

RESOLUTION NO. R-90- 817

RESOLUTION APPROVING ZONING PETITION NO. 88-47(B)
SPECIAL EXCEPTION PETITION OF
YOUR WALK-IN CLOSET JOINT VENTURE

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(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 30, 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 Plan 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(B), the petition of YOUR WALK-IN CLOSET JOINT VENTURE, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PREVIOUSLY APPROVED PLANNED COMMERCIAL DEVELOPMENT (SELF-SERVICE STORAGE FACILITY) TO INCLUDE A COMMERCIAL, NEW AND USED, AUTOMOBILE, TRUCK, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALE AND RENTAL AND REPAIR FACILITIES AND LOTS (FOR TRUCK RENTAL) on a parcel of land lying in portions of Lots 12 and 34, Block 82, PALM BEACH FARMS PLAT NO. 3, Section 31, Township 47, Range 42 East, in Plat Book 2, Page 53, TOGETHER WITH a 30.00 foot road reservation lying between said Lots 12 and 34. Commencing at the intersection of the centerline of Southwest 56th Avenue and the centerline of Southwest 19th Street as shown Sandalfoot Cove Section One, Plat Book 28, Page 225 and 226, 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 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 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 intersection of State Road No. 7 (U.S. Highway 441) and Southwest 19th Street (Marina Boulevard) in a CG-General Commercial Zoning District, was approved on November 30,, 1989 as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to Site Plan Review, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.
3. Condition No.3 of Zoning Petition No.88-47(A) which presently states:

"3. 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."

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, general real estate activities, 9,000 square feet of open storage and a rental truck facility limited to a maximum six (6) truck operation. No repair, maintenance or sales shall be permitted on site."

4. Rental truck parking shall be located adjacent to the open storage area and shall not be visible from adjacent road right-of-ways.
5. Pole and monument signs for this facility shall be limited to the existing ninety six (96) square foot pole sign and the twenty four (24) square foot monument sign presently on site.
6. Prior to site plan certification the petitioner shall submit a recorded Unity of Control document acceptable to the County Attorney.
7. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, rights-of-way, or interior drives.
8. Security lighting shall be shielded, low intensity

and directed away from nearby residences and right-of-way.

9. No advertising flags, foreign flags, pennants, banners, streamers, balloons, signs, prices, gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any building, vehicle or wall, other than inside a window as may be permitted by the Sign Code.
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 the proposed truck rental facility presently is \$2,310.00 (42 trips x \$55.00 per trip).
11. The owner, occupant, or tenant of the facility shall participate in an oil recycling program which ensures proper re-use of disposal of waste oil.
12. Prior to January 1, 1990 the property owner shall convey to Palm Beach County by road right-of-way warranty deed the property described in Palm Beach County Acquisition Program 1, 1A, and 1B Marina Boulevard.
13. Along the north and west property line a hedge a minimum height of sixty (60) inches shall be in place within two (2) years of this special exception approval.

Commissioner Marcus moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 22nd day of May, ~~1989~~ 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara Alter*
COUNTY ATTORNEY

BY: *John B. Dunkle*
DEPUTY CLERK