

RESOLUTION NO. R-89- 754
RESOLUTION APPROVING ZONING PETITION NO. 84-102(F)
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. 84-102(F) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 29, 1987; 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. 84-102(F), the petition of JOHN STALUPPI, by Robert E. Basehart, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS, on a parcel of land lying on the Northeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 1, Township 44 South, Range 42 East, Less the East 60.00 feet for road purposes, located on the southwest corner of the intersection of Military Trail (SR 809), and Sunny Lane, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The petitioner shall comply with all conditions of previous approvals unless expressly modified herein.
2. Condition No. 8 of Zoning Resolution No. R-87-16, which

reads as follows:

"15. Minimum landscape buffer width and treatment shall be installed as shown on Exhibit No. 48."

is hereby amended to read as follows:

"15. Supplemental Landscape Buffers.

- a. The minimum landscape buffer width and treatment along the project's west property line shall be installed as shown on Exhibit No. 48.
- b. Along the project's south property line, the petitioner may install a temporary landscape buffer consisting of a 5-foot wide landscape strip which shall include a continuous 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 three feet in height upon planting and shall attain the height of six feet within two 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 events shall occur: (1) two (2) years shall elapse from the date of the resolution adopting this modification petition: or (2) the rezoning or denial of rezoning of the adjacent residential lots to the south as far as Gardenette Street and their incorporation into this Special Exception for an automobile dealership: or (3) denial of a Commercial Potention application. If these residential lots are not rezoned and incorporated into the special exception within two years, the landscape buffer shown upon Exhibit 48 shall thereupon be installed along the south property line of this site. The balance of the twenty-five (25) foot wide buffer area identified in Exhibit 48 shall be maintained as grassed open space."


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

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

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of October 29, 1987.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

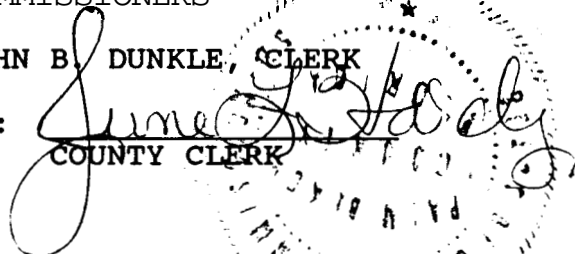
BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY CLERK

