

RESOLUTION NO. R-86-220

RESOLUTION APPROVING ZONING PETITION 85-39(B), Modification

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 85-39(B) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 2nd December 1985; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. With a reduction in density, and site plan modifications, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 2nd of December 1985, that Petition No. 85-39(B) the petition of DANIELO GRAMBERINI to MODIFY THE FOLLOWING SPECIAL CONDITIONS PLACED ON ZONING PETITION NO. 85-39(A), APPROVED MAY 23, 1985:

CONDITION NO. 3(e) STATES:

3. Prior to site plan certification, the site plan shall be amended to reflect the following:

(e) A six foot high solid masonry wall along the south property line with 10-12 foot high canopy trees planted 20 feet on center on the inside of the wall.

REQUEST: DELETE CONDITION NO. 3(e)

CONDITION NO. 9 STATES:

9. There shall no convenience-type store, pawn shop, restaurant or lounge, auto parts sales, adult bookstore or gasoline service station on this site.

REQUEST: CONDITION NO. 9 TO READ:

9. There shall be no convenience-type store, pawn shop, lounge, auto parts sales, adult bookstore or gasoline service station on this site.

Said property located on the southeast corner of the intersection of West Atlantic Avenue (S.R. 806) and Whately Road in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. Condition 3(e) which states:

"e) A six foot high solid masonry wall along the south property line with 10-12 foot high canopy trees planted 20 feet on center on the inside of the wall."

Is hereby amended to state:

"e) A six foot high solid masonry wall along the south property line with 10-12 foot high canopy trees planted 20 feet on center on the inside of the wall. The location of the wall may be varied or adjusted to accommodate existing trees along the property line. If acceptable under the standards of the City of Delray Beach, a six foot high solid fence may be substituted."

Commissioner Owens , moved for approval of the petition. The motion was seconded by Commissioner Wilken , and upon being put to a vote, the vote was as follows:

Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	ABSENT
Kenneth Spillias, Member	--	ABSENT
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 25th day of February, 1986 confirming action of the 2nd December 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia Weaver
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney