

RESOLUTION NO. R-88-1552

RESOLUTION APPROVING ZONING PETITION NO. 84-110(A)
SPECIAL EXCEPTION PETITION OF JOHN R. NEERING

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. 84-110(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 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, 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 made the following findings of fact:

1. This proposal is 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. 84-110(A), the petition of JOHN R. NEERING, by Dennis P. Koehler, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 84-110 ON AUGUST 24, 1984, R-85-34 ADOPTED JANUARY 8, 1985, TO INCREASE THE BUILDING SQUARE FOOTAGE AND REDESIGN THE SITE, on a parcel of land lying on Lots 12 and 13, less the West 80 feet, and Lots 14 and 15, less the South 15.00 feet of said Lots 13, 14 and 15, Lakewood Gardens, Plat No. 3, in Section 19, Township 44 South, Range 43 East, as recorded in Plat Book 22, Page 14, located on the Northwest corner of the intersection of 10th Avenue North and Gulfstream Road, in a CG-General Commercial Zoning District, was approved as advertised, subject to the

following conditions:

1. Petitioner 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. Preserved trees, per Condition No. 3 below.
 - b. Required landscaping along the north portion of the west property line.
 - c. Required number of parking spaces and front setback, or obtain variance relief from the Board of Adjustment.
3. Condition No. 2 of Zoning Petition No. 84-110 (Resolution No. R-85-34) which states:

"2. The developer shall relocate and/or preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect any individual trees and/or preservation areas during site clearing and construction."

shall be amended to state:

- "2. Petitioner shall preserve the following mature slash pines:
- a. The ten (10) inch diameter and the eleven (11) inch diameter trees, which coincide with the landscape strip along 10th Avenue North;
 - b. The twelve (12) inch diameter tree in the north-central portion of the site, which shall correspond with a required landscape island immediately behind the proposed addition;
 - c. Every effort shall be made to preserve the thirteen (13) inch diameter tree immediately to the east of the structure.

These reserved trees shall be shown on the approved site plan, and they shall be protected during construction pursuant to Section 500.36.D.3.b(2)(a) (Protection Of Individual Trees)."

4. Security lighting shall be low intensity and directed away from adjacent properties and streets, shining only on the subject site.
5. If public sewer service is not provided to the site, the application and engineering plans, calculations, etc. to construct a septic tank must be submitted to the Health Department prior to site plan approval.
6. Since water service is available to the property, a potable water well shall not be approved for use on said property.
7. 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 (3.0 inches) 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.
8. 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 addition is \$134.00 (5 trips X \$26.79 per trip).
9. Use of the site shall be limited to retail sales of furniture.
10. There shall be no outdoor display or sale of furniture on the site.

Commissioner Marcus 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:

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

The foregoing resolution was declared duly passed and adopted this 27th day of September, 1988 confirming action of August 28, 1987.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK

BY: 
DEPUTY CLERK

