

RESOLUTION NO. R-89-1243

RESOLUTION APPROVING ZONING PETITION NO. 88-133  
SPECIAL EXCEPTION PETITION OF RITZ ASSOCIATES

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. 88-133 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 27, 1989; 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 Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 88-133 the petition of RITZ ASSOCIATES, by Judson Kline, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT on a parcel of land lying on the North 150.00 feet of Tract 103 of Model Land Company's subdivision of Section 20, Township 44 South, Range 43 East, according to the Plat thereof, recorded in Plat Book 5, Page 79 less the Right-of-way for State Road 807 (Congress Avenue) being the West 35.00 feet of said property. Together with: The South 1/2 of that certain 30.00 foot Right-of-way, as shown on the Plat of Model Land Company subdivision of Section 20, Township 44 South, Range 43 East, as recorded in Plat Book 5, Page 79, lying North of and contiguous with Tract 103 of the said Plat of Model Land Company subdivision and lying South of and contiguous with a portion of Block 6, Englewood Manor, as recorded in Plat Book 24, Page 52, between the Easterly Right-of-way of Congress Avenue, as now laid out and in use, and the Northerly prolongation of the East line of said Tract 103; being the South 1/2 of that certain 30.00 foot Right-of-way abandoned by the Board of County Commissioners pursuant to Resolution No. R-80-189, adopted February 5, 1980, being located

on the east side of Congress Avenue (SR 807), approximately 100 feet south of Vassallo Avenue, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be modified to reflect the following:
  - a. The petitioner shall increase the landscape buffering along the north and east property lines to provide native canopy trees twelve (12) feet in height at the time of planting, planted twenty (20) feet on center, and a six (6) foot high CBS wall. This landscape buffer shall be maintained in accordance with the requirements of Section 500.35.F of the Landscape Code.
2. The retail uses permitted shall be limited to those permitted uses in the CN-Neighborhood Commercial Zoning District including retail sale of photographic equipment and supplies, and boating accessories and apparel.
3. No off-premise signs shall be permitted on the site.
4. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m.
5. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear or side of the structure.
6. All proposed outdoor site lighting used to illuminate the premise shall be low intensity and directed away from adjacent residentially zoned property and shall not exceed twenty-five (25) feet in height.
7. No parking of any vehicles shall be permitted along the rear of the center except in designated spaces or unloading areas.
8. The north facade of the center shall be given architectural treatment consistent with the front (west) of the center to avoid an incompatible industrial appearance impact upon nearby residential development.
9. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
10. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

11. The petitioner shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect **at** the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent **approval** from the Florida Department of Transportation **will** also be required. The drainage system shall be **maintained** in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
12. Within **90** days of approval of this project, the petitioner shall convey **to** Palm Beach County by road right-of-way warranty deed for Congress Avenue, 53 feet from centerline free of all encumbrances and encroachments. Petitioner 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.
13. Petitioner shall revise the traffic circulation pattern and eliminate the proposed north entrance on Congress Avenue.
14. 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 presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is **\$26,255.00** (980 trips X **\$26.79** per trip).
15. The graphics displayed at the public hearings shall be submitted to the Zoning Division at the time **of** application for site plan certification.
16. Photo processing may occur **on** the premises at such time that the property is connected to public sewer.
17. Failure **to** comply with the conditions herein may result in 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. Appeals from such action may **be** taken to the Palm Beach County Board **of** Adjustment **or** as otherwise provided in the **Palm** Beach County Zoning Code.

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

Carol J. Elmquist	::	Aye
Karen T. Marcus	--	Aye
Carol Roberts	--	Absent
Ron Howard	--	Aye
Carole Phillips	--	Aye

The foregoing resolution was declared duly passed and adopted this 27th day of June, 1989 confirming action of January 27, 1989.

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:   
DEPUTY CLERK