

RESOLUTION NO. R-90-525

RESOLUTION APPROVING ZONING PETITION NO. 88-47(A)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF JOHN W. NEUMAN, TRUSTEE

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 have been satisfied; and

WHEREAS, Petition No. 88-47(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 31, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 88-47(A), the petition of JOHN W. NEUMAN, TRUSTEE, by Kieran J. Kilday, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS FOR A PLANNED COMMERCIAL DEVELOPMENT being Portions of Lots 12 and 34, Block 82, Palm Beach Farms Company Plat N0.3, as recorded in plat Book 2, Page 45, together with that certain 30.00 foot road reservation lying between said Lots 12 and 34, and being all more fully described as follows: Commencing at the intersection of the centerline of Southwest 66th Avenue and the centerline of Southwest 19th Street as shown on the Plat of Sandalfoot Cove Section One, according to the Plat thereof, recorded in Plat Book 28, at Pages 225 and 226, of the Public Records of Palm Beach County, Florida; thence South 89 Degrees 05' 05" West along the said centerline of Southwest 19th Street a distance of 896.452 feet to a point on the East line of the West 45.00 feet of said Lot 12; thence South 01 Degree 37' 51" East along the said East line a distance of 50.004 feet to a point on the South right-of-way line of said Southwest 19th Street and the point of beginning; Thence continuing South 01 Degree 37' 51" East along the said East line of the West 45.00 feet of Lot 12 and along the East line of the West 45.00 feet of said Lot 34 and extensions thereof, a distance of 376.694 feet; thence North 89 Degrees 05' 05" East a distance of

345.461 feet; thence North 00 Degrees 54' 55" West a distance of 30.00 feet; thence North 44 Degrees 05' 05" East a distance of 42.426 feet; thence North 00 Degrees 54' 55" West a distance of 101.663 feet; thence South 89 Degrees 05' 05" West a distance of 30.00 feet; thence North 00 Degrees 54' 55" West a distance of 215.00 feet to a point on the said South right-of-way line of Southwest 19th Street; thence South 89 Degrees 05' 05" West along the said South right-of-way line a distance of 350.156 feet to the Point of Beginning, being located on the southeast corner of the intersection of State Road 7 (U.S. Highway 441) and Southwest 19th Street (Marina Boulevard South), in the CG-General Commercial Zoning District, was approved on August 31, 1989 as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition No. 2 of Zoning Petition No. 88-47, which presently states:

"2. The petitioner shall install a cover at roof level (maximum 15 feet) to screen the 9,000 square foot open storage area from residences to the south and east. The remaining four (4) sides shall remain open."

is hereby amended to read as follows:

"No storage of objects or property in the proposed 9,000 square foot open storage area shall exceed fifteen (15) feet in height."

3. Condition No 4. of Zoning Petition No. 88-47, which presently states:

"4. Use of the site shall be limited to 46,825 square feet of enclosed self service storage, including ancillary office space which shall be limited to serving only the primary self service storage facility, and 9,000 square feet of open storage."

is hereby amended to read as follows:

"Use of the site shall be limited to 46,825 square feet of enclosed self storage, including ancillary office space which shall be limited to professional property management and general real estate activities, and 9,000 square feet of open storage."

4. Condition No. 10 of Zoning Petition No. 88-47 which presently states:

"10. 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 \$6,564.00 (245 trips X \$26.79 per trip)."

is hereby amended to read as follows:

"The Developer 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 \$857.00 (32 trips X \$26.79 per trip after receiving credit for the previous motel traffic)."

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. Prior to Site Plan Review Committee approval, the petitioner shall submit a landscape plan conforming to the following:
 - A. Native canopy trees twelve (12) feet in height planted twenty feet on center, and a thirty-six (36) inch in height hedge planted twenty-four (24) inches on center to be fully irrigated. After one (1) year, said hedge shall be a minimum of forty-eight (48) inches in height.

Commissioner Phillips moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	--	Aye
Karen T. Marcus	--	Absent
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of March, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

