

RESOLUTION NO. R-91-251

RESOLUTION APPROVING ZONING PETITION NO. 89-131(A)
 MODIFICATION OF COMMISSION REQUIREMENTS
 PETITION OF R.T. ASSOCIATES, BY KIERAN J. KILDAY, 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. 89-131(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 30, 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 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. 89-131(A), the petition of R.T. ASSOCIATES, BY KIERAN J. KILDAY, AGENT, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying in the north 1/2 of the northwest 1/4 of the northeast 1/4 of Section 10, Township 45 South, Range 42 East, less the west 330.00 feet thereof and less the north 56.00 feet thereof; and, the south 60.00 feet of the east 290.00 feet of the west 330.00 feet of the **north 1/2** of the northwest 1/4 of the northeast 1/4 of Section 10, Township 45 south, Range 42 east, Palm Beach County, Florida, less the right of way shown in Official Records Book 6261, Page 843, and being located on the SOUTHEAST CORNER OF THE INTERSECTION OF HYPOLUXO ROAD AND JOG ROAD, IN THE CG DISTRICT, was approved on August 30, 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.

B. BUILDING

1. Total gross floor area shall not exceed 16,310 square feet. Additional floor area must be approved by the Board of County Commissioners, sitting as the Zoning

Authority, unless the proposed addition is permitted pursuant to Section 402.7 (E)2 (b) (Site Plan Review Committee Powers and Standards of Review) of the Zoning Code. All additional floor area shall require a concurrency reservation prior to certification.

C. MODIFICATION

1. Condition No. 14 of Zoning Petition No. 89-131 which currently states:

"A maximum of four (4) point of purchase signs shall be permitted on site. These signs shall not exceed twenty (20) feet in height and a total of three hundred (300) square feet in the area."

Is hereby modified to state:

~~"A maximum of four (4) point of purchase signs shall be permitted on site. These signs shall not exceed twenty (20) feet in height and a total of three hundred (300) square feet in the area."~~

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

- a. Along Hypoluxo Road: A maximum of three (3) signs not exceeding three hundred seventeen (317) square feet in total area and not exceeding fifteen (15) feet in height.
- b. Along Jog Road: A maximum of two (2) signs not exceeding one hundred seventy one (171) square feet in total 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 specifies: sign location, sign size, unified color and graphic representation."
- d. In the event the Sign Code is amended prior to issuance of a building permit for the project to be more restrictive than the conditions of approval, the petitioner shall comply with the revised sign regulations.

D. 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 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: *Richard Otten*
COUNTY ATTORNEY

BY: *Neil H. P. Brown*
DEPUTY CLERK