

ORIGINAL

RESOLUTION NO. R-91- 977

RESOLUTION APPROVING ZONING PETITION NO. 82-62(A)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF JAMES A. & PAMELA J. KING

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. 82-62(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on March 28, 1991; 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 the 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, Chapter 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. 82-62(A), the petition of JAMES A. AND PAMELA J. KING, BY LARRY W. HODGES, AGENT, for a MODIFICATION OF COMMISSION REQUIREMENTS TO AMEND CONDITION NO. 2 OF RESOLUTION R-82-76 PERTAINING TO LIMITATION OF RETAIL SALES on a parcel of land lying on the South 1/2 of Tract 12 (Less the East 265.00 feet and the South 40.00 feet thereof) Model Land Company Subdivision of the North 1/2 of Section 24, Township 44 South, Range 42 East, Plat Book 5, Page 76, and being located on the N. SIDE 10TH AVE. N., 250 FT. W. MILITARY TR., IN THE CG ZONING DISTRICT, was approved on March 28, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.

3. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit 21). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review) of the Zoning Code.

B. ADVERTISING

1. All on site signs shall comply with the Palm Beach County Sign Code, Ordinance No. 72-23, and shall indicate principal uses only. Specifically, no snipe signs, banners, balloons or other prohibited types of advertisement shall be permitted on site.

C. ENGINEERING

- E1. Prior to December 1, 1991 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for 10th Avenue North, 60.5 feet from centerline in accordance with Palm Beach County's Expanded Intersection Detail. This right-of-way shall be free of all encumbrances and encroachments. Property owner 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.
- E2. 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.

D. HEALTH

1. The application and engineering plans to construct on **site** potable water supply and on site sewage disposal system **must** be submitted to the Health Unit prior to **site** plan approval.
2. Water service is available to the property. Therefore, **no well** shall be permitted on the site to provide potable water.
3. Uses on site shall be limited to:
Appliance Sales
Electronic Equipment Sales
Professional Offices (no Doctors or Dentists)
Carpet Sales
Retail Cosmetics
Business Offices
Hearing Aids and Auto Testing
Furniture Sales
Leather Goods
Upholstery Shop
Shoe Shop

Newsstands
Retail Sales
Precision Instruments and Optics with no repair or
storage of toxic or hazardous materials

E. LANDSCAPING

1. Landscaping along the north and west perimeters of the site shall be upgraded with additional native canopy trees, a minimum of twelve (12) feet in height, planted forty (40) feet on center.
2. Landscaping along the east and south perimeters of the site shall be upgraded with additional native palm trees, a minimum of twelve (12) feet in height, planted forty (40) feet on center.
3. One additional native canopy tree, a minimum of ten (10) feet in height for every ten parking stalls, shall be added to interior landscaped areas. Median strips and terminal islands shall be preferred as tree locations.
4. Prior to site plan certification, the petitioner shall amend the site plan to conform with the requirements of Zoning Code Section 500.35 (Landscape Code) adopted by the Board of County Commissioners on March 5, 1991, to the maximum extent possible.

F. MODIFICATION

1. Condition No. 2 of Resolution R-82-716, which currently states:

"Retail sales shall be limited to building supplies and associated material in an enclosed structure".

is hereby deleted.

G. RECYCLING

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal, and glass products, as programs are available.

H. SCHOOL BOARD

1. The petitioner shall be not be permitted to have the following uses due to the project's location immediately adjacent to the east of John I. Leonard High School:
 - on-site sales and consumption of alcoholic beverages
 - convenience stores
 - video arcades
 - adult entertainment establishments
 - any other use that may be considered an attractive nuisance by the School Board

Prior to the issuance of any and all occupational licenses, the School Board shall review and approve any potential use.

I. SITE SPECIFIC

1. The petitioner shall revise the site plan within **90** days from the approval of the Board of County Commissioners to include:
 - a. The additional landscaping requirements of this petition.
 - b. All other current site conditions.
2. The permitted retail uses shall be limited to the **12,746** square foot structure located in the southwest corner of the site.

J. USE LIMITATIONS

1. Vehicle parking shall be limited to the parking areas designated on the approved site plan. **No** parking of the vehicles shall be permitted in landscaped areas, right-of-way or interior drives.

K. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and **402.6**, failure to comply with any of these conditions of approval at any time may result in:
 - a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation **of** Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Elmquist 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:

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	ABSENT
Carol A. Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	ABSENT

The Chair thereupon declared the resolution was duly passed and adopted this 23rd day of July, 1991.

APPROVED AS TO **FORM**
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

