

RESOLUTION NO. R89-451

RESOLUTION APPROVING ZONING PETITION NO. 88-47
SPECIAL EXCEPTION PETITION OF MARTIN L. COYNE, INC.

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. 88-47 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 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. 88-47 the petition of MARTIN L. COYNE, INC., by Kieran J. Kilday, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT WHICH WILL HAVE THE EFFECT OF EXTINGUISHING THE SPECIAL EXCEPTION FOR A MOTEL PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 80-90 on a parcel of land lying on portions of Lots 12 and 34, Block 82, PALM BEACH FARMS PLAT NO. 3, Section 31, Township 47, Range 42, as recorded in Plat Book 2, Page 53, TOGETHER WITH that certain 30.00 foot road reservation lying between said Lots 12 and 34, and being all more fully described as follows:

Commencing at the intersection of the centerline of Southwest 56th Avenue and the centerline of Southwest 19th Street as shown on the plat of Sandalfoot Cove Section One, according to the plat thereof as recorded in 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 1 degrees 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 1 degrees 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 0 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 0 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, located on the southeast corner of 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 as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Required ten (10) foot canopy trees, spaced twenty (20) feet on center, along the southern and eastern property lines, or obtain variance relief from the Board of Adjustment.
 - b. The preservation of the fifteen (15) foot ficus hedge along the southern and eastern property lines, or obtain variance relief from the Board of Adjustment. The petitioner shall install additional hedge material at a minimum of 36" high at time of planting to provide infill in any areas where the existing hedge may recede.
 - c. The site shall be limited to one (1) free standing sign with the maximum height specified and a monument sign to identify entry into the site.
 - d. Revised tabular information pertaining to the number of trees required.
 - e. Total floor area and floor area ratio.
 - f. Maximum size of all storage bays.
 - g. Deletion of reference to the existing billboard located in the northwest corner of the site.
2. The petitioner shall install a cover at roof level (maximum 15 feet) to screen the 9,000 square foot open storage area from residences to the south and east. The remaining four (4) sides shall remain open.
3. The petitioner shall indicate graphically and in the tabular data, the location and number of additional trees planted for each 500 square feet of landscaping that is transferred to the perimeter, pursuant to

Section 500.38.D.5.b. (2).

4. Use of the site shall be limited to 46,825 square feet of enclosed self service storage, including ancillary office space which shall be limited to serving only the primary self service storage facility, and 9,000 square feet of open storage.
5. All sabal palms shall be relocated on site.
6. No dumpster pickup shall be permitted between the hours of 8:00 P.M. and 8:00 A.M.
7. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
8. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for the ultimate right-of-way for S.W. 18th Street, 60 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right-of-way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
9. The property owner shall construct a right turn lane, west approach on S.W. 18th Street at the project's entrance road concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy. Palm Beach County may at its option request payment of this right turn lane to be incorporated into the project currently under design by Palm Beach County. The property owner would then be responsible for all funding.
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 this project presently is \$6,564.00 (245 trips X \$26.79 per trip).

11. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
12. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
13. The developer shall preserve and continually maintain the fifteen (15) foot ficus hedge along the eastern and southern property lines.
14. 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 Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.
15. All vehicles stored on site shall be continuously maintained in operable condition.
16. No outdoor storage of disassembled vehicles, parts or equipment thereof shall be permitted on site.

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 adopted this 14th day of March, 1989 confirming action of April 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

