

RESOLUTION NO. R-2012-1600

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. STR-1999-0090-5
TO ADD A CONDITIONAL OVERLAY ZONE (COZ)
FOR PROPERTY PREVIOUSLY REZONED BY
RESOLUTION NO. R-2000-0571
APPLICATION NO. Z/CA-1999-00090
CONTROL NO. 1999-0090

WHEREAS, the Board of County Commissioners (BCC), as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code (ULDC), as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan; and

WHEREAS, the notice and hearing requirements as provided for in Article 2.E. of the Palm Beach County ULDC have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report STR-1999-0090-5 was presented to the BCC of Palm Beach County at a public hearing conducted on October 25, 2012; and

WHEREAS, the BCC has reviewed Status Report STR-1999-0090-5 and considered testimony, and the recommendations of the various County review agencies; and

WHEREAS, Article 2.E. of the Palm Beach County ULDC authorizes the BCC to approve the addition of a Conditional Overlay Zone (COZ) to the existing General Commercial (CG) Zoning District and related Conditions of Approval; and

WHEREAS, the BCC hereby incorporates by reference the Findings of Fact in the Status Report; and

WHEREAS, Article 2.A.1.K.3.b ("Action by BCC") of the Palm Beach County ULDC requires that the action of the BCC be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. STR-1999-0090-5, to add a Conditional Overlay Zone (COZ) to the existing 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 indicated on a vicinity sketch in EXHIBIT B, attached hereto and made a part hereof, was approved on October 25, 2012 subject to the conditions described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Chair	-	Aye
Commissioner Steven L. Abrams, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on October 25, 2012.

Filed with the Clerk of the Board of County Commissioners on November 5th, 2012


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

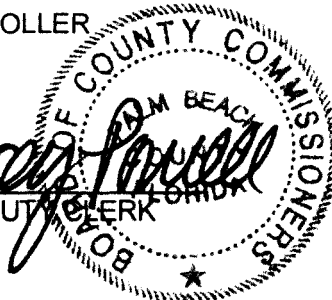


EXHIBIT A
LEGAL DESCRIPTION

The South 100 feet of the North 553 feet of the East 195 feet of the West 235 feet and the East 106 feet of the West 341 feet of the South 210 feet of the North 663 feet and the East 20 feet of the West 361 feet of the South 20 feet of the North 663 feet of the REPLAT OF MADRID PARK as recorded in Plat Book 20, Page 20, of the Public Records of Palm Beach County, Florida.

The North 20.00 feet of the South 136.00 feet of the North 779.00 feet of the East 207.00 feet of the West 240.00 feet of the REPLAT OF MADRID PARK as recorded in Plat Book 20, Page 20, of the Public Records of Palm Beach County, Florida and Also:

All lying and being in Section 29, Township 43 South, Range 43 East, Palm Beach County, Florida. Containing 0.095 acres more or less.

Lots 6, 7, and 8 in Block 11 of MADRID PARK, according to the Plat thereof in Plat Book 13, Page 78, in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida;

AND, in addition thereto, to following described property:

BEGINNING at the Northwest Section corner of Section 29, Township 43, Range 43, run South along West line of said Section 553 feet to a point; thence East parallel to South line Okeechobee Road 135 feet to a point which is the POINT OF BEGINNING; thence continue in a straight line East 100 feet to a point; thence South parallel to Congress Avenue 50 feet to point; thence West parallel to Okeechobee Road 100 feet to a point; thence North 50 feet to POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

**PALM BEACH COUNTY PLANNING DIVISION
SITE LOCATION AND LAND USE**



Application Name: **Congress Shopping Center**
 Control Number: 1999-090
 Land Use Atlas Page: 58
 Date: 10/17/2012



EXHIBIT C

CONDITIONS OF APPROVAL

SIGNS

1. Freestanding sign located on Congress Avenue shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point -
 - b. Maximum sign face area per side - 50 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only.
 - e. Pole signs shall be prohibited. (BLDG PERMIT/CO: BLDG)

ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Congress Ave to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG. PERMIT: MONITORING-Eng) COMPLETE
2. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Congress Ave, 60 feet from the centerline on or before **December 1, 2000** or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING Eng) COMPLETE
3. Prior to the issuance of a building permit the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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 denied or revocation of a Certificate of Occupancy; 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

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 a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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 an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment 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)