

RESOLUTION NO. R-91- 365

RESOLUTION APPROVING ZONING PETITION NO. 73-39(C)  
SPECIAL EXCEPTION PETITION OF MYLES S. & ARLENE SPODAK

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. 73-39(C) 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 the 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, Chapter 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. 73-39(C), the petition of MYLES S. AND ARLENE SPODAK, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT TO INCREASE THE BUILDING SQUARE FOOTAGE on a parcel of land lying on the N. SIDE OF W. ATLANTIC AVE. , .4 MILE E. HAGEN RANCH **RD.**, and being located on the east 193.55 feet of Villages of Oriole Shops Plat No. 2, according to the Plat thereof, recorded in Plat Book 43, at Page 104, in the CG ZONING DISTRICT., was approved on October 25, 1990, as advertised, subject to the following conditions:

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).

**A. ADVERTISING AND SIGN PROGRAM**

1. 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.
2. Prior to Site Plan Certification, the petitioner shall submit a Master Sign Program which specifies sign location, site, color and graphic representation for the subject out parcel only.
3. Only one (1) sign shall be permitted on this out parcel, as follows:
  - a. The sign shall be limited to six (6) feet in height.
  - b. Maximum sign area shall be one-hundred (100) square feet,
  - c. No roof or pole signs shall be permitted on this out parcel, only a monument sign shall be allowed,
  - d. Lettering on the sign shall read as follows: "Riverside - Gordon Memorial Chapel." No other advertising copy shall be allowed on the sign.

**B. DUMPSTER**

1. All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind an enclosure having an architectural treatment compatible with the principal building. The open end of the enclosure shall have an obscuring, opaque gate.

**C. ENGINEERING**

1. 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.

2. 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 the Florida Department of Transportation a 10 foot temporary construction easement which may include landscaping free of all encumbrances and encroachments. Developer shall provide the Florida Department of Transportation with sufficient documentation to ensure that the property is free of all encumbrances and encroachments.
3. 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.
4. The proposed entrance onto the site from the existing shopping center access road shall be limited to two entrance exits, the first access point north of Atlantic Avenue shall be an entrance only.
5. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision and Required Improvements Regulations 90-8 as amended. The platting of this property may be phased in accordance with a phasing plan acceptable to the office of the County Engineer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety.

D. HEALTH

1. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
4. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil.

E. LANDSCAPING AND BUFFERING

1. Landscaping shall be upgraded along the north perimeter to include:
  - a. A continuous six (6) foot high wooden fence or solid wall.
  - b. Fourteen (14) foot tall native canopy trees at planting, placed fifteen (15) feet on center and a continuous thirty-six (36) inch tall hedge along the interior side of the required wooden fence or solid wall.

2. Landscaping along the east property line shall be upgraded to include fourteen (14) foot tall native canopy trees placed fifteen (15) feet on center and a continuous hedge a minimum of thirty-six (36) inches tall.
3. Landscaping along the south and west perimeters shall include native canopy trees a minimum of fourteen (14) feet tall spaced twenty (20) feet on center with a continuous hedge a minimum of thirty-six (36) inches tall.
4. All plant material shall be fully irrigated and maintained in a healthy viable condition.
5. Trees shall be allowed to reach a minimum height of fifteen (15) feet and shall be maintained according to Arbor Society Standards.

F. LIGHTING

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

G. RECYCLE SOLID WASTE

1. 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.

H. SITE SPECIFIC

1. Prior to Site Plan Certification, the site plan shall be revised to indicate:
  - a. The name of the State Road **806** shall be revised to West Atlantic Avenue.
  - b. The first access point to the funeral home site, north of the access driveway from West Atlantic Avenue for the whole Planned Commercial Development, shall be an entrance only.
2. Funeral home personnel shall supervise the arrival and departure of all customers to ensure orderly parking and stacking operations for funeral services.
3. All delivery or unloading of caskets or any other items shall occur in a fully enclosed structures.
4. No medical preparation or embalming shall occur on site.
5. Hours of operations for funeral services shall be limited to **8** a.m. to 5 p.m.

I. USE LIMITATIONS

1. The capacity of the facility shall be limited to **195** seats and **7,200** square feet.
2. No outdoor speaker or public address systems which are audible from the exterior of the site shall be permitted.

3. 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, access easements or interior drives.

**J. 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 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

BY:

  
COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK

BY:

  
DEPUTY CLERK

