

RESOLUTION APPROVING ZONING PETITION **CA85-166(B)**  
CLASS A CONDITIONAL USE  
PETITION OF CHECKERS DRIVE-IN RESTAURANT, INC.

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Board of County Commissioners, 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 A 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 **CA85-166(B)** was presented to the Board of County Commissioners at a public hearing conducted on February 25, 1993; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; 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 Board of County Commissioners made the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
3. This Class A Conditional Use is consistent with all requirements of Article 5, Section 5.4 (Conditional Uses) of the Palm Beach County Land Development Code, Ordinance 92-20.
4. This Class A Conditional Use is consistent with all other applicable local land development regulations.

WHEREAS, Article 5 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, **BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that Zoning Petition **CA85-166(B)**, the petition of CHECKERS DRIVE-IN RESTAURANT, INC., BY ROBERT BASEHART, AGENT for a **CLASS A CONDITIONAL USE** allowing a fast food restaurant 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 February 25, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved **for** the approval **of** the Resolution.

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

Mary McCarty, Chair	--	Aye
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted this 25th day of February, 1993.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



EXHIBIT A  
LEGAL DESCRIPTION

BEGINNING AT THE SOUTHWEST CORNER OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHERN QUARTER OF SECTION 22, TOWNSHIP 44 SOUTH, RANGE 42 EAST, THENCE RUN NORTHERLY ALONG THE WEST LINE OF SAID WEST HALF 80 FEET TO THE NORTHERN RIGHT-OF-WAY LINE OF LAKE WORTH ROAD, THE POINT OF BEGINNING; THENCE EASTERLY ALONG THE RIGHT-OF-WAY OF LAKE WORTH ROAD A DISTANCE OF 100 FEET; THENCE NORTHERLY A DISTANCE OF 400 FEET; THENCE WESTERLY A DISTANCE OF 100 FEET; THENCE SOUTHERLY A DISTANCE OF 400 FEET TO THE POINT OF BEGINNING, LESS THE SOUTHERLY 20 FEET THEREOF FOR ADDITIONAL RIGHT-OF-WAY.

