

RESOLUTION NO. R-93- 644

RESOLUTION APPROVING ZONING PETITION CA92-50(A)  
CLASS A CONDITIONAL USE  
PETITION OF DR. L. THORTON OWEN, JR.

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 CA92-50(A) was presented to the Board of County Commissioners at a public hearing conducted on May 27, 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 complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

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 CA92-50(A), the petition of DR. L. THORTON, JR. BY N. KENT WILMERING, AGENT for a CLASS A CONDITIONAL USE allowing a RESTAURANT, FAST FOOD 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 May 27, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell 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	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of May, 1993.

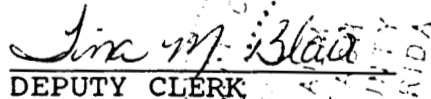
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

**PROPERTY ADDRESS: 4331 Lake Worth Road, Lake Worth, Fl.**

**DESCRIPTION:**

**FLOOD ZONE: B**

**The East 150 feet of the South 195 feet of the West Half of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 24, Township 44 South, Range 42 East, Palm Beach County, Florida, Less the Right of Way of Lake Worth Road ( State Road #802 ) as recorded in Road Pldt Book 5, Pages 133 and 134, Public Records of Palm Beach County, Florida. Containing 0.465 acres (20,248 square feet)**

EXHIBIT B  
VICINITY SKETCH

