

RESOLUTION NO. R-89- 354

RESOLUTION APPROVING ZONING PETITION NO. 83-137(D)
SPECIAL EXCEPTION PETITION OF HAISFIELD PARTNERSHIP

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. 83-137(D), was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 24, 1988; 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. 83-137(D), the petition of HAISFIELD PARTNERSHIP, by Marc Haisfield, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR CHASEWOOD PLAZA, A PLANNED COMMERCIAL DEVELOPMENT, TO INCREASE THE BUILDING SQUARE FOOTAGE on a parcel of land lying in the East 1/2 of Section 3, Township 41 South, Range 43 East, being more particularly described as follows:

Commencing at the Southwest corner of the Southeast 1/4 of said Section 3, thence North 01 degrees 54' 20" East along the West line of the Southeast 1/4 of said Section 3 distance of 2431.77 feet, thence South 89 degrees 24' 50" East along the Southline of the North 259.87 feet of the Northwest 1/4 of the Southeast 1/4 of said Section 3 a distance of 70.02 feet to the POINT OF BEGINNING of the herein described parcel, thence North 01 degrees 54' 20" East along a line parallel to and 70.00 feet Easterly of as measured at right angles from the aforementioned west line of the Southeast 1/4 of said Section 3 a distance of 227.63 feet, thence North 45 degrees 08' 23" East a distance of 34.25 feet,

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thence North 88 degrees 22' 25" East along a line parallel to and 30.00 feet Southerly of the Southerly right-of-way line of State Road 706 (Indiantown Road) as shown on Road Plat book 1, Pages 163-165, inclusive a distance of 1016.06 feet, thence South 00 degree 46' 10" West along the East line of Lot 5, Plat of Cinquez Park as shown in Plat Book 20, Page 81, a distance of 31.33 feet to the Southeast corner of said Lot 5, thence South 89 degrees 24' 50" East along the South line of said Plat of Cinquez Park (said South line also being the North line of the Northwest 1/4 of the Southeast 1/4 of said Section 3) a distance of 200.01 feet to the Northwest corner of Lot 1, Will Bush's Addition to Jupiter, according to the plat thereof, as recorded in Plat Book 23, Page 233 of the Public Record, thence South 01 degrees 49' 32" West along the West line of said Will Bush's Addition to Jupiter a distance of 835.19 feet; thence North 89 degrees 24' 50" West along the North line of the Plat of Chasewood North as recorded in Plat Book 7, Page 170, Public Record, for a distance of 551.48 feet, thence North 01 degree 54' 20" East along a line parallel to and 758.00 feet Easterly of as measured at right angle from the aforementioned West line of the Southeast 1/4 of Section 3 a distance of 575.28 feet, thence North 89 degrees 24' 50" West a distance of 688.18 feet to the POINT OF BEGINNING.

TOGETHER WITH:

All of Lot 3, and the West 1/2 of Lots 1 and 2, Will Bush's Addition to Jupiter, according to the plat thereof as recorded in Plat Book 23, Page 233 Public Record, AND Lots 1, 2 and 4, Cinquez Park according to the plat thereof as recorded in Plat Book 20, Page 81 Public Record, LESS the right-of-way of State Road 706. AND A parcel of real property located in the Southwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 3, Township 41 South, Range 42 East, more particularly described as, The West 125.00 feet of the East 1308.11 feet of the North 1/2 of said Section lying South of the right-of-way for State Road 706. Located on the southeast corner of the intersection of Indiantown Road (S.R. 706) and Central Boulevard, in a CG-General Commercial Zoning District, 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) The required perimeter landscape buffers around the self service storage facility.
 - b) Indicate the required interior islands.
3. Condition No. 2.a of Zoning Petition No. 83-137(B), Resolution No. R-87-1176, adopted August 11, 1987, which presently states:
 - "2. Prior to site plan certification, the site plan shall be amended to include the following:

thence North 88 degrees 22' 25" East along a line parallel to and 30.00 feet Southerly of the Southerly right-of-way line of State Road 706 (Indiantown Road) as shown on Road Plat book 1, Pages 163-165, inclusive a distance of 1016.06 feet, thence South 00 degree 46' 10" West along the East line of Lot 5, Plat of Cinquez Park as shown in Plat Book 20, Page 81, a distance of 31.33 feet to the Southeast corner of said Lot 5, thence South 89 degrees 24' 50" East along the South line of said Plat of Cinquez Park (said South line also being the North line of the Northwest 1/4 of the Southeast 1/4 of said Section 3) a distance of 200.01 feet to the Northwest corner of Lot 1, Will Bush's Addition to Jupiter, according to the plat thereof, as recorded in Plat Book 23, Page 233 of the Public Record, thence South 01 degrees 49' 32" West along the West line of said Will Bush's Addition to Jupiter a distance of 835.19 feet; thence North 89 degrees 24' 50" West along the North line of the Plat of Chasewood North as recorded in Plat Book 7, Page 170, Public Record, for a distance of 551.48 feet, thence North 01 degree 54' 20" East along a line parallel to and 758.00 feet Easterly of as measured at right angle from the aforementioned West line of the Southeast 1/4 of Section 3 a distance of 575.28 feet, thence North 89 degrees 24' 50" West a distance of 688.18 feet to the POINT OF BEGINNING.

