

RESOLUTION NO. R-2009- 2089

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2009-03288  
(CONTROL NO. 1981-00115)

Requested Use  
APPLICATION OF Bell Palms Plaza LLC, Jays Intl. Corp dba Raymond Lee Jewelers -  
Jeffrey Josephson  
BY Covelli Design Associates, Inc., AGENT  
(Raymond Lee Jewelers)

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 applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application DOA/R-2009-03288 was presented to the Board of County Commissioners at a public hearing conducted on December 8, 2009; and

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

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Requested Use.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified 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 Application DOA/R-2009-03288, the petition of Bell Palms Plaza LLC, Jays Intl. Corp dba Raymond Lee Jewelers - Jeffrey Josephson, by Covelli Design Associates, Inc., agent, for a Requested Use to allow a Pawnshop in the Commercial General (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 December 8, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner Burt Aaronson, Chair	-	Aye
Commissioner Karen T. Marcus, Vice Chair	-	Aye
Commissioner John F. Koons	-	Absent
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	

The Chairperson thereupon declared that the resolution was duly passed and adopted on December 8, 2009.

Filed with the Clerk of the Board of County Commissioners on December 9, 2009.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

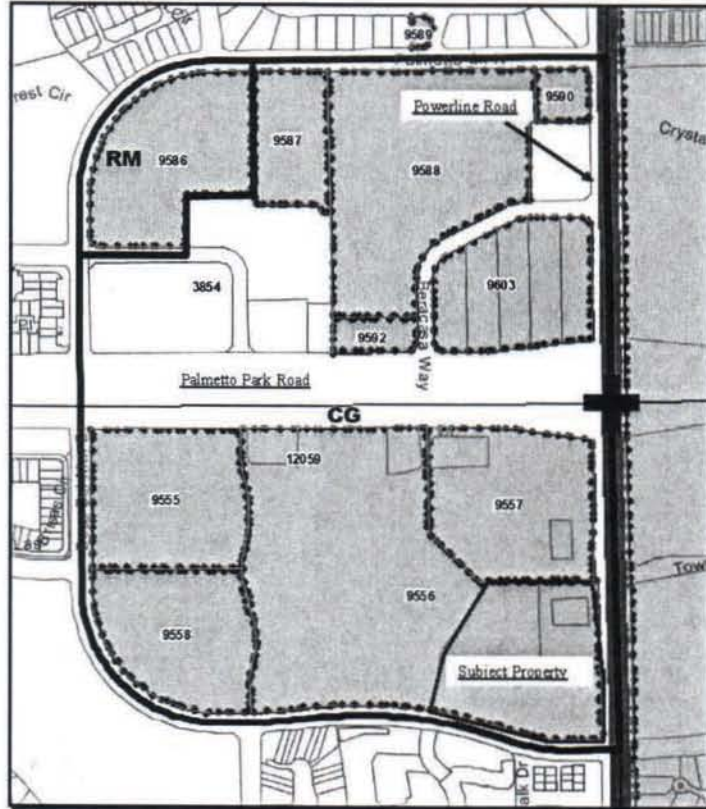


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF TRACT 21, P.U.D., BOCA DEL MAR NO. 6, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGES 142 AND 143 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 21; THENCE WITH A BEARING OF SOUTH 01 DEGREES 03 MINUTES 02 SECONDS EAST, ALONG THE EAST LINE OF TRACT 21, A DISTANCE OF 550 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING WITH A BEARING OF SOUTH 01 DEGREES 03 MINUTES 02 SECONDS EAST, A DISTANCE OF 592.95 FEET TO A POINT OF CURVATURE; THENCE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.27 FEET TO A POINT; THENCE WITH A BEARING OF 88 DEGREES 56 MINUTES 58 SECONDS WEST, A DISTANCE OF 106.49 FEET TO A POINT OF CURVATURE; THENCE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 563.11 FEET, AN ARC LENGTH OF 197.06 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 71 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 51.96 FEET TO A POINT OF CURVATURE; THENCE A CURVE TO THE LEFT, HAVING A RADIUS OF 1,677.02 FEET, AN ARC LENGTH OF 285.88 FEET TO A POINT, THE LAST SIX COURSES BEING COINCIDENT WITH THE EASTERLY AND SOUTHERLY BOUNDARY OF TRACT 21, THENCE RADIALLY TO THE PRECEDING CURVE, WITH A BEARING OF 09 DEGREES 13 MINUTES 58 SECONDS EAST, A DISTANCE OF 230 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 35 DEGREES 27 MINUTES 47 SECONDS EAST, A DISTANCE OF 329.71 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 88 DEGREES 56 MINUTES 58 SECONDS EAST, A DISTANCE OF 411.71 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXHIBIT B  
VICINITY SKETCH



VICINITY SKETCH  
Raymond Lee Jewelers  
n.t.s.

## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. The approved Preliminary Site Plan is dated September 14, 2009. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### USE LIMITATIONS

1. The Pawnshop use is limited to 3,200 square feet and is further limited pursuant to the applicant's Justification Statement as follows:

- a. No exterior signage containing the word, "pawn" is permitted;
- b. Shall be co-located with the jewelry retail use only (cannot be operated as a standalone pawnshop; and,
- c. Items subject to pawn brokerage are limited to jewelry and jewels including diamonds, watches, sterling silver objects and other similar items of value. (ONGOING: CODE ENF. - Zoning)

#### COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy (CO); the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code (ULDC) 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; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)