

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SITE PLAN APPLICATION FROM SEVEN KINGS HOLDINGS, INC. (SP-16-18) TO BUILD AND OPERATE A 4,482 SQUARE FOOT RESTAURANT, ON A VACANT PARCEL OF LAND, APPROXIMATELY 0.35 ACRE, IDENTIFIED BY PARCEL CONTROL NUMBER 56-43-42-28-00-003-0090, LOCATED ON THE NORTH SIDE OF BLUE HERON BOULEVARD AND EAST OF LAKE SHORE DRIVE, WITHIN THE DOWNTOWN GENERAL ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, Seven Kings Holdings, LLC, has applied for site plan approval (SP-16-18) associated with the vacant property know by parcel control number 56-43-42-28-00-003-0090; 386 East Blue Heron Boulevard; and

WHEREAS, the applicant desires to construct a 4,482 square foot restaurant on said parcel of land, which is approximately 0.35 acre in size; and

WHEREAS, the Planning and Zoning Board reviewed the site plan application during a public meeting on May 11, 2017 and on June 8, 2017, whereby the Board recommended disapproval of the project to the City Council with a 5 to 2 vote; and

WHEREAS, the Community Redevelopment Agency Board of Commissioners reviewed the site plan application during a public meeting on October 25, 2017 and on August 8, 2018; and

WHEREAS, City staff finds that the proposed site plan application is consistent with the City's Comprehensive Plan and the City's Code of Ordinances; and

WHEREAS, the City Council desires to approve this site plan application (SP-16-18) and finds it consistent with the City's Comprehensive Plan and the City's Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. The City Council finds that the site plan application (SP-16-18) to construct a 4,482 square foot restaurant on a vacant parcel of land, known by Parcel Control Number 56-43-42-28-00-003-0090, is consistent with the City's Comprehensive Plan and the City's Code of Ordinances.

SECTION 2. The City Council approves site plan application SP-16-18 with the following conditions of approval:

1. A two-year landscaping performance bond for 110% of the value of landscaping and irrigation shall be required before a Certificate of Occupancy or Certificate of Completion is issued, in accordance with City Code Sec. 31-603.
2. Construction and landscaping improvements must be initiated within 18 months of the effective date of this Resolution in accordance with City Code Section 31-60(b). Demolition, site preparation and/or land clearing shall not be considered construction. Building permit application and associated plans and documents shall be submitted in its entirety and shall not be accepted by City staff in a partial or incomplete manner.
3. This development must receive final Certificate of Occupancy from the City for all buildings and units approved within five years of the approval of the adopting resolution or the adopting resolution shall be considered null and void, requiring the applicant to resubmit application for site plan and special exception approval and re-initiate the site plan approval process.
4. All future advertising must state that the development is located in the City of Riviera Beach. Fees and penalties in accordance with City Code Sec. 31-554 will be levied against the property owner and/or business for violation of this condition.
5. Once approved, this resolution shall supersede any previous site plan approval resolutions associated with this property, causing previous site plan approval resolutions to be null and void.
6. City council authorizes City staff to approve future amendments to this site plan administratively so long as the site plan does not deviate greater than 5% from the originally approved site plan.
7. The project must adhere to City Code of Ordinances, Chapter 11, Article IV, "Noise", and all applicable divisions and sections therein, regarding allowable noise and sound levels.
8. Prior to issuance of a City Building Permit associated with this project, the applicant must provide the City with an executed Agreement with the Florida Department of Transportation for use of the adjacent right-of-way area as shown on the Site Plan (see Exhibit 'A').

SECTION 3. The associated Site Plan, Landscape Plan, and Building Elevation Plan are attached hereto and made a part of this resolution as Exhibit 'A', Exhibit 'B', and Exhibit 'C'.

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SECTION 4. Should any one or more of the provisions or elements of this resolution be held invalid, such provision or element shall be null and void, and shall be deemed separate from the remaining provisions or elements and shall in no way affect the validity of any of the remaining provisions or elements of this resolution.

SECTION 5. This Resolution shall take effect immediately upon approval.

PASSED and APPROVED this _____ day of _____, 2018.

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APPROVED:

THOMAS A. MASTERS
MAYOR

TONYA DAVIS JOHNSON
CHAIRPERSON

ATTEST:

CLAUDENE L. ANTHONY,
CERTIFIED MUNICIPAL CLERK
CITY CLERK

LYNNE L. HUBBARD
CHAIR PRO TEM

KASHAMBA MILLER-ANDERSON
COUNCILPERSON

JULIA A. BOTEL
COUNCILPERSON

TERENCE D. DAVIS
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

L. HUBBARD _____

K. MILLER-ANDERSON _____

T. DAVIS JOHNSON _____

J. BOTEL _____

T. DAVIS _____

REVIEWED AS TO LEGAL SUFFICIENCY

ANDREW DEGRAFFENREIDT
CITY ATTORNEY

DATE: _____