

**RESOLUTION NO. R-85-265**

**RESOLUTION APPROVING ZONING PETITION 84-147, Special Exception**

WHEREAS, the Board of County Commissioners, as the governing body, 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 notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 84-147 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th of September 1984; and

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

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The proposal is consistent with the requirements of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 27th of September 1984, that Petition No. 84-147 the petition of BURGER KING CORPORATION By Henri Cardoso, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on a parcel of land lying in Section 25, Township 42 South, Range 42 East, being more particularly described as follows:

Commencing at the Southeast corner of said Section 25; thence bear North 01 degrees 34'06" East along the East line of said Section 25 a distance of 1,325.75 feet; thence North 88 degrees 11'58" West a distance of 656.28 feet; thence South 01 degrees 48'41" West a distance of 98.72 feet to the Southerly right-of-way line of said Blue Heron Boulevard, as shown on DOT right-of-way map for State Road 9, Section 93220-2402, Sheet 4 of 7, dated July 23, 1965; thence

North 88 degrees 11'19" West along said line a distance of 200.00 feet for a Point of Beginning; thence continue North 88 degrees 11'19" West along said line a distance of 200.00 feet; thence South 01 degrees 48'41" West a distance of 200.00 feet; thence South 88 degrees 11'19" East a distance of 200.00 feet; thence North 01 degrees 48'41" East a distance of 200.00 feet to the point of Beginning. Said property located on the south side of Blue Heron Boulevard, approximately .2 mile east of Military Trail (S.R.809) was approved as advertised subject to the following conditions:

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. A tree survey submittal shall be required prior to Site Plan certification.
2. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
3. The developer shall re-construct, concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the Office of the County Engineer, the existing Left Turn Lane, East approach at the project's West entrance to allow for proper turning radius per the County Engineer's approval. This construction shall include but not be limited to raised curbing on both sides of the existing median as well as raised concrete traffic separator.
4. 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 presently exists or as it may from time to time be amended. Presently, the Fair Share Fee for this project is \$17,213.00.
5. 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.
6. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

Commissioner \_\_\_\_\_, moved for approval of the petition. The motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

Ken Spillias, Chairman	--	AYE
Dorothy Wilkens, Vice Chairman	--	AYE
Peggy Evatt, Member	--	AYE
Dennis P. Koehler, Member	--	AYE
Bill Bailey, Member	--	ABSENT

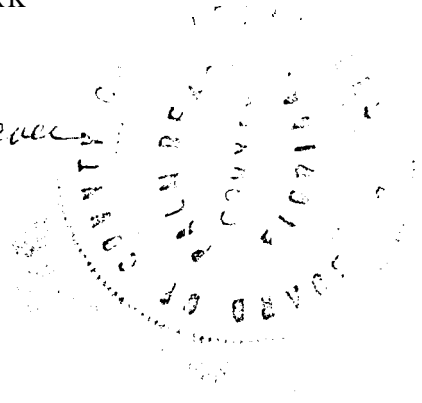
The foregoing resolution was declared duly passed and adopted this day of **FEB 19, 1985** confirming action of the 27th of

September 1984.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Patricia Weaver*  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*Sandy Sprague*  
County Attorney