

FROM	Co. Clerk CC
TO	Madam
Co/Dept	Young
Phone #	233-5039
Fax #	233-5165

RESOLUTION NO. R-89- 735

RESOLUTION APPROVING ZONING PETITION NO. 88-68
SPECIAL EXCEPTION PETITION OF BOCA COMMERCE PARK, INC.

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. 88-68 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 28, 1988; 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

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

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 88-68 the petition of BOCA COMMERCE PARK, INC., for a SPECIAL EXCEPTION TO PERMIT A RESTAURANT AND LOUNGE on a parcel of land lying Tract 8, of Florida Fruit Lands Co.,'s subdivision No. 2 of Section 1, Township 47 South, Range 41 East, as recorded in Plat Book 1, Page 102, lying West of the Right-of-Way line of U.S. 441 (SR 7), being located on the west side of State Road 7 (U.S. 441), approximately .4 mile north of Yamato Road, in an IL-Light Industrial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Required loading spaces adjacent to each structure; and

R89 735

- b. Required perimeter landscape strips, which shall include canopy trees spaced 30 feet on center supplemented with hedge material 24 inches high, spaced 24 inches on center.
2. Prior to certification by the Site Plan Review Committee, the petitioner shall submit a loading demand statement which identifies the loading requirements for the entire development.
 3. The petitioner shall install a concrete masonry wall along the western property line. The petitioner shall supplement the trees along the northern and western property lines with native canopy trees, equating one (1) canopy tree for each twenty (20) lineal feet.
 4. Signage advertising the use shall be limited to a wall mounted sign not to exceed two (2) feet by seven and one-half (7.5) feet.
 5. The perimeter landscape strip along State Road 7 shall be upgraded by supplementing existing palms with additional landscape material to provide cluster of at least three (3) palms each 40 feet on center.
 6. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
 7. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
 8. The property owner shall reserve for Government 240 feet of right-of-way west of the existing east right-of-way line of State Road 7 free of all encumbrances and encroachments. Right-of-way reservation shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
 9. 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 the proposed take out restaurant presently is \$482.00 (18 trips X \$26.79 per trip).
 10. In addition, the petitioner shall contribute the amount of \$48.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These funds of \$48.00 shall be paid prior to the issuance of the first Building Permit.

R89 735

- 11. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$48.00 shall be credited toward the increased Fair Share Fee.
- 12. Use of the site shall be limited to an 800 square foot take-out restaurant with no lounge. This proposed use shall be limited to six (6) seats. No alcoholic beverage sales, including beer and wine, shall be permitted on the site.
- 13. Hours of operation shall be limited to 6:00 A.M. to 7:00 P.M.
- 14. Failure to comply with the conditions herein may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

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

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Absent
Jim Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of July 28, 1988.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: *Richard Altman*
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *June Hardy*
DEPUTY CLERK

Petition No. 88-68

Page 3

R-89. 735

BOOK 0783 PAGE 122