

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 86-7.5
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-86-573-21
WHICH APPROVED THE SPECIAL EXCEPTION OF
FEDERATED REALTY INC.
PETITION NO. 86-7

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report SR 86-7.5 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on August 30, 1993; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 86-7.5 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations; and
2. The conditions listed below require this petition to develop more in conformity with current standards of development.

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. SR 86-7.5, to amend Conditions of Approval of Resolution No. R-86-573-21, the Special Exception of Federated Realty Inc., Petition No. 86-7, confirmed by the adoption of Resolution R-86-573-21, which granted a Special Exception to allow a Planned Commercial Development on a parcel of land being all of Tracts 9 and 10, together with a portion of Tracts 11, 22, 23 and 24, together with a portion of that certain 15 foot road Right-of-way lying Easterly of and adjacent to Tracts 9 and 24, all in Section 21, Township 46 South, Range 42 East, Palm Beach Farms Company, Plat No. 1, according to the plat thereof, as recorded in Plat Book 2, Page 26, through 28, inclusive, said parcel of land being more particularly described as follows:

Commencing at the North 1/4 corner of said Section 21; thence, bear South 01 degree 54'12" East, along the East line of Northwest 1/4 of said Section 21, a distance of 30.01 feet for a Point of Beginning;

Thence, continue South 01 degree 54'12" East along said line, a distance of 759.30 feet; Thence, South 89 degrees 18'22" West, a

distance of 989.60 feet; Thence, North 00 degree 41'38" West, a distance of 706.39 feet to the Southerly Right-of-way line of Lake Worth Drainage District L-34 Canal, as recorded in Deed Book 113, Page 76: thence, North 89 degrees 22'49" East, along said Right-of-Way line, a distance of 297.14 feet to the intersection thereof with the West line of said Tract 10; Thence, North 00 degree 53'48" West, along the West line of said Tract 10, a distance of 54.01 feet to the Northwest corner of said Tract 10; Thence, North 89 degrees 22'49" East, along the North line of said Tracts 9 and 10 and its Easterly prolongation, a distance of 677.56 feet to the Point of Beginning, being located on the southwest corner of the intersection of Delray West Road and Hagen Ranch Road in a CG-General Commercial Zoning District, is approved, as amended, subject to the following conditions:

A. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.

B. ALL PETITIONS

1. Condition number A.3 of Resolution R-93-653 which currently states:

The petitioner shall receive site plan certification for the subject property, as amended as required by the conditions of approval, on or before November 30, 1992.

Is hereby amended to state:

The petitioner shall receive site plan certification for the subject property, as amended as required by the conditions of approval, prior to the issuance of a building permit. (ZONING)

C. USE LIMITATION

1. Condition number 3 of Resolution R-93-653 which currently states:

No retail business activities shall be allowed on the site, including deliveries, prior to 6:00 a.m. nor continue later than 11:00 p.m. (CODE ENFORCEMENT)

Is hereby amended to state:

No business shall be open to the public, nor deliveries be permitted, prior to 6:00 a.m. nor continue after 10:00 p.m. (CODE ENFORCEMENT)

D. SIGNS

1. Condition number P.1. of Resolution R-93-653 which currently states:

Signs fronting on Atlantic Avenue shall be limited as follows:

a. Maximum sign height, measured from finished grade - ten (10) feet:

b. Maximum sign face area per side - 100 square feet:

c. Maximum number of signs - one (1). (BUILDING)

Is hereby amended to state:

1. Point of purchase and free standing signs on West Atlantic Avenue shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point: ten (10) feet.
 - b. Maximum total sign face area per side: one hundred (100) square feet.
 - c. Maximum number of signs: one (1).
 - d. Style: Monument style only. (BUILDING-Zoning)

2. Out parcel identifications signs allowed on West Atlantic Avenue shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point: six (6) feet.
 - b. Maximum total sign face area per side: twenty (20) square feet.
 - c. Maximum number of signs: three (3).
 - d. Style: Monument style only. (BUILDING-Zoning)

Commissioner Aaronson moved for approval of the Resolution.

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

MARY MCCARTY, CHAIR	--	Aye
BURT AARONSON	--	Aye
KEN FOSTER	--	Aye
MAUDE FORD LEE	--	Aye
KAREN T. MARCUS	--	Aye
WARREN H. NEWELL	--	Aye
CAROL ROBERTS	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 30th day of August, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: *Pauline Altman*

DOROTHY H. WILKEN, CLERK
BY: *Jina M. Blair*
DEPUTY CLERK

