

RESOLUTION NO. R- 87-17

RESOLUTION APPROVING ZONING PETITION **84-159(A)**:
Modification of Commission Requirements

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. 84-159(A)** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 26, 1986 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. This proposal is 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 13th day of January, 1987, that: **Petition No. 84-159(A)**, the petition of **WATER CLUB ASSOCIATES, LTD. AND ORJAR NYDAL** By Christopher S. Doyle, Agent, for a **MODIFICATION OF COMMISSION REQUIREMENTS TO MODIFY THE FOLLOWING SPECIAL CONDITIONS PLACED ON ZONING PETITION NO. 84-159, APPROVED JANUARY 4, 1985:**

CONDITION NO. 1 (C) STATES:

- c) the required masonry wall shall be stuccoed and painted on the exterior side (facing adjacent residentially zoned property). This exterior wall face shall be maintained in good condition at all times. The wall shall be relocated on the site plan so that there is sufficient space between the wall and property to permit maintenance activity without requiring access onto neighboring properties."

is hereby amended to state:

"1. Prior to certification by Site Plan Review Committee:

- c) the site plan shall be amended to reflect a minimum seven (7) foot wide landscape strip along the south and easternmost west property line. This landscape strip shall include one 10-12 foot high canopy tree planted 20 feet on center and a continuous shrub hedge six (6) feet in height.

3. Condition No. 1(d) of Petition No. 84-159 which states:

"1. Prior to certification by Site Plan Review Committee:

- d) the landscape strips shown on the site plan along the required wall (interior side), shall include canopy trees 8 to 10 feet in overall height planted 20 feet on center."

is hereby deleted.

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

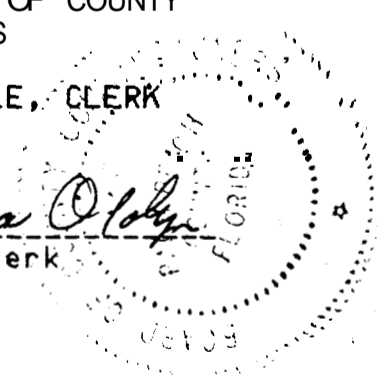
Karen Marcus	-- AYE
Jerry L. Owens	-- AYE
Ken Spi11ias	-- ABSENT
Dorothy Wilken Ken	-- AYE
Kenneth M. Adams	-- ABSENT

The foregoing resolution was declared duly passed and adopted this 13th day of January, 1987 confirming action of June 26, 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara Olofin
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney

1.) C. The required masonry wall shall be stuccoed and painted on the exterior side (facing adjacent residentially zoned property). This exterior wall face shall be maintained in good condition at all times. The wall shall be relocated on the site plan so that there is sufficient space between the walls and property to permit maintenance activity without requiring access onto neighboring properties.

REQUEST: TO DELETE CONDITION NO. 1 (C)

CONDITION NO. 1 (D) STATES:

1. D. The landscape strips shown on the site plan along the required wall (interior side), shall include canopy trees 8' to 10' in overall height planted 20' feet on center.

REQUEST: TO MODIFY CONDITION NO. 1 (D) TO READ:

1. D. The dense, decorative landscape hedge running along south property line is to be planted at a minimum of 4 ft. height and grown and maintained at a 6 ft. height. The hedge will also be maintain through the use of a irrigation system to insure a continued healthy life. The objective of maintaining the landscaped hedge is to create an effective barrier between the montego restaurant and adjoining properties.

Said property located on the southwest corner of the intersection of PGA Boulevard and Ellison-Wilson Road, being bounded on the west by the Intracoastal Waterway and on the south by Shady Lane in an CG-General Commercial District was approved as advertised subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval (Petition No. 84-159), unless modified herein.
2. Condition No. 1(c) of Petition No. 84-159 which states:
"1. Prior to certification by Site Plan Review Committee,