

RESOLUTION NO. R-95-1117

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 86-85
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-87-901
WHICH APPROVED THE SPECIAL EXCEPTION OF
JANE C. KREUSLER
PETITION NO. 86-85

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report SR 86-85 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on August 24, 1995; and

WHEREAS, the Board of County Commissioners has reviewed Status Report **SR** 86-85 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add **or** modify conditions of approval; 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; and
2. The conditions listed below require this petition to develop more in conformity with current standards of development.

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. SR 86-85, to amend Conditions of Approval of Resolution No. R-87-901, the Special Exception of Jane C. Kreusler, Petition No. 86-85, which allows a commercial new and used auto, truck, boat, motorcycle, mobile home, recreational vehicle sale and rental and repair facility and lot, on a parcel of land beginning at a point on the Easterly right-of-way line of Military Trail, said right-of-way line being located 53 feet east of the North South Half Section line, where said point intersects the South line **of** the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 25, Township 43 South, Range **42** East, for a point of beginning. Thence run in an Easterly direction along the South line of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter **of** Section 25, 130 feet to a point; thence run in Northerly direction parallel with the Easterly right-of-way line of Military Trail 150 feet to a point; thence run in a Westerly direction parallel and 150 feet North of

the South line of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 25, a distance of 130 feet to a point in the Easterly right-of-way line of Military Trail; thence run in a Southerly direction along the Easterly right-of-way line of Military Trail a distance of 150 feet to the point of beginning. TOGETHER with an easement for road proposes over the following described parcel of land lying in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 25, Township 43 South, Range 42 East, described as follows: Commencing at a point on the aforementioned Easterly right-of-way line of Military Trail and a point 150 feet North of the South line of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 25, for a point of beginning; thence run in an Easterly direction parallel with the South line of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 25, a distance of 130 feet to a point; thence run in a Northerly direction parallel with the Easterly right-of-way line of Military Trail a distance of 30 feet to a point; thence run in a Westerly direction on a line parallel to the South line of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 25, 130 feet to a point in the Easterly right-of-way line of Military Trail, thence run in a Southerly direction along the Easterly right-of-way line of Military Trail, 30 feet to the Point of Beginning, on property located on the East side of Military Trail (State Road 809), approximately 180 feet North of Cherry Road on a 0.447 acre parcel of land in the CG-General Commercial Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition number 4 of Resolution R-87-901 which currently states:

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 project presently is \$1,634.00 (61 trips X \$26.79 per trip).

Is hereby amended to state:

Prior to January 1, 1996, 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 project presently is \$1,634.00 (61 trips X \$26.79 per trip). (MONITORING - Impact Fee Coordinator)

Commissioner Aaronson 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:

KEN FOSTER, CHAIR	<u>Aye</u>
BURT AARONSON	<u>Aye</u>
MAUDE FORD LEE	<u>Aye</u>
KAREN T. MARCUS	<u>Aye</u>
MARY MCCARTY	<u>Absent</u>
WARREN H. NEWELL	<u>Aye</u>
CAROL ROBERTS	<u>Aye</u>

The Chair thereupon declared the resolution was duly passed

and adopted this 24th day of August, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: *[Signature]*

DOROTHY H. WILKEN, CLERK

BY: *[Signature]*
DEPUTY CLERK

