

RESOLUTION NO. R-89-1076

RESOLUTION APPROVING ZONING PETITION NO. 84-137(B)
SPECIAL EXCEPTION PETITION OF SOUTHERN TWO CORPORATION

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. 84-137(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 28, 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. 84-137(B) the petition of SOUTHERN TWO CORPORATION, by Alan J. Ciklin, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN OFFICE/WAREHOUSE COMBINATION (PETITION NO. 84-137(A)) TO DELETE ACREAGE on a parcel of land lying on a parcel of land being a part of Tract 70, Block 5, Palm Beach Farms Company, Plat No. 3 in Section 33, Township 43 South, Range 42 East as recorded in Plat Book 2, Pages 45. More particularly described as follows:

Commencing at the Northwest corner of said Tract 70; thence South 89 degrees 58' 24" East, along the North line of said Tract 70, a distance of 15.00 feet; thence, South 00 degrees 00' 00" East, along a line 15.00 feet Easterly of, as measured at right angles to, the West line of said Tract 70, a distance of 372.33 feet for a Point of Beginning.

Thence, South 87 degrees 28' 25" East, parallel with the Northerly ultimate Right of Way line for State Road 80, a distance of 315.49 feet to a point on the East line of the West 1/2 of said Tract 70; thence, North 00 degrees 00' 00" East,

along the East line of the West 1/2 of said Tract 70, a distance of 371.09 feet: thence, North 89 degrees 58' 24" West, along a line 15.00 feet Southerly of, as measured at right angles to, the North line of said Tract 70, a distance of 315.18 feet; thence, South 00 degrees 00' 00" East, along a line of 15.00 feet Easterly of, as measured at right angles to, the West line of said Tract 70, a distance of 357.33 feet to the Point of Beginning, being located on the southeast corner of the intersection of Wallis Street and Cleary Road 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. Conditions 1.a. and 1.b. of Petition 84-137(A) (Resolution No. R-85-567) which currently state:
 - "1. Prior to Site Plan Review submittal, a revised site plan shall reflect the following:
 - a. No more than 85% impervious area: and
 - b. Preservation of existing significant vegetation wherever possible and the incorporation of said vegetation into the project design. Appropriate measures also shall be taken to protect these preservation areas during site clearing and construction"

are hereby amended to read as follows:

"The site plan shall incorporate existing vegetation into the project design the following ways:

- a. The placement of interior parking islands shall be located where existing vegetation can be preserved; and
 - b. The establishment of a fifteen (15) foot landscape strip along the east property line beginning at the south property line and extending north to the southern edge of the existing lift station."
3. All prohibited species located on-site shall be removed prior to the issuance of any building permits.
 4. No off premises signs shall be permitted on-site.
 5. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
 6. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

7. Condition No.8.A. of Zoning Petition No. 84-137(A), Resolution No. R-85-567 which presently states:

"8. The property owner shall convey for the ultimate right-of-way of:

(a) Southern Boulevard, 200 feet north of the north right-of-way line of C-51 Canal"

is hereby deleted.

8. Failure to comply with any conditions of approval 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 Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

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

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

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of November 28, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK