

RESOLUTION NO. R-87-25

RESOLUTION APPROVING ZONING PETITION 86-62, 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. 86-62 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 26, 1986 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. With required site plan modification, this proposal ~~will~~ be consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this ~~13th~~ day of ~~January~~, 19_87_, that: Petition No. 86-62, the petition of THOMAS HOECKER, By Kieran Kilday, Agent, for the SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT beginning at the Northeast corner of the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4, also known as Tract 16 of Section 13, Township 44 South, Range 42 East, thence run South along the quarter section line, a distance of 330.00 feet; thence

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

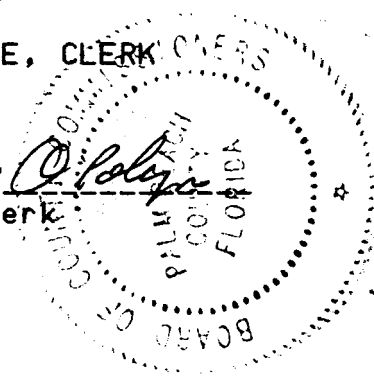
Karen Marcus	-- AYE
Jerry L. Owens	-- AYE
Ken Spillias	-- ABSENT
Dorothy Wilken	-- AYE
Kenneth M. Adams	-- AYE

The foregoing resolution was declared duly passed and adopted this 13th day of January, 1987 confirming action of June 26, 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara C. Polyzos
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

AM

county Attorney

highlighting of preservation areas through the installation of stakes installed a maximum of fifty (50) feet apart. Ropes, plastic, tape or ribbons shall be attached to the stakes around the perimeter of the protected area. Marking materials shall not be attached to a protected tree.

In addition, individual trees not within a preserved area shall be protected by a barrier, constructed of metal or wood, placed a distance of six (6) feet apart, or at the radius of the dripline, whichever is greater.

3. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition per the County Engineers approval.
4. 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 project presently is 820,334 (759 trips X 826.79 per trip).
5. Prior to Site Plan Certification, the Site Plan shall reflect:
 - a) alternative landscape strip No. 1 along all property lines abutting residentially zoned property.
 - b) a six (6) foot solid masonry wall shall be installed south of the ingress and egress easement as shown on Exhibit No. 3. The six (6) foot wall shall extend from the north property line adjacent to the restaurant's northern access drive, 200 feet east, 25 feet from the eastern property line.
 - c) a six (6) foot solid fence shall be installed north of the ingress and egress easement, east-west, 25 feet from the eastern property line.
6. All graphic presented at the Planning Commission and Board of County Commissioners hearing shall be submitted to the Zoning Division for inclusion into the file.
7. The loading/service and dumpster area shall be located as shown on Exhibit No. 3 adjacent to the proposed building addition. The loading and dumpster area shall be screened and enclosed by a minimum of a six (6) foot solid masonry wall .
8. The developer shall post "No Parking" signage north of the ingress and egress easement.

run West, parallel to the North boundary of said quarter section, a distance of 630.00 feet: thence run North, parallel to the East boundary of said quarter section, a distance of 198.00 feet; thence run East, parallel to the North boundary of said quarter section, a distance of 50.00 feet; thence run North, parallel to the East boundary of said quarter section, a distance of 66.00 feet; thence run East, parallel to the North boundary of said quarter section, a distance of 298.00 feet; thence run North, parallel to the East boundary of said quarter section, a distance of 66.00 feet to a point on the North boundary line of the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4, said point also on the South line of Lot 22, plat of Veldor, as recorded in Plat Book 23, Page 50; thence run North, parallel to the East boundary of said quarter section, a distance of 33.00 feet; thence run East, parallel to the North boundary of said quarter section, a distance of 282.00 feet to a point on the East line of the Southwest 1/4 of said Section 13; thence run South, along the quarter section line, a distance of 33.00 feet to the Point of Beginning. Less and except there from the East 53.00 feet for Military Trail right of way. Subject to easement for ingress and egress over the West 229 feet, of the East 282 feet, of the South 12 feet, of the North 66 feet, of the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 13, Township 44 South, Range 42 East. Said property located on the west side of Military Trail (S.R. 809), approximately .2 mile south of Cresthaven Boulevard was approved as amended subject to the following conditions:

1. The developer shall locate parking spaces around islands to adequately accommodate existing slash pine in order to preserve as many trees as possible.
2. The developer shall preserve existing vegetation located within the central and western portion of the site and shall incorporate this vegetation into the project design. These preservation areas shall visually buffer residents from the north, west and south. Areas of existing vegetation to be preserved shall be shown upon building plans. These preservation areas shall receive appropriate protection from damage and disturbance during the site development and construction phase. The minimum protection shall include