

RESOLUTION NO. R-89-603  
RESOLUTION APPROVING ZONING PETITION NO. 87-41(B)  
MODIFICATION OF COMMISSION REQUIREMENTS  
PETITION OF JOHN STALUPPI

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. 87-41(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 4, 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 and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 87-41(B), the petition of JOHN STALUPPI, by Anna Cottrell, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying in the Northwest 1/4 of Section 19, Township 42 South, Range 43 East, being more particularly described as follows:

The West 125.00 feet of the East 1/4 of the West 1/2 of the Northeast 1/4, of the Northwest 1/4 of Section 19, **Less** the Northerly 489.00 feet thereof. **TOGETHER WITH:**

**PARCEL A:** The West 105.00 feet of the East 165.00 feet of the South 314.00 feet of the North 489.00 feet Northwest 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 19, Township 42 South, Range 43 East, **TOGETHER WITH:** Adjacent parcels of land in the Northeast 1/4 of the Northwest 1/4 of Section 19, Township

42 South, Range 43 East, more particularly described as follows:

The East 60.00 feet of the South 461.00 feet of the North 536.24 feet of the West 1/2 of said Northeast 1/4 of the Northwest 1/4 of Section 19; Less the East 25 feet of the North 200 feet and Less the West 20.00 feet of the South 47.24 feet thereof; AND ALSO: The South 561.37 feet of the North 636.37 feet of the West 206.67 feet of the East 1/2 of said Northeast 1/4 of the Northwest 1/4 (Less the South 100 feet of the Westerly 130.71 feet and less parcel in Official Record Book 494, Page 98, and Official Record Book 1211, Page 448); TOGETHER WITH the East 15.00 feet of the West 145.00 feet of the North 467 feet of the South 700 feet of the East 1/2 of the Northeast 1/4 of the Northwest 1/4 (Less the East 200.00 feet of the West 235.00 feet of the North 200.00 feet of the land described hereinbefore);

LESS AND EXCEPT the right-of-way of Northlake Boulevard and right-of-way as recorded in Official Record Book 916, Page 465.

ALSO LESS AND EXCEPT THE FOLLOWING PARCEL OF LAND: Commencing at the North 1/4 corner of Section 19, Township 42 South, Range 43 East; thence run North 88 degrees 27' 22" West, along the North line of the Northwest 1/4 of said Section 19; a distance of 339.39 feet; thence South 01 degrees 32' 04" West, along the East line of the West 1/2 of the Northeast 1/4 of the Northwest 1/4 of said Section 19; a distance of 375.00 feet; thence North 88 degrees 27' 22" West, a distance of 126.66 feet to the POINT OF BEGINNING of the herein described parcel; thence continue North 88 degrees 27' 22" West, a distance of 24.34 feet to a point on the East right-of-way line of Lyndall Lane as described in official Record Book 916, Page 465; thence along said right-of-way North 10 degrees 16' 50" East, a distance of 47.92 feet; thence continue along said right-of-way North 16 degrees 53' 50" East, a distance of 64.30 feet; thence South 01 degrees 31' 30" West along the East line of the West 206.67 feet of the East 1/2 of the Northeast 1/4 of the Northwest 1/4 of said Section 19; a distance of 109.37 feet to the POINT OF BEGINNING. TOGETHER WITH:

PARCEL B: A parcel of land lying in the Northwest 1/4 of Section 19, Township 42 South, Range 43 East, being more particularly described as follows:

The West 1/2 of the East 1/2 of the West 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 19, Less the Northerly 375.00 feet thereof.

The following legal description was created to absorb the 1.66 foot hiatus created by Parcel A and Parcel B legal descriptions.

A parcel of land in the Northeast 1/4 of the Northwest 1/4 of Section 19, Township 42 South, Range 43 East, more particularly described as follows:

Commence at the North 1/4 corner of Section 19, Township 42 South, Range 43 East; thence run North 88 degrees 27' 22" West along the North line of the Northwest 1/4 of said Section 19, a distance of 726.78 feet: thence South 01 degrees 31' 30" East, a distance of 75.00 feet to a point on the South right-of-way line of Lake Park West Road said point also being the POINT OF BEGINNING of the herein described parcel of land: thence South 88 degrees 27' 22", a distance of 35.00 feet; thence South 01 degrees 31' 30" West, a distance of 200.00 feet: thence South 88 degrees 27' 22" East, a distance of 197.98 feet: thence, South 16 degrees 53' 50" West along the Westerly line of a 30.00 foot road right-of-way and easement, a distance of 48.08 feet: thence South 10 degrees 16' 50" West, a distance of 193.98 feet: thence South 01 degrees 31' 30" West, a distance of 23.14 feet (the previous two courses also being along said Westerly line): thence North 88 degrees 27' 22" West, a distance of 172.37 feet: thence South 01 degrees 31' 14" West, a distance of 798.84 feet to a point on the South line of the Northeast 1/4 of the Northwest 1/4 said Section 19: thence North 88 degrees 11' 25" West along said South line, a distance of 291.59 feet: thence North 01 degrees 30' 57" East, a distance of 958.73 feet, thence South 88 degrees 27' 22" East, a distance of 168.32 feet: thence North 01 degrees 31' 30" East, a distance of 200 feet: thence South 88 degrees 27' 22" East, a distance of 105.00 feet: thence North 01 degrees 31' 30" East, a distance of 100.00 feet to the POINT OF BEGINNING.

TOGETHER WITH: From the Northeast corner of Northwest 1/4 of Section 19, Township 42 South, Range 43 East, run west on the North line of said Section 19, (Center line of Lake Park West Road as now laid out and in use) a distance of 486.67 feet: thence run South 00 degrees 01' 55" East, a distance of 75.00 feet to a point in the Southerly right-of-way of said Lake Park West Road, the POINT OF BEGINNING of the parcel herein conveyed: thence continue South 00 degrees 01' 55" West, a distance of 200.00 feet to a point on said Southerly right-of-way line of Lake Park West Road; thence run East on said right-of-way line a distance of 200 feet to the POINT OF BEGINNING.

TOGETHER WITH: The South 100.00 feet of the North 175.00 feet of the West 90.00 feet of the East 150.00 feet of the Northwest 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 19, Township 42 South, Range 43 East, located on the southwest corner of the intersection of Lake Park West Road (Northlake Boulevard) and Lyndall Lane, 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. Condition No. 1.c. of Zoning Petition No. 87-41, approved July 24, 1987, currently states:

- "1. Prior to site plan certification the site plan shall be amended to indicate the following:
- a. The required six (6) handicap parking spaces.
  - b. The correct total floor area ratio.
  - c. The eight (8) foot chain-link fence or wall.
  - d. Appropriate signage to indicate one (1) way traffic at all affected intersections and points of entry and exit."

is hereby amended to read as follows:

- "1. Prior to site plan certification, the site plan shall be amended to indicate the following:
- a. The required six (6) handicap parking spaces.
  - b. The correct total floor area ratio.
  - c. The required eight (8) foot high chain-link fence along the perimeter where the site does not abut a residential zone, as provided in Zoning Code Section 500.35.E.3.
  - d. Appropriate signage to indicate one (1) way traffic at all affected intersections and points of entry and exit."

3. Condition No. 18 of Zoning Petition No. 87-41, approved July 24, 1987, currently states:

"18. Trees required to be planted in perimeter landscape strips shall be planted 20 feet on center and shall be a minimum of 12 feet in height upon planting."

is hereby amended to read as follows:

- "18. a. The minimum landscape buffer width and planting treatment along the project's western, northern, western most and southern most property line shall be installed as shown on Exhibit No. 28.
- b. Along the project's 845.5 foot eastern property line and 120 foot southern and 47.24 foot western property lines, the petitioner may install a temporary landscape buffer consisting of a five (5) foot wide landscape

strip which shall include a continuous six (6) foot high fence with a solid hedge planted on the outside edge facing the residentially zoned lots. This hedge shall consist of ficus species or australian pine three (3) feet in height upon planting and shall attain the height of six (6) feet within two (2) growing seasons. The hedge shall be continuously maintained in good, living order. This temporary landscape buffer may remain in place until the first of either of the following three (3) events shall occur: (1) Two (2) years shall elapse from the date of the resolution adopting this modification petition; or (2) the rezoning of the adjacent residential lots to the south and their incorporation into this Special Exception for an automobile dealership; or (3) in the event of denial or withdrawal of the application for a change in, the Comprehensive Plan and subsequent rezoning incorporating the adjacent residential, lots into the subject site the petitioner shall install the landscape buffer as shown on Exhibit No. 28 within ninety days of said withdrawal or denial.

4. Condition No. 8.b. of Zoning Petition No. 37-41, approved July 24, 1987, currently states:

"8. The property owner shall construct:

- a. Right turn lane, west approach on Northlake Boulevard at the project's west entrance road. The deceleration lane, right turn lane, on Northlake Boulevard is continued the entire length of the property to Lyndall lane.
- b. Lyndall Lane (local street standards minimum 2-10 foot travel lanes) from Northlake Boulevard South to the South property line a distance of 465 feet.

All construction shall be concurrent with onsite paving and drainage improvements."

Is hereby modified to read as follows:

"8. The property owner shall construct:

- a. Right turn lane, west approach on Northlake Boulevard at the project's west entrance

road. The deceleration lane, right turn lane, on Northlake Boulevard is continued the entire length of the property to Lyndall lane.

- b. Lyndall Lane (local street standards minimum **2-10** foot travel lanes) from Northlake Boulevard South to the South property line a distance **of 465** feet. This property owner shall also be responsible for providing right-of-way associated with this construction. The minimum right-of-way width shall be twenty five (**25**) feet with the construction of three (**3**) feet of curb and gutter along the west right-of-way line. Within ninety days of approval, this developer shall convey the necessary right-of-way from the proposed site to Palm Beach County.

All construction shall be concurrent with onsite paving and drainage **improvements.**"

5. 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 driveways.
6. There shall be no outdoor storage **of** disassembled vehicles or parts thereof.
7. Vehicles shall not be tested off-site on residential streets.
8. **No** vehicle shall be parked with its hood or trunk open, nor displayed on raised platforms above finished grade. Vehicles shall not be parked in any right-of-way or driveway.
9. **No** advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, prices or vehicle stock numbers or other information as required to be posted on such vehicles by law other than upon a sticker affixed to a side window, or similar objects, gimmicks or advertising designed to attract the public's attention off-site shall **be** displayed outdoors, or upon any buildings, vehicle, or wall, other than inside a window **as** may be permitted by the Sign Code.
10. None **of** the above conditions shall be considered a hardship for the purpose of obtaining a variance from the Board of Adjustment. No variance relief shall be obtained for any of the conditions herein.

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

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

The foregoing resolution was declared duly passed and adopted this 4th day of April, 1989 confirming action of January 4, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

*Barbara Altman*  
COUNTY ATTORNEY

BY:

*Jina M. Blair*  
COUNTY CLERK