

RESOLUTION NO. R-93-896

RESOLUTION APPROVING ZONING PETITION EAC83-175(C)
DEVELOPMENT ORDER AMENDMENT
PETITION OF JULIE PAPPALARDO

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Article 5 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC83-175(C) was presented to the Board of County Commissioners at a public hearing conducted on July 29, 1993; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Land Development Code 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands-
8. This Development Order Amendment has a concurrency exemption and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Zoning Petition EAC83-175(C), the petition of JULIE PAPPALARDO, by: KEVIN MCGINLEY, AGENT for a DEVELOPMENT ORDER AMENDMENT in the General Commercial (CG) Zoning District, to allow a LOUNGE, COCKTAIL (REQUESTED USE), in a previously approved Planned Commercial Development on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on July 29, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

The motion was seconded by Commissioner Hosner 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	--	Absent
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 29th day of July, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

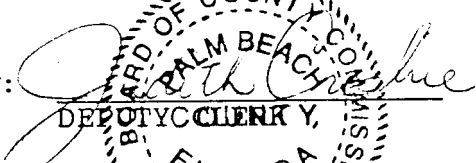
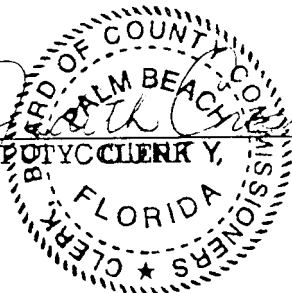
BY: 
DEPUTY CLERK


EXHIBIT B
VICINITY SKETCH

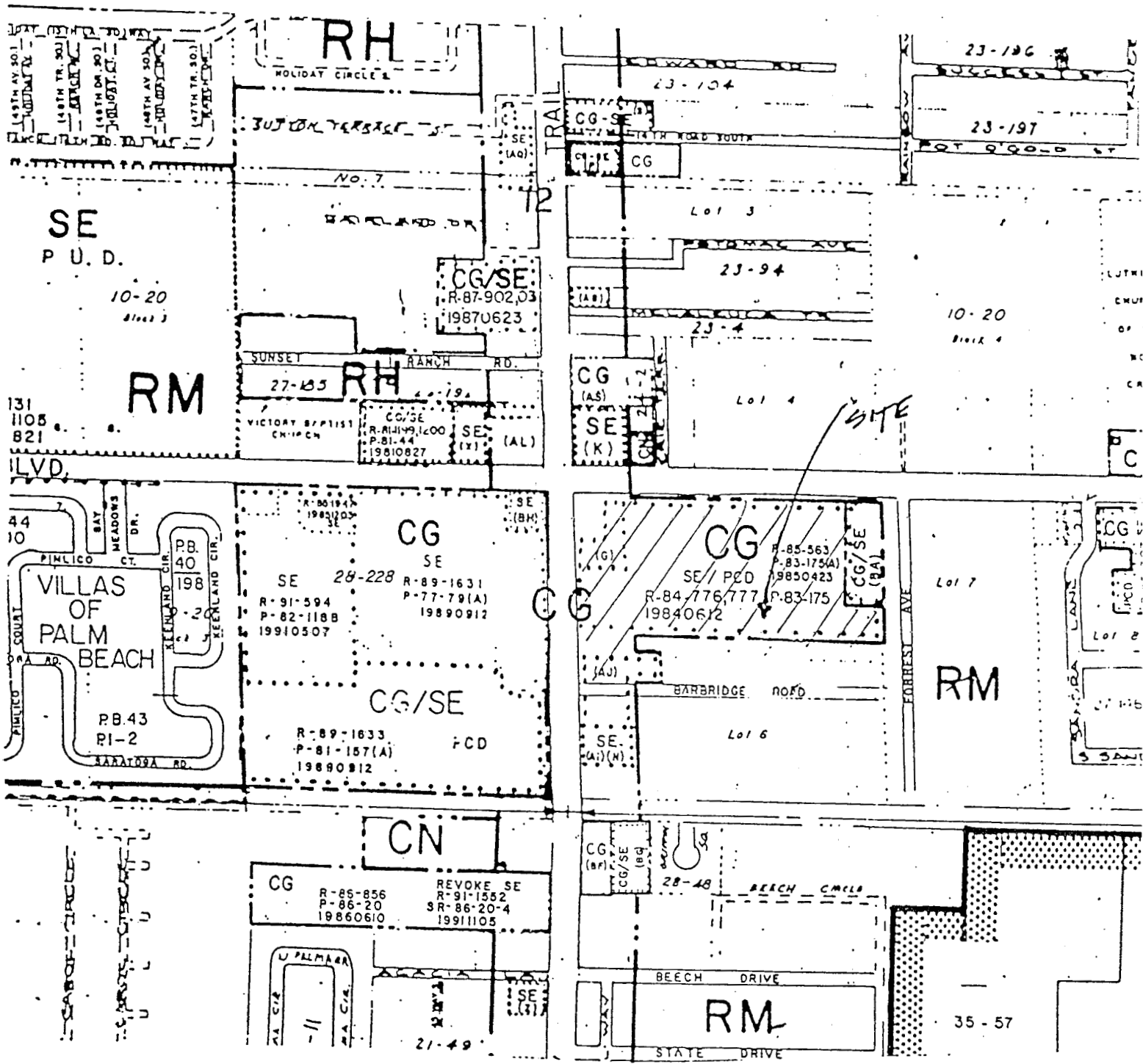


EXHIBIT A

LEGAL DESCRIPTION

The South one-half of Tract 5, Block 4, Section 12, Township 44 South, Range 42 East, Plat No. 1, Palm Beach Plantations, according to the plat thereof, as recorded in Plat Book 10, Page 20, Public Records, Palm Beach County, Florida.

Excepting the West 60.00 feet thereof for Military Trail (S.R. No. 809) right of way; also excepting the East 100 feet of the North one-half of South one-half of said Tract 5.

Together with

The North one-half of Tract 5, Block 4, Section 12, Township 44 South, Range 42 East, Plat No. 1, Palm Beach Plantations, according to the plat thereof, as recorded in Plat Book 10, Page 20, Public Records, Palm Beach County, Florida.

Excepting the West 335.21 feet and the East 600.00 feet thereof, as measured along the North tract line of said Tract 5; also excepting the North 60.00 feet thereof for Forest Hill Boulevard right of way.

EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. Condition No. 5 of Resolution R-85-1876E, which currently states:

The developer shall continue to comply with all previously approved conditions.

Is hereby amended to state:

All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines pursuant to Section 5.8 of the ULDC, as amended, unless expressly modified. (MONITORING)

2. Prior to site plan certification, the site plan shall be amended to reflect the following:

a) provision of the required six-foot high solid masonry wall supplemented by 12' to 14' canopy trees planted at twenty feet on center along the South and East property boundaries abutting residential development.

b) enclosed loading areas separated from any nearby residential areas by ten foot high wing walls.

c) all mechanical and air conditioning equipment to be roof mounted and screened with parapets or be contained within the enclosed loading and service area.

d) uniform architectural treatment of the shopping center building to avoid a warehouse appearance on any facade facing residentially zoned property. (Previously Condition No. 6 of Resolution R-84-777) (ZONING)

3. Condition No. 7 of Resolution R-84-777 and Condition No. 3 of Resolution R-85-1876E, which currently states:

The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.

Is hereby deleted. (REASON: Code requirement.)

4. Condition No. 8 of Resolution R-84-777 and Condition No. 4 of Resolution R-85-1876E, which currently states:

The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.

Is hereby deleted. (REASON: Code requirement.)

5. **Dumpsters shall be located within the encasements as shown on site plan Exhibit #18.** (Previously Condition No. 10 of Resolution R-84-777) (ZONING)

6. **No storage or placement of any materials, refuse, equipment or accumulated debris shall be allowed in the rear of the shopping center.** (Previously Condition No. 10 of Resolution R-84-777) (ZONING)

7. **No parking of any vehicles along the rear of the shopping center except in designated spaces or unloading areas.** (Previously Condition No. 11 of Resolution R-84-777) (ZONING)
8. **The loading areas shall be located near the Western end of the property as shown on the Site Plan Exhibit # 18. This area shall be depressed and enclosed with a 10' wing wall.** (Previously Condition No. 12 of Resolution R-84-777) (ZONING)
9. **Developer shall preserve existing significant vegetation on site wherever possible into interior parking islands in the landscaped perimeter of the project. Developer shall also take appropriate steps to protect these areas during construction.** (Previously Condition No. 14 of Resolution R-84-777) (ERM)
10. **Prior to site plan certification the site plan shall be revised to reflect the following:**
 - a) **A building layout or design that addresses the need for left field viewing from vehicles exiting the westernmost drive up teller lanes, or a mirror design shall be provided to ensure proper visibility.**
 - b) **Removal of the two southernmost forty (40) degree/angles parking stalls that require backing onto the internal parking lot access corridor.** (Previously Condition No. 1 of Resolution R-85-1876E) (ZONING)
11. **Landscaping shall be installed in accordance with the county landscape code, approved conditions, and graphic representations presented to the Planning Commission and the Board of County Commissioners.** (Previously Condition No. 2 of Resolution R-85-1876E) (ZONING)
12. **Condition No. 7 of Resolution R-85-1876E, which currently states:**

The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

Is hereby deleted. (REASON: Code requirement.)
13. **The proposal shall be limited to five (5) drive-up teller windows.** (Previously Condition No. 8 of Resolution R-85-1876E) (ZONING)
14. **No outdoor audible noises outside the structure site shall be permitted.** (CODL ENFORCEMENT)

B. HEALTH

1. **Sewer service is available to the property, therefore, no septic tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC and Palm Beach County ECR-I.** (HEALTH)
2. **Water service is available to the property, therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II.** (HEALTH)

E. ENGINEERING

1. The development shall retain onsite 85% of the stormwater runoff generated by a three(3) year storm per requirements of the Permit Section, Land Development Division. (Previously Condition No. 1 of Resolution R-84-777) (ENGINEERING)
2. The property owner shall convey, for the ultimate right-of-way of Military Trail, 60 feet from centerline, approximately an additional 7 feet, within 90 days of approval; conveyance must be accepted by Palm Beach County prior to issuance of the first Building Permit. (Previously Condition No. 2 of Resolution R-84-777) (ENGINEERING)
3. The developer shall provide the construction plans for Forest Hill Boulevard as a 4-lane median-divided section (expandable to a 6-lane section) from the present 4-lane terminus of Forest Hill Boulevard, 200 feet West of the entrance of Palm Hill Villas West to a point 300 feet West of Haverhill Road plus drainage and appropriate tapers per the County Engineer's approval. (Previously Condition No. 3 of Resolution R-84-777 as amended by Resolution R-85-563) (ENGINEERING)
4. The Developer shall contribute \$180,021.00 based upon his engineer's certified cost estimate toward the construction of Forest Hill Boulevard as a 4-lane median divided section from the present 4-lane terminus of Forest Hill Boulevard West of Military Trail, West to a point 300 feet West of Haverhill Road as outlined in Condition No. 3, above. (Previously Condition No. 4 of Resolution R-84-777 as amended by Resolution R-85-563) (ENGINEERING)
5. The developer shall contribute One Hundred and Three Thousand and Thirty-Eight Dollars (\$103,038.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of issuance of the Building Permit.

Credit shall be applied toward the impact fee based upon a certified cost estimate for the road plans and construction as outlined in Conditions #3 and #4 above. (Previously Condition No. 5 of Resolution R-84-777) (ENGINEERING - Impact Fee Coordinator)
6. Drainage systems on Military Trail are to be constructed only during the period of April 15 to December 15th to avoid seasonal traffic conflicts. (Previously Condition No. 13 of Resolution R-84-777) (ENGINEERING)
7. The developer shall construct a right turn lane, west approach, on Forest Hill Boulevard at the west entrance. Developer must be granted a permit from Florida D.O.T.. (Previously Condition No. 6 of Resolution R-85-1376E) (ENGINEERING)