EXHIBIT B  
VICINITY SKETCH

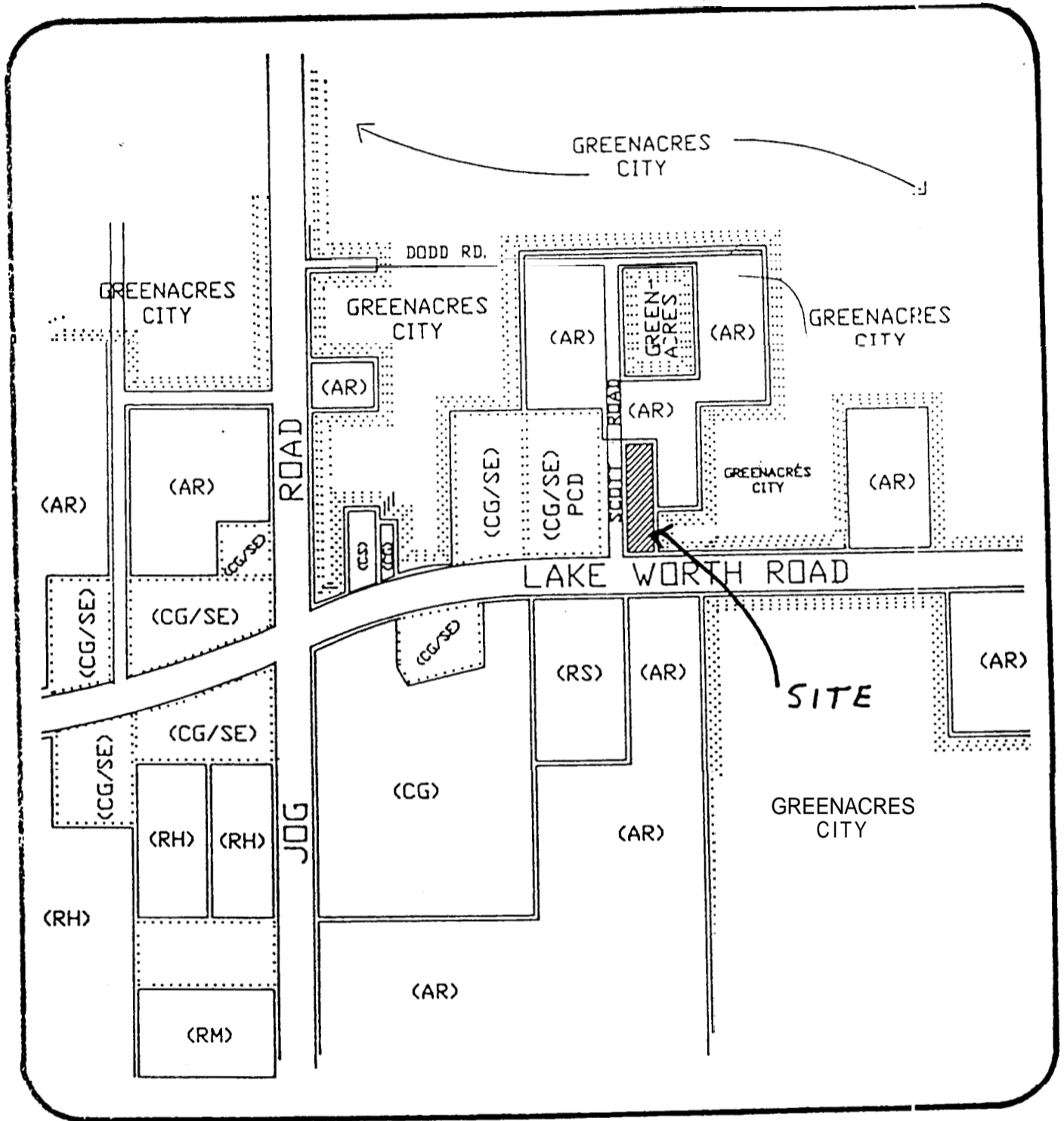


EXHIBIT C

CONDITIONS OF APPROVAL

A. STANDARD CONDITIONS

1. Zoning Petition No. 85-166(A) is hereby extinguished and all conditions of approval contained within Resolution R-89-1062 are hereby repealed. (ZONING)

B. ANNEXATION

1. The property owner shall voluntarily annex the subject property into the City of Greenacres if requested by the City of Greenacres to annex the site into the municipal limits of the city. (PLANNING)

C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 785 square feet. (ZONING-Building)
2. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color and character of the principle structure or equivalent landscape material acceptable to the Zoning Division. (ZONING-Building)
3. Prior to site plan certification by the Development Review Committee, the petitioner shall amend the site plan to indicate the following:
  - a. Suitable turning radii to accommodate vehicles exiting the western drive-through lane, subject to Engineering approval;
  - b. suitable turning radii to accommodate vehicles exiting the ingress/egress drive to turn south onto Scott Avenue, subject to Engineering approval;
  - c. a bypass lane a minimum of twelve (12) feet wide, clearly designated and distinct from the queuing or stacking area or two way circulation;
  - d. incorporate all native vegetation required to be preserved;
  - e. all required landscaping around the dumpster, pursuant to Section 6.6 of the Palm Beach County Land Development Code; and
  - f. the limits of the commercial zoning east of the subject property. (ZONING/ENGINEERING)

D. HEALTH

1. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (HEALTH-Code Enforcement)
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (HEALTH)
3. Water service **is** available to the property. Therefore, no well shall be permitted on the site to provide potable water. (HEALTH)

E. ENGINEERING

1. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application for a building permit. (ENGINEERING-Building)
2. Property owner shall widen Scott Avenue to provide for two (2) ten (10) foot travel lanes from Lake Worth Road to the project's north property line. This construction shall be to local street standards and include an asphalt overlay on existing roadway within the construction limits. Construction shall be concurrent with onsite paving and drainage improvements and shall be completed prior to the issuance of a certificate of occupancy. (ENGINEERING)
3. Prior to site plan certification, the petitioner shall enter into, and record in the public records, a road maintenance agreement for the maintenance and repair of Scott Road with the property owner(s) responsible for the maintenance of Scott Road, subject to approval by the County Attorney. (ENGINEERING/COUNTY ATTORNEY)
4. Prior to site plan certification, the petitioner shall demonstrate the right to access the subject property from Scott Road. (ENGINEERING/COUNTY ATTORNEY)

F. 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)

G. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval. (ZONING)
2. 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 outmost branch tip. Each radius shall measure at least 3.5 feet in length. (ZONING)
3. The perimeter of the retention area shall be landscaped with a minimum of twelve (12) native canopy trees and forty-eight (48) shrubs.

H. LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (ADJACENT TO RESIDENTIAL AREAS)

1. The buffer along the north and east property lines, adjacent to all residentially zoned areas, shall consist, at a minimum, of Alternative 3 of the Landscape Code, as shown on Exhibit 100, Petition No. CA85-166(B). (ZONING)

I. LIGHTING

1. All outdoor lighting fixtures shall not exceed a height of twenty (20) feet measured from finished grade. (ZONING-Building)
2. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded on all sides except the open end and directed down and away from adjacent properties and streets. (CODE ENFORCEMENT)
3. All outdoor lighting shall be extinguished no later than 12:00 p.m. Sunday through Thursday and 1:00 a.m. Friday and Saturday. Security lighting only is excluded from this requirement. (CODE ENFORCEMENT)

J. SIGNS

1. Point of purchase signs shall be limited as follows:
  - a. Maximum sign height, measured from finished grade - ten (10) feet;
  - b. Maximum sign face area per side - one hundred (100) square feet;
  - c. Maximum number of signs - one (1). (ZONING-Building)

K. USE LIMITATION

1. No outdoor loudspeaker system audible off site shall be permitted. (ZONING-Code Enforcement)
2. Hours of operation shall be limited to between the hours of 10:00 a.m. and no later than 12:00 p.m. (CODE ENFORCEMENT)

L. CONCURRENCY

1. Prior to site plan certification, the petitioner shall amend the Concurrency Reservation for the site (Case # 92-08-21-001-C) to reflect 785 square feet. (PLANNING)

M. VEGETATION PRESERVATION

1. The developer shall preserve existing significant vegetation 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. (ZONING)
2. Prior to site plan certification by the Development Review Committee, the petitioner shall:
  - a. Submit a tree survey in accordance with the ULDC ;
  - b. all native trees that are required to be preserved by the Zoning Director shall be incorporated into the site plan; and,
  - c. the petitioner shall receive any necessary variances from the Board of Adjustments that are caused by the required preservation. (ZONING)