

RESOLUTION NO. R-94- 363

RESOLUTION APPROVING ZONING PETITION EAC84-79(A)
REQUESTED (R) USE
PETITION OF COCO PLUM PLAZA

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 Board of County Commissioners, pursuant to Article 6, Section 6.8 (Planned Development District Regulations) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to approve, approve with conditions or deny Requested Uses within a Planned Development District; and

WHEREAS, the notice and hearing requirements, as provided for in Article 6, Section 6.8, of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, Zoning Petition EAC84-79(A) was presented to the Board of County Commissioners at a public hearing conducted on March 24, 1994; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; 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 Requested Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Requested Use is consistent with the requirements of the Palm Beach County Land Development Code.
3. This Requested Use is consistent with all requirements of Article 6, Section 6.8 (Planned Development District Regulations) of the Palm Beach County Land Development Code, Ordinance 92-20.
4. This Requested Use is consistent with all other applicable local land development regulations.

WHEREAS, Article 6, Section 6.8, 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 EAC84-79(A), the petition of Coco Plum Plaza, for a REQUESTED USE allowing indoor entertainment in the General Commercial (CG) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on March 24, 1994, 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 Foster 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	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 24th day of March, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

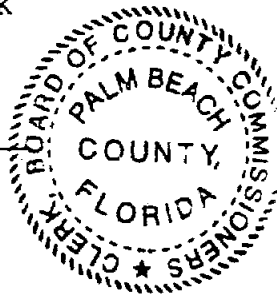


EXHIBIT A
LEGAL DESCRIPTION

The North 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 24, Township 43 South, Range 42 East, Palm Beach County, Florida, LESS the East 50 feet thereof for right-of-way deeded to Palm Beach County in Deed Book 931, at Page 444, of the Public Records of Palm Beach County, Florida, AND LESS road rights of-way conveyed to Palm Beach County in Official Records Book 4531, at Page 253, of the Public Records of Palm Beach County.

EXHIBIT B

VICINITY SKETCH

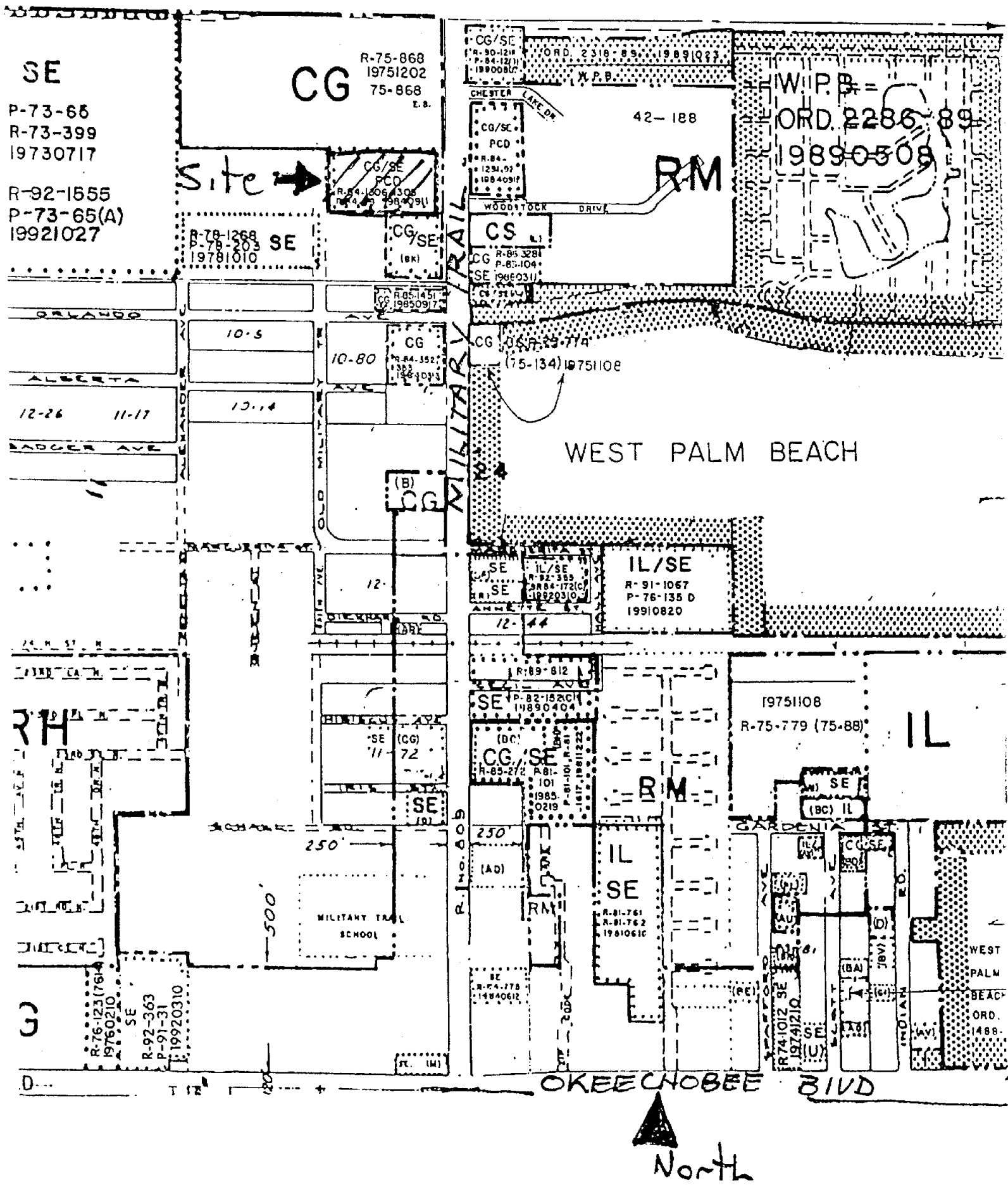


EXHIBIT C

CONDITIONS OF APPROVAL

1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (Previously Condition No. 1. of Resolution No. R-84-1306, Petition No. 84-79). (ZONING/ERM)
2. Prior to site plan certification, the site plan shall be amended to reflect the following:
 - a. provision of either a ten (10) foot wide seventy-five (75) percent opaque landscape buffer or a five (5) foot wide landscape strip with attendant six (6) foot high solid masonry wall supplemented by 12' to 14' canopy trees planted at twenty feet on center along the south and west property boundaries abutting residential development.
 - b. enclosed loading areas separated from any nearby residential areas by ten foot wing walls.

(Previously Condition No. 6 of Resolution No. R-84-1306, Petition No. 84-79). (ZONING)

3. All mechanical and air conditional equipment to be roof mounted and screened with parapets or be contained within the enclosed loading and service area. (Previously Condition No. 7 of Resolution No. R-84-1306, Petition No. 84-79). (BUILDING)
4. The west facade of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon nearby residential development. (Previously Condition No. 8 of Resolution No. R-84-1306, Petition No. 84-79). (BUILDING/ZONING)
5. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m. (Previously Condition No. 9 of Resolution No. R-84-1306, Petition No. 84-79). (CODE ENFORCEMENT)
6. No storage or placement of any materials, refuse, equipment or accumulated debris in the rear of the shopping center. (Previously Condition No. 10 of Resolution No. R-84-1306, Petition No. 84-79). (CODE ENFORCEMENT)
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 No. R-84-1306, Petition No. 84-79). (CODE ENFORCEMENT)
8. Security lighting shall be directed away from nearby residences. (Previously Condition No. 12 of Resolution No. R-84-1306, Petition No. 84-79). (BUILDING/CODE ENFORCEMENT)

C. HEALTH

1. Prior to certification by the Site Plan Review Committee, the petitioner shall submit to the Health Department acceptable plans and applications for sewer connection. (Previously Condition No. 13 of Resolution No. R-84-1306, Petition No. 84-79). (HEALTH)

2. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (Previously Condition No. 14 of Resolution No. R-84-1306, Petition No. 84-79). (HEALTH)
3. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (Previously Condition No. 15 of Resolution No. R-84-1306, Petition No. 84-79). (ERM/HEALTH)

E. ENGINEERING

1. To ensure that the site is developed with uses that are compatible with the provided number of parking spaces the petitioner shall, prior to certification of a final site plan by the Development Review Committee (DRC), submit a peak parking study subject to approval by the County Engineer. (ENGINEERING)

This peak parking study shall demonstrate that the approved uses within the MUPD including the 200 seat bingo facility does not exceed the available parking provided within the MUPD. (ENGINEERING)

2. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year one hour storm per requirements of the Permit Section, Land Development Division. (Previously Condition No. 2 of Resolution No. R-84-1306, Petition No. 84-79). (ENGINEERING)

3. The property owner shall convey for the ultimate right of way of:

- a) Military Trail, 60 feet from centerline.
- b) Old Military Trail, 30 feet from centerline.

(Previously Condition No. 3 of Resolution No. R-84-1306, Petition No. 84-79). (ENGINEERING)

4. Developer shall construct concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer:

- a) Left turn lane, south approach on Military Trail at the project's south entrance.
- b) Right turn lane, north approach on Military Trail at the project's north entrance.

(Previously Condition No. 4 of Resolution No. R-84-1306, Petition No. 84-79). (ENGINEERING)

5. 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 may from time to time be amended. Presently The Fair Share Fee for this project is \$55,000.00.

In addition, based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$24,000.00 toward Palm Beach County's existing road way Improvement Program to be paid in 6 months. If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee this amount shall be credited toward the increase Fair Share Fee. (Previously Condition No. 5 of Resolution No. R-84-1306, Petition No. 84-79). (IMPACT FEE COORDINATOR)

F. COMPLIANCE

1. As provided in Section 5.8 of the Unified Land Development Code (ULDC), as amended, 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 Conditional Use and any zoning which was approved concurrently with the Conditional Use 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 Unified Land Development Code (ULDC), as amended. Appeals of any revocation of Conditional Use, 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. (MONITORING)