

07/03/02

RESOLUTION NO. R-91- 364

RESOLUTION APPROVING ZONING PETITION NO. 89-127(B)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF COMAC OF PALM BEACH, 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 have been satisfied; and

WHEREAS, Petition No. 89-127(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 25, 1990; 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 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, 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. 89-127(B), the petition of COMAC OF PALM BEACH, INC., BY ROBERT E. BASEHART, AGENT, for a MODIFICATION OF COMMISSION REOUIREMENTS on a parcel of land lying on a portion of tract 25, Palm Beach Farms Company's Plat No. 9, in Plat Book 5, page 58; commencing at the northeast corner of said tract 25: thence, run westerly 140.00 feet along the north line of said tract 25 to a point; thence, run southerly 616.40 feet along a line 140.00 feet west of and parallel to the east line of said tract 25 to the Point of Beginning; thence, run westerly 520.45 feet along a line 298. 51 feet north of and parallel with the south line of said tract 25 to a point: thence, run northerly along the west line of said tract 25 to a point 631.40 feet south of the northwest corner of tract 25; thence, run easterly 520.48 feet to the Point of Beginning; commencing at the northeast corner of tract 25, Palm Beach Farms Company, Plat No. 9. Recorded in Plat Book 5, Page 58; thence, west along the north line of tract 25, a distance of 140.00 feet to the Point of Beginning; thence, run south on a line parallel to the east line of tract 25, a distance of 609.70 feet; thence, run westerly 520.30 feet to a point on the west line of lot 25, and 614.90 feet south of the northwest corner of said lot 25; thence, run north to the northwest corner of said lot 25; thence, run east along the north line of said lot 25, a distance of 520.40 feet to the Point of Beginning; a parcel of land in tract 25, block 1, Palm Beach Farms Company, Plat No. 9, in Plat Book 5, Page 58;

ORIGINAL

commencing at the northeast corner of said tract 25; thence, west along the north line of said tract 25, a distance of 140.00 feet; thence, southerly parallel with the east line of tract 25, a distance of 609.70 feet to the Point of Beginning; thence, continuing southerly along said parallel line, a distance of 6.70 feet; thence, westerly 519.99 feet to a point on the west line of tract 25 and 631.45 feet south of the northwest corner of tract 25; thence, northerly along the west line of tract 25, 16.55 feet; thence, easterly 520.30 feet to the Point of Beginning. LESS AND EXCEPTING THE FOLLOWING DESCRIBED PROPERTY: Commencing at the northeast corner of tract 25, Palm Beach Farms Company, Plat No. 9 in Plat Book 5, Page 58; thence, west along the north line of tract 25, a distance of 140.00 feet; thence, run south on a line parallel to the east line of tract 25, a distance of 34.03 feet (said point being 86.70 feet on a bearing of south 44° 38' 14" east, from the northeast corner of section 28, township 43 south, range 42 east); thence, westerly 421.15 feet to a point on the west side of a 12.00 foot easement; thence, south 02° 54' 06" east, 256.10 feet; thence, south 87° 05' 54" west, 56.00 feet to the Point of Beginning; thence, south 02° 54' 06" east, 36.00 feet; thence, south 87° 05' 54" west, 30.00 feet; thence, north 02° 54' 06" west, 36.00 feet; thence, north 87° 05' 54" east, 30.00 feet to the Point of Beginning. Subject to easements, reservations, restrictions and rights of way of record; ALSO BEING DESCRIBED AS a parcel of land being a portion of tract 25, Palm Beach Farms Company, Plat No. 9 Book 5, Page 58, described as follows: Commencing at the northeast corner of said tract 25; thence, run westerly, along the north line of said tract 25, a distance of 140.00 feet to the Point of Beginning; thence, southerly, along a line parallel with the east line of said tract 25, a distance of 618.33 feet to a 2" x 2" concrete monument; thence, westerly, along a line parallel with the south line of said tract 25, a distance of 520.13 feet to a point on the west line of said tract 25; thence, northerly, along the west line of said tract 25, a distance of 638.28 feet to the northwest corner of said tract 25; thence, easterly, along the north line of said tract 25, a distance of 457.18 feet to a point; thence, continue easterly, deflecting from the previously described course 00° 00' 08" to the left, and along said north line of tract 25, a distance of 63.52 feet to the Point of Beginning. LESS AND EXCEPTING THE FOLLOWING DESCRIBED PROPERTY: Commencing at the northeast corner of tract 25, Palm Beach Farms Company, Plat No. 9, in Plat Book 5, page 58; thence, west along the north line of tract 25, a distance of 140.00 feet; thence, run south on a line parallel to the east line of tract 25, a distance of 34.03 feet (said point being 86.70 feet on a bearing of south 44° 38' 14" east from the northeast corner of section 28, township 43 south, range 42 east); thence, westerly 421.15 feet to a point on the west side of a 12.00 foot easement; thence, south 02° 54' 06" east, 256.10 feet; thence, south 87° 05' 54" west, 56.00 feet to the Point of Beginning; thence, south 02° 54' 06" east, 36.00 feet; thence, south 87° 05' 54" west, 30.00 feet; thence, north 02° 54' 06" west, 36.00 feet; thence, north 87° 05' 54" east, 30.00 feet to the Point of Beginning. SUBJECT TO easements, reservations, restrictions and rights of way of record, s. SIDE OF OKEECHOBEE BLVD., .2 MILE EAST OF SKEES RD., IN THE CG ZONING DISTRICT, was approved on October 25, 1990, 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. 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).

B. MODIFICATION

1. **Condition No. 21 of Resolution Number R-90-1443 approving Petition 89-127(A) which currently states;**

"Point of Purchase Signs along Okeechobee Boulevard and Jog Road shall be limited to a maximum of two (2) sixty square foot (60 square foot), doubled-sided signs per frontage. All signs on-site shall be of a similar graphic style and harmonious color scheme. A Master Sign program shall be submitted at the time of Site Plan Review Committee Application which demonstrates conformance to this **condition.**"

Is hereby modified to state:

Point of purchase signs permitted on site shall be as follows:

- a. Along Okeechobee Boulevard: A maximum of three (3) signs not exceeding 260 square feet in total face area and not exceeding fifteen (15) feet in height.
 - b. Along Jog Road: A maximum of three (3) signs not exceeding 315 square feet in total face area and not exceeding fifteen (15) feet in height.
 - c. Prior to site plan certification, the petitioner shall submit a Master Sign Program to the Zoning Division which shall specify sign location, sign size, unified color and graphic representation.
2. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede the sign related conditions of approval.

C. 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~~ concurrency or exemptions therefrom, and/or of
- 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 Foster moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of March, 1991.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Richard Altman*
COUNTY ATTORNEY

BY: *Mitchell P. Brown*
DEPUTY CLERK

