

RESOLUTION NO. R-87-1189

RESOLUTION APPROVING ZONING PETITION 85-124(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. 85-124(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 28, 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, assembled in regular session that Petition No. 85-124(A) the petition of MALDEN CORPORATION by Beril Kruger, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 85-124 ON JANUARY 3, 1986 TO

REDESIGN THE SITE on all of a tract of land ~~LESS~~ the South 250 feet thereof, situate lying and being in Section 9, Township 46 South, Range 43 East, and more particularly described as follows to wit: From the 1/4 Section corner of the South boundary of Section 9, Township 46 South, Range 43 East, run North 0 degrees 13' 20" East, a distance of 1746.55 feet along the 1/4 Section line to a point on the North boundary of Lot 6, Model Land Company's plat of said Section 9, as recorded in Plat Book 8, at Page 40, thence Easterly at an angle measured from North to East 89 degrees, 23', a distance of 591.06 feet to a point; thence in a Southerly direction at an angle measured from East to South of 96 degrees, 24' 24" for a distance of 33.21 feet to the Point of Beginning of this description; thence from the Point of Beginning run in a Southerly direction at an angle of 175 degrees, 06' 03" measured from North to East to South a distance of 465.73 feet along the East line of Palm Trail to a point in the South boundary line of said Lot 6; thence in an Easterly direction at an angle of 88 degrees, 30' 13" measured from North to East, along the Southern boundary of said Lot 6, a distance of 201.52 feet to a point of intersection with the West Right-Of-Way line of the Intracoastal Waterway; thence in a Northerly direction at an angle of 98 degrees, 07' 01" measured from West to North along the said Right-Of-Way line a distance of 470.42 feet; thence in a Westerly direction at an angle of 81 degrees, 52' 19" measured from South to West a distance of 255.58 feet to the Point of Beginning. The property is located on the southeast corner of the intersection of Northeast 8th Street and Palm Trail Place and is bounded on the east by the Intracoastal Waterway in a CG-General Commercial Zoning District and was approved as advertised subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.

2. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a) Required parking or petitioner shall obtain variance relief from the Board of Adjustment.
 - b) A minimum parking stall width of ten (10) feet or petitioner shall obtain variance relief from the Board of Adjustment.
 - c) No parking stalls within the twenty (20) foot backup distance or petitioner shall obtain variance relief from the Board of Adjustment.
 - d) Required landscaping between off-street parking areas and right-of-way or petitioner shall obtain variance relief from the Board of Adjustment.
 - e) Required landscape islands or petitioner shall obtain variance relief from the Board of Adjustment.
 - f) Required trees in each landscape island or petitioner shall obtain variance relief from the Board of Adjustment.
 - g) A clear corner distance of twenty five (25) feet at the intersection of two (2) public rights-of-way.
 - h) A clear corner distance of ten (10) feet at the intersection of all accessways and public rights-of-way.
 - i) Indicate one-way traffic circulation, west to east, along the north side of the site.
 - j) Elimination of the westernmost cutout on Northeast 8th Street.
 - k) Re-alignment of the eastern access point on Northeast 8th Street.
 - l) location of the on-site dumpster.
3. The temporary boat racks shown on the site plan shall remain as temporary, movable structures.
4. There shall be a maximum of 50 boats on site, including boats docked at the marina and stored on racks.
5. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works, are constructed and used by project tenants or owners generating such effluents.
6. No building¹ permit shall be issued for the subject property until such a time that the site is approved for connection to a public sewer system.
7. Since sewer service is available to the property, septic tank shall not be approved for use on the property.
8. Since water service is available to the property, a well shall not be approved for use on the property.

9. Prior to site plan certification the petitioner shall redesign the proposed entrance onto Northeast 8th Street subject to approval by the County Engineer.
10. 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 three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by 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 referred to the Code Enforcement Board for enforcement.
11. If required by the County Engineer or the South Florida Water Management District the developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
12. The property owner shall convey for the ultimate right-of-way of:
 - a) Northeast 8th Street, 40 feet from centerline
 - b) Palm Trail, 30 feet from centerlineall within ninety (90) days of the approval of the Resolution approving this project.
13. Use of the site shall be limited to offices, boat maintenance, marina boat dockage, and dry storage of boats not to exceed 19,744 square feet of gross building area.
14. No off-premises signs shall be erected on site.
15. Security lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the site.
16. The boat storage racks shall be limited to a maximum height of thirty (30) feet.
17. Boat storage racks shall not be permanently enclosed.
18. No liveboard boats shall be permitted at the site.

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

Carol A. Roberts	-- Absent
Karen T. Marcus	-- Aye
Dorothy Wilken	-- Aye
Kenneth M. Adams	-- Aye
Carol J. Elmquist	-- Aye

The foregoing resolution was declared duly passed and adopted this 11th day of August, 1987 confirming action of May 28, 1987.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Lisa E. Daisey
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney