-42-43-27-05-006-1101), RESPECTIVELY, BOTH OF SAID WARRANTY DEEDS ARE AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

W. L. FISH & COMPANY, INC.

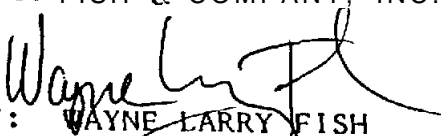

BY: **WAYNE LARRY FISH**
PROFESSIONAL LAND SURVEYOR
FLORIDA STATE REG. NO 3238

EXHIBIT B

VICINITY SKETCH

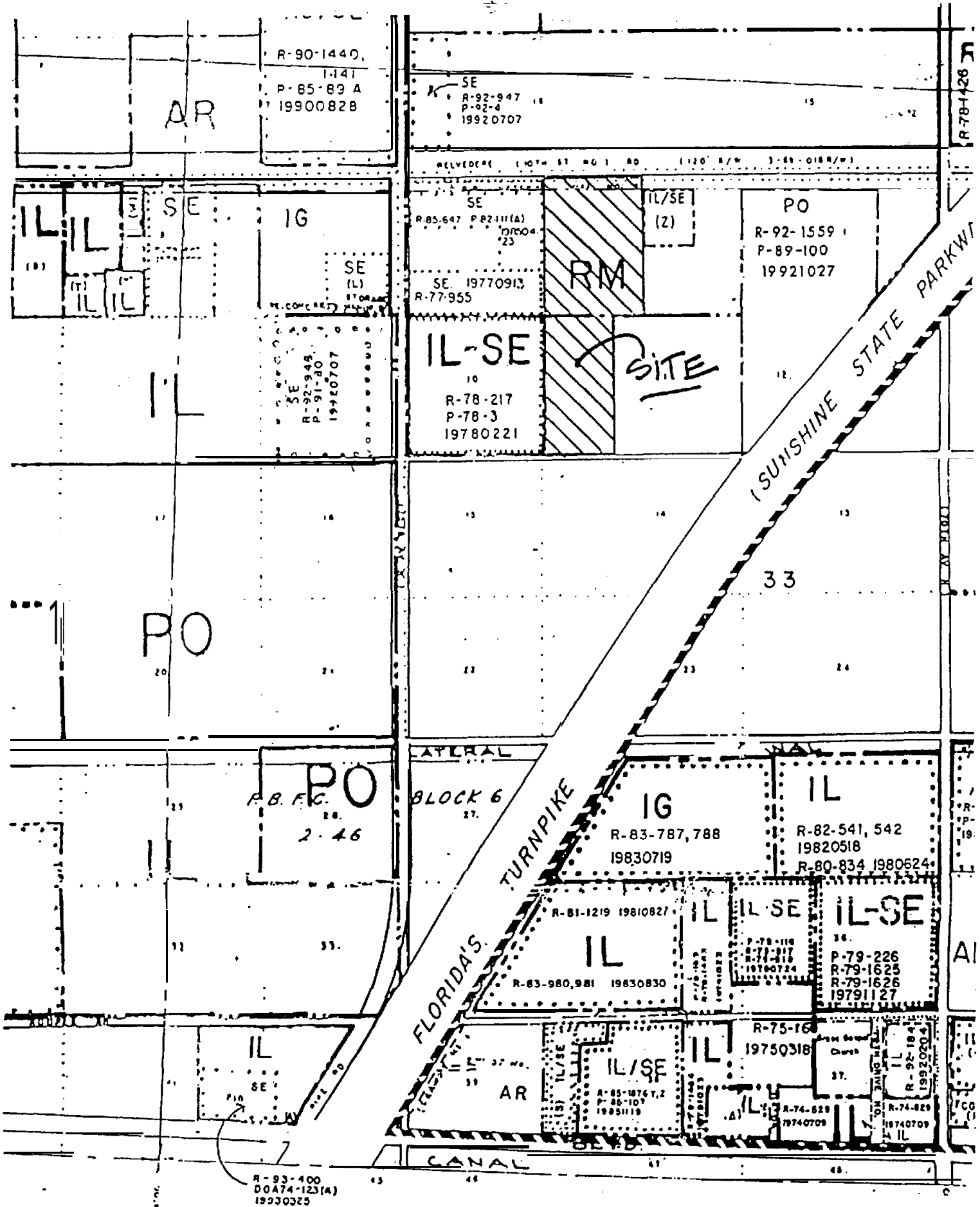


EXHIBIT C

CONDITIONAL OVERLAY CONDITIONS

A. GENERAL

1. Prior to November 30, 1994, the petitioner shall remove from the subject all deleterious (trash), hazardous waste and other waste material in a manner and form acceptable to the Solid Waste Authority (SWA), Palm Beach County Department of Environmental Management (ERM), Florida Department of Environmental Protection (DEP), and any other applicable regulation. (MONITORING/CODE ENFORCEMENT-SWA-ERM-DEP)
2. Prior to November 30, 1994, the petitioner shall obtain a concurrency reservation for the towing service and storage facility and any other permitted use operated or proposed to be operated on site. (NONITORING)
3. Prior to January 31, 1995, or issuance of an occupational license, whichever occurs first, the petitioner shall submit and receive approval of a site plan indicating all uses on the subject site. (MONITORING/ZONING)
4. Prior to July 1, 1995, or issuance of an occupational license, whichever occurs first, the petitioner shall obtain all necessary permits and make all required improvements to the site for any use. (MONITORING/ZONING)
5. No administrative time extensions shall be granted. (MONITORING)

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Prior to application for DRC Site Plan Certification a Contamination Assessment Report (CAR) shall be submitted to and approved by the Department of Environmental Resource Management and the Palm Beach County Public Health Unit. A Contamination Remedial Action Plan (RAP), to address contamination issue identified in the CAR shall be approved by ERM prior to Site Plan Certification. (ERM/HEALTH)
2. Secondary Containment for stored regulated substances, fuels, oils, solvents, or other hazardous chemicals is required. Department of Environmental Resource Management staff are willing to provide guidance on appropriate protective measures. (BUILDING\ERM)
3. Plans for any underground storage tanks must be approved by the Department of Environmental Resource Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be part of those measures. (BUILDING\ERM)

E. ENGINEERING

1. The property owner has voluntarily agreed to convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Seventh Place South 40 feet from centerline prior to **March 15, 1995** or prior to the issuance of the first Building Permit, whichever shall first occur. This right of way shall be 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 "**Safe Sight Corners**" where appropriate at intersections as determined by the County Engineer. (ENGINEERING)
2. Access onto 7th Place shall only be allowed for existing uses. Any expanded use of the property shall access only onto Belvedere Road.