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 - "2. Prior to site plan certification, the site plan shall be amended to include the following:

- a) Indication on the site plan that Building A shall be used exclusively for warehousing and Building B shall be used for indoor parking"

Is hereby deleted.

4. Condition No. 4 of Zoning Petition No. 83-137(C) which presently states:

"4. Use of the building adjacent to Warehouse Building "A" (which was originally labelled "B") shall be used exclusively for indoor parking for customers and employees of the Office/Warehouse and Warehouse buildings."

Is hereby deleted.

5. A Unity of Control shall be executed covering the entire site. Two (2) copies of the properly executed Unity of Control documents shall be submitted to the Zoning Division simultaneously with the Site Plan Review Committee submittal.
6. In order to avoid an incompatible appearance upon adjacent residential areas, the facades of the self service storage facility shall be given architectural treatment consistent with the neighborhood.
7. No outdoor loudspeaker system shall be permitted on the site.
8. This project shall be limited to a maximum of:
 - a) 143,019 square feet of retailand to a minimum of:
 - a) 14,000 square feet of mini-warehouse
 - b) 42,800 square feet of self service storage
9. Since sewer service is available to the property, a septic tank shall not be approved for use on the property.
10. Because water service is available to the property, a well shall not be approved for potable water use.
11. No off-premise signs shall be permitted on the site.
12. Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of

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Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violation of the Palm Beach County Zoning Code.

13. Condition No. 10 of Zoning Petition No. 83-137(B), Resolution No. R-87-1176, which presently states:

"10. Petitioners shall have no access on Busch Road."

Is hereby deleted.

14. Prior to site plan certification, the developer shall amend the site plan to reflect access onto Busch Road.

15. The property owner shall construct:

a. Busch Road from Indiantown Road south to the northern paved terminus which will be paved from a previous commitment from the proposed church on Busch Road. Subject to budget commitments, Palm Beach County shall participate in the paving of Busch Road in an amount not to exceed 50% of the total cost and an amount not to exceed one-hundred dollars (\$100.00) per linear foot.

b. A right turn lane west approach on Indiantown Road at the project's east entrance.

All concurrent with paving and drainage improvements issued by the County Engineer.

16. Condition No. 3 of Zoning Petition No. 83-137, Resolution No. R-84-171, which presently states:

"4. The development shall only be permitted one turnout onto Indiantown Road a minimum distance of 750 feet east of the centerline of Central Boulevard"

is hereby amended to read as follows:

"The development shall be permitted only two (2) turnouts onto Indiantown Road, subject to approval by the County Engineer and the Florida Department of Transportation."

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

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

The foregoing resolution was declared duly passed and

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

The foregoing resolution was declared duly passed and

adopted this 28th day of February, 1989 confirming
action of March 24, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

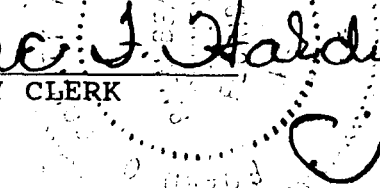
JOHN B. DUNKLE, CLERK

BY:

Susan Kubitz
COUNTY ATTORNEY

BY:

June J. Haldi
DEPUTY CLERK

A circular seal of Palm Beach County, Florida, is partially visible behind the signature of June J. Haldi. The seal contains the text "PALM BEACH COUNTY, FLORIDA" around the perimeter and "1875" in the center.

adopted this 28th day of February, 1989 confirming
action of March 24, 1988.

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AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

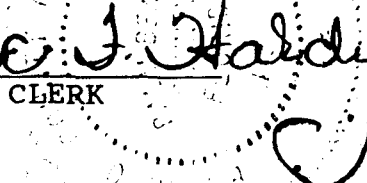
JOHN B. DUNKLE, CLERK

BY:

Susan Kubitz
COUNTY ATTORNEY

BY:

June J. Hardy
DEPUTY CLERK

A circular seal of Palm Beach County, Florida, is partially visible behind the signature of June J. Hardy. The seal contains the text "PALM BEACH COUNTY, FLORIDA" and "CLERK" around the perimeter, with a central emblem.