

RESOLUTION NO. R-87-881

RESOLUTION APPROVING ZONING PETITION 85-58(A): Special Exception

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. 85-58(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 29, 1987; 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 required site plan modifications, this proposal will be consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 85-58(A), the petition of MICHREL D. LALLY AND JOHN T. MIHLROTH, By Kieran J. Kilday, Agent, TO DELETE THE SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION 85-58, AND TO ALLOW A SPECIAL EXCEPTION FOR MOVING AND STORAGE (ENCLOSED), on the South 240 feet of the North 1120 feet of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 7, Township 44 South, Range 43 East, less the South 74.04 feet of the East 158 feet thereof, and less Right-of-Way of Congress Avenue. Said property located on the west side of Congress Avenue

(SR 807) approximately 100 feet north of Riddle Road and approximately .5 mile south of Summit Boulevard in a CG-General Commercial Zoning District was approved as advertised, subject to the following conditions:

1. Prior to **site** plan certification, the site plan shall be amended to reflect the required trees along the north property line.
2. The developer shall retain the stormwater runoff in accordance with **all** applicable agency requirements in effect at **the** time of the permit application. However, at a minimum, this development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm **per** requirements of the Permit **Section**, Land Development Division. **The** drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be reviewed by the Code Enforcement Board for enforcement.
3. The property owner shall convey for the ultimate right-of-way of Congress Rvenue, 53 feet from centerline (approximately an additional 3 feet) within 90 **days** of the approval of the Resolution approving this project.
4. The property owner shall pay a Fair **Share Fee** in the amount and manner required by **the** "Fair **Share** Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share **Fee** for this project presently is \$4,983.00 (186 trips X \$26.79 per trip).
5. The property owner shall relocate the proposed entrance onto Congress Avenue to the south per the County Engineer's approval or receive a permit from the Florida Department of Transportation and construct a left turn lane, south approach on Congress Avenue at the project's entrance road.
6. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system and/or water supply system.
7. The application and engineering plans, calculations etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval.
8. All conditions placed upon Petition No. 85-58 are hereby extinguished.
3. Prior to site plan certification, the petitioner shall amend its site plan to incorporate the additional buffering shown along the **project's** west and south property lines as shown on the supplemental landscape plan presented by the Petitioner at the public hearing **before** the board of County Commissioners sitting as the Zoning Authority on January 22, 1987.
10. Prior to **site** plan certification, the **property** owner shall grant a utility easement **ti**; property owners to the west **subject** to approval of the County Attorney and Health Department.
11. Use of the facility shall be limited to dead storage only.

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

Carol ■ Roberts	--	Aye
Jerry L. Owens	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Absent

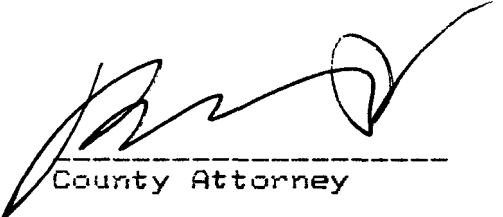
The foregoing resolution was declared duly passed and adopted this 23rd day of June, 1987 confirming action of January 29, 1987.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Jina M. Eldering
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



County Attorney