

RESOLUTION NO. Z-R-94-07

RESOLUTION APPROVING ZONING PETITION **CB94-25**  
CLASS B CONDITIONAL USE  
PETITION OF ANTHONY F. AGRUSA

WHEREAS, the Palm Beach County Zoning Commission, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class B Conditional Uses; 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 **CB94-25** was presented to the Zoning Commission at a public hearing conducted on August 4, 1994; and

WHEREAS, the Zoning Commission 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 Zoning Commission made the following findings of fact:

1. This Class B Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class B Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Class B Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class B Conditional Use, 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 Class B Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Class B Conditional Use meets applicable local land development regulations.
7. This Class B Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class B Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards.

9. This Class B Conditional Use, 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 Class B Conditional Use, 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 Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition **CB94-25**, the petition of ANTHONY F. AGRUSA for a CLASS B CONDITIONAL USE allowing a BUILDING SUPPLIES, RETAIL 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 August 4, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kaplan moved for the approval of the Resolution.


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

Al Miller, Vice Chair	--	Yes
Otelia Dubose	--	Yes
Mark Foley	--	Yes
Sherry Hyman	--	Yes
Alan Kaplan	--	Yes

The Chair thereupon declared that the resolution was duly passed and adopted this 4th day of August, 1994.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

BY:   
COUNTY ATTORNEY


BY:   
CHAIR

EXHIBIT A  
LEGAL DESCRIPTION

EXHIBIT B  
VICINITY SKETCH

**EXHIBIT C**

**CONDITIONS OF APPROVAL**

**A. GENERAL**

1. Prior to site plan certification, the petitioner shall amend the site plan to indicate compliance with all conditions imposed by the Board of Adjustment. (ZONING)

**B. BUILDING AND SITE DESIGN**

1. Total gross floor area shall be limited to a maximum of 4,870 square feet. (BUILDING)
2. The maximum height, from grade to roof line, for all structures shall not exceed thirty five (35) feet. (BUILDING)

**C. IRRIGATION QUALITY WATER**

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES)

**D. ENVIRONMENTAL RESOURCES MANAGEMENT**

1. A Wellfield Affidavit of Notification shall be submitted to the Department of Environmental Resources Management prior to DRC Site Plan Certification. (ERM)

**E. ENGINEERING**

1. The property owner 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. The Fair Share Fee for this proposed addition to be paid at the time of the Building Permit presently is **\$5,665.00** (103 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).

**F. LANDSCAPING - GENERAL**

1. All trees required to be planted on site by this approval shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet.
  - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
  - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (ZONING)

**G. LANDSCAPING ALONG ALL PROPERTY LINES**

1. Landscaping within the required buffer along all property lines shall be upgraded to include:
  - a. One (1) native canopy tree planted every twenty (20) feet on center;

- b. One (1) native palm trees for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,
- c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (ZONING)

H. USE LIMITATION

1. Use of the site shall be limited to a building supply, retail facility. (CODE ENFORCEMENT/ZONING - Building)

I. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SWA)
2. Prior to site plan certification, an area for the placement of receptacles for recycled material shall be designated on the site plan, located in the parking areas or adjacent to the dumpster locations.

J. COMPLIANCE

1. 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)