

RESOLUTION NO. R-99- 99

RESOLUTION APPROVING ZONING PETITION Z98-062  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
PETITION OF PIKE INVESTMENTS, INC. AND CAPITAL RESOURCES GROUP, INC.  
BY ROBERT BASEHART, AGENT  
(WEITZ/SPARLING 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 Z98-062 was presented to the Board of County Commissioners at a public hearing conducted on January 28, 1999; 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 Z98-062, the petition of Pike Investments, Inc. and Capital Resources Group, Inc., by Robert Basehart, 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 January 28, 1999 subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 28, 1999.

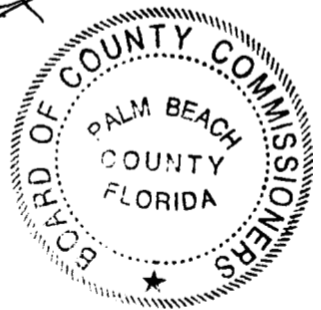
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



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

Tract 11, Block 6, less the west **5** acres thereof, "Palm Beach Farms Company Plat No. 3", according to the plat thereof as recorded in Plat Book **2**, Page 45 of the public records of Palm Beach County, Florida. Said parcel being more particularly described as follows:

COMMENCING at the northeast corner of Section 30, Township 43 south, Range 42 east; thence south  $46^{\circ}23'46''$  east a distance of 8767.35 feet to a point of intersection of the centerline of Pike Road and the north line of Block **6**, "Palm Beach Farms Company Plat No. 3"; thence along the centerline **of** Pike Road south  $00^{\circ}58'35''$  east, a distance **of** 659.98 feet to an intersection with the westerly prolongation of the north line **of** Tract 10, Block 6," Palm Beach Farms Company Plat No. 3"; thence departing said center line of Pike Road north  $88^{\circ}58'34''$  east along the aforementioned north line **of** Tract 10 and its' westerly prolongation , a distance **of** 675.20 feet to the northwest corner of Tract 11, Block 6," Palm Beach Farms Company Plat No. 3" ;thence continue north  $88^{\circ}58'34''$  east along the north line of Tract 11, Block 6, "Palm Beach Farms Comapny Plat No. 3" for a distance of 330.11 feet **to** THE POINT OF BEGINNING; thence continue north  $88^{\circ}58'34''$  east along the north line of said Tract 11, a distance of 660.18' feet to the northeast corner of Tract 11, Block 6," Palm Beach **Farms** Company Plat No. 3"; thence south  $00^{\circ}59'17''$  east along the east line of said Tract 11, for a distance of 660.00 feet to the southeast corner of said Tract 11 :thence south  $88^{\circ}58'34''$  west along the south line of said Tract 11, a distance **of** 660.26 feet to an intersection with the east line **of** the west 5 acres of Tract 11, "Palm Beach **Farms** Company Plat **No.** 3"; thence along said **east** line north  $00^{\circ}58'52''$  west, a distance of 660.00 feet to the **POINT OF BEGINNING**.

containing 10.00 acres, more **or** less

EXHIBIT B

VICINITY SKETCH

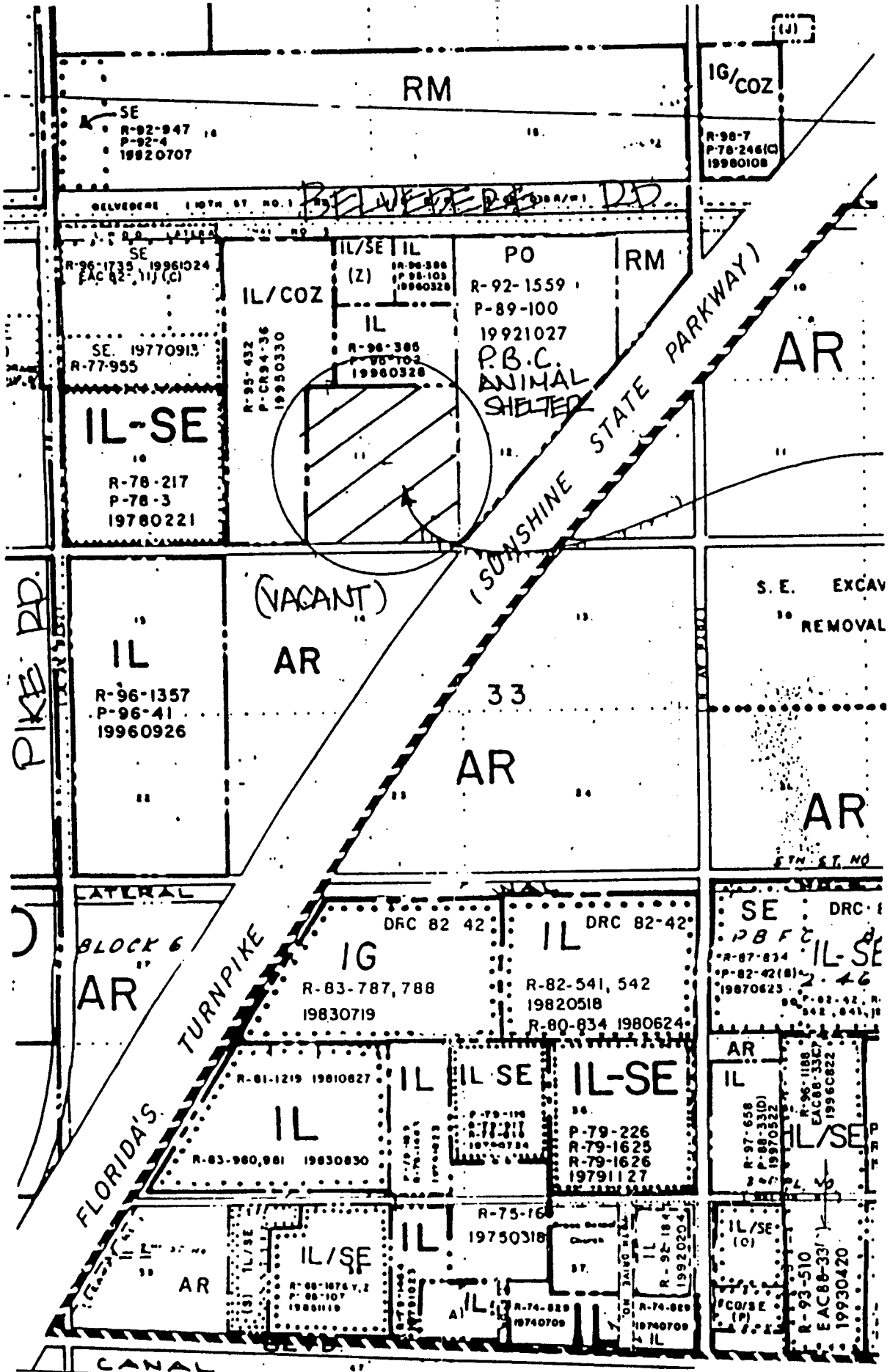


EXHIBIT C

VOLUNTARY COMMITMENTS

NOTE: No B, C, or D. Engineering is always E.

A. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 23,250 square feet. (DRC:ZONING)

E. ENGINEERING

1. The property owner shall convey to the Public by road right-of-way warranty deed for 7th Avenue North, 40 feet from centerline prior to the issuance of the first Building Permit. Right of way conveyance shall be along the project's entire frontage and shall be free of all encumbrances and encroachments. Developer 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. (BLDG PERMIT: MONITORING-Eng)
2. Use of the site shall be limited to industrial storage, office warehouse, contractor storage or an equivalent traffic use acceptable to the County Engineer due to the limited 30 foot ingress/egress which will be used as the project's principal access.
3. The Property owner shall construct paved access to the site from Pike Road.
  - A) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
  - B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
  - C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
4. Prior to the issuance of any Building Permit the property owner shall replat the subject property. (BLDG PERMIT: MONITORING-Eng)

F. COMPLIANCE

1. 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)