

RESOLUTION NO. R-2011- 0002

RESOLUTION APPROVING ZONING APPLICATION ABN/EAC-2010-01711
(CONTROL NO. 1984-00079)
an Expedited Application Consideration
APPLICATION OF Strategic Realty Services LLC - D Glen Alexander
BY Land Research Management, Inc., AGENT
(Coco Plum Plaza)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application ABN/EAC-2010-01711 was presented to the Board of County Commissioners at a public hearing conducted on January 6, 2011; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a an Expedited Application Consideration.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

WHEREAS, it is the intent of the Board of County Commissioners that this resolution abandon the Requested Use for indoor entertainment approved by Resolution-R 94-363. All conditions not associated with the indoor entertainment use contained in R-94-363 are carried forward by this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ABN/EAC-2010-01711, the petition of Strategic Realty Services LLC - D Glen Alexander, by Land Research Management, Inc., agent, for an Expedited Application Consideration to modify and delete conditions of approval in the CG/SE Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 6, 2011, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

The motion was seconded by Commissioner Abrams and, upon being put to a vote, the vote was as follows:

Commissioner Karen T. Marcus, Chair	-	Aye
Commissioner Shelley Vana, Vice Chair	-	Aye
Commissioner Paulette Burdick	-	Absent
Commissioner Steven L. Abrams	-	Aye
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 6, 2011.

Filed with the Clerk of the Board of County Commissioners on January 11th, 2011

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

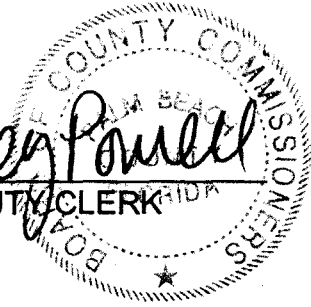


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

THE NORTH ½ OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST FIFTY FEET THEREOF FOR ROAD RIGHT-OF-WAY DEEDED TO PALM BEACH COUNTY IN DEED BOOK 931, PAGE 444, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LESS ROAD RIGHT-OF-WAYS CONVEYED TO PALM BEACH COUNTY IN OFFICIAL RECORD BOOK 4531, PAGE 253, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

EXHIBIT B
VICINITY SKETCH



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Resolution R-1994-947 which approved a corrective resolution for R-1994-363 is hereby revoked. (ONGOING: MONITORING-Zoning)

2. All previous conditions of approval applicable to the subject property, as contained in Resolution R-1994-363 (Control 1984-79 A), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

BUILDING

1. All mechanical and air conditional equipment to be roof mounted and screened with parapets or be contained within the enclosed loading and service area. (Previously Condition No. 3 of Resolution No. R-94-363, Control No. 84-79 (A)). (ONGOING: BUILDING: Zoning)

2. The west facade of the shopping center shall, be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon nearby residential development. (Previously Condition No. 4 of Resolution No. R-94-363, Control No. 84-79 (A)). (ONGOING: BUILDING: Zoning)

ENGINEERING

1. Previous Condition E1 of Resolution R-1994-0363, Control No. 1984-079, which currently states:

To ensure that the site is developed with uses that are compatible with the provided number of parking spaces the petitioner shall, prior to certification of a final site plan by the Development Review Committee (DRC), submit a peak parking study subject to approval by the County Engineer. (ENGINEERING)

This peak parking study shall demonstrate that the approved uses within the MUPD including the 200 seat bingo facility does not exceed the available parking provided within the MUPD. (ENGINEERING)

Is hereby deleted. [Reason: No longer applicable]

2. Previous Condition E2 of Resolution R-1994-0363, Control No. 1984-079, which currently states: The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year one hour storm per requirements of the Permit Section, Land Development Division. (ENGINEERING)

Is hereby deleted. [Reason: Stormwater management is a code requirement.]

3. The property owner shall convey for the ultimate right of way of:

a. Military Trail, 60 feet from centerline.

b. Old Military Trail, 30 feet from centerline.

(ENGINEERING) (Previous Condition E3 of Resolution R-1994-0363, Control No. 1984-079) [Note: COMPLETED]

4. Developer shall construct concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer:

a. Left turn lane, south approach on Military Trail at the project's south entrance.

b. Right turn lane, north approach on Military Trail at the project's north entrance. (ENGINEERING) (Previous Condition E4 of Resolution R-1994-0363, Control No. 1984-079) [Note: COMPLETED]

5. The Developer shall pay a fair share fee in the amount and manner required by "The Fair Share Contribution for Road Improvements Ordinance" as it may from time to time be amended. Presently The Fair Share Fee for this project is \$55,000.00.

In addition, based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$24,000.00 toward Palm Beach County's existing road way Improvement Program to be paid in 6 months. If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee this amount shall be credited toward the increase Fair Share Fee. (IMPACT FEE COORDINATOR) (Previous Condition E5 of Resolution R-1994-0363, Control No. 1984-079) [Note: COMPLETED]

ENVIRONMENTAL

1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (ONGOING :ERM-erm)(Previous Condition No. 1 of Resolution No. R-94-363, Control No. 84-79)

HEALTH

1. Prior to certification by the Site Plan Review Committee, the petitioner shall submit to the Health Department acceptable plans and applications for sewer connection. (Previous condition number C.1. of Resolution R-94-363; Control 1984-079) [Note: COMPLETED]

2. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (Previous condition number C.2. of Resolution R-94-363; Control 1984-079) [Note: COMPLETED]

3. Reasonable precautions shall be exercised during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (Previous condition number C.3 of Resolution R-94-363; Control 1984-079) [Note: COMPLETED]

SITE DESIGN

1. Prior to site plan certification, the site plan shall be amended, to reflect the following:

a. provision of either a ten (10) foot wide seventy-five (75) percent opaque landscape buffer or a five (5) foot wide landscape strip with attendant six (6) foot high solid masonry wall supplemented by 12' to 14' canopy trees planted at twenty feet on center along the south and west property boundaries abutting residential development.

b. enclosed loading areas separated from any nearby residential areas by ten foot wing walls. (Previously Condition No. 2 of Resolution No. R-94-363, Control No. 84-79 (A)). (ZONING:Zoning)

USE LIMITATIONS

1. No stock loading or dumpster pickup will be permitted between the hours of 6:00 p.m. and 8:00 a.m. (Previously Condition No.5 of Resolution No. R-94-363, Control No. 84-79 (A)). (ONGOING:CODE ENFORCEMENT:Zoning)

2. No storage or placement of any materials, refuse, equipment or accumulated debris in the rear of the shopping center. (Previously Condition No. 6 of Resolution No. R-94-363, Control No, 84-79 (A)). (CODE ENFORCEMENT)

3.No parking of any vehicles along the rear of the shopping center except in designated spaces or unloading areas. (Previously Condition No. 7 of Resolution No. R-94-363, Control No. 84-79 (A)) . (CODE ENFORCEMENT)

4.Security lighting shall be directed away from nearby residences. (previously Condition No. 8 of Resolution No. R-94-363, Control No. 84-79 (A)) . (ONGOING:BUILDING:Code Enforcement)

COMPLIANCE

1.In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2.Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy (CO); the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code (ULDC) 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; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)