

RESOLUTION NO. R-91-242

RESOLUTION APPROVING ZONING PETITION NO. 90-38
SPECIAL EXCEPTION PETITION OF ABC LIQUORS, INC.
BY MICHAEL W. CONNORS, AGENT

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. 90-38 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 26, 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. 90-38, the petition of ABC LIQUORS, INC., BY MICHAEL W. CONNORS, AGENT, for a SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT on a parcel of land known as the North 100.00 feet of the South 800.00 feet of Tract 51, of SWAN'S SUBDIVISION of Section 19, Township 44 South, Range 43 East, Plat Book 6, Page 66, LESS THE EAST 35.00 feet, and being located on the WEST SIDE OF CONGRESS AVENUE, APPROXIMATELY .1 MILE NORTH OF 2ND AVENUE, NORTH, IN THE CC ZONING DISTRICT, was approved on July 26, 1990, as advertised, subject to the following conditions:

STANDARD CONDITIONS:

1. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.
2. This special exception is granted concurrent with a rezoning. Development of the site is limited to the uses and site design shown on the site plan 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).

- 8. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
- 9. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

HEALTH

- 7. Prior to January 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 Land Development Division by road right-of-way warranty deed for Congress Avenue, 53 feet from centerline free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation 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.
- 6. The Developer 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.

ENGINEERING

- 5. All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind CBS walls having an architectural treatment compatible with the principal building.

DUMPSTER

- 4. The building height shall be limited to a maximum of 25 feet.

BUILDING

- 3. No objects, gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any building, vehicle or wall, other than inside a window except as may be permitted by the Sign Code.

ADVERTISING

10. No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10-D-6 Florida Administrative Code.

IRRIGATION QUALITY WATER

11. When irrigation quality water is available within five-hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

LANDSCAPE

12. Landscaping shall be upgraded along the west property line to include:
 - a. Twelve (12) foot tall canopy trees, placed twenty (20) feet on center;

These materials shall be planted on the exterior of the required wall.

13. Trees shall be allowed to reach a minimum height of fifteen (15) feet and shall be maintained according to Arbor Society Standards.
14. All plant material shall be fully irrigated and maintained in a healthy viable condition.

LANDSCAPE WITHIN MEDIAN

15. If permittable by the State Department of Transportation or County Engineering Department, the petitioner shall landscape the median of all abutting right-of-ways. This landscaping shall consist of: one ten (10) foot tall native canopy tree planted an average of thirty (30) feet on center, and appropriate ground cover and irrigation. All materials shall be selected, maintained and installed according to xeriscape principles. This landscaping shall be the perpetual maintenance obligation of the property owner.

LIGHTING

16. Outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed away from adjacent properties and streets.

RECYCLE SOLID WASTE

17. 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.

SIGN

18. Point of Purchase signs shall be limited to a maximum of one free-standing sign fifty (50) square feet in sign face area and fifteen (15) feet in height, when existing sign is replaced.

19. No outdoor speaker or public address systems which are audible from the exterior of the building, shall be permitted on site.
20. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, right-of-way or interior drives.
21. All mechanical and air-conditioning equipment shall be roof mounted and screened within parapets or be contained within an enclosed loading and service area.

COMPLIANCE

22. 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 Phillips moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE
Carol J. Elmquist	--	AYE
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 February, 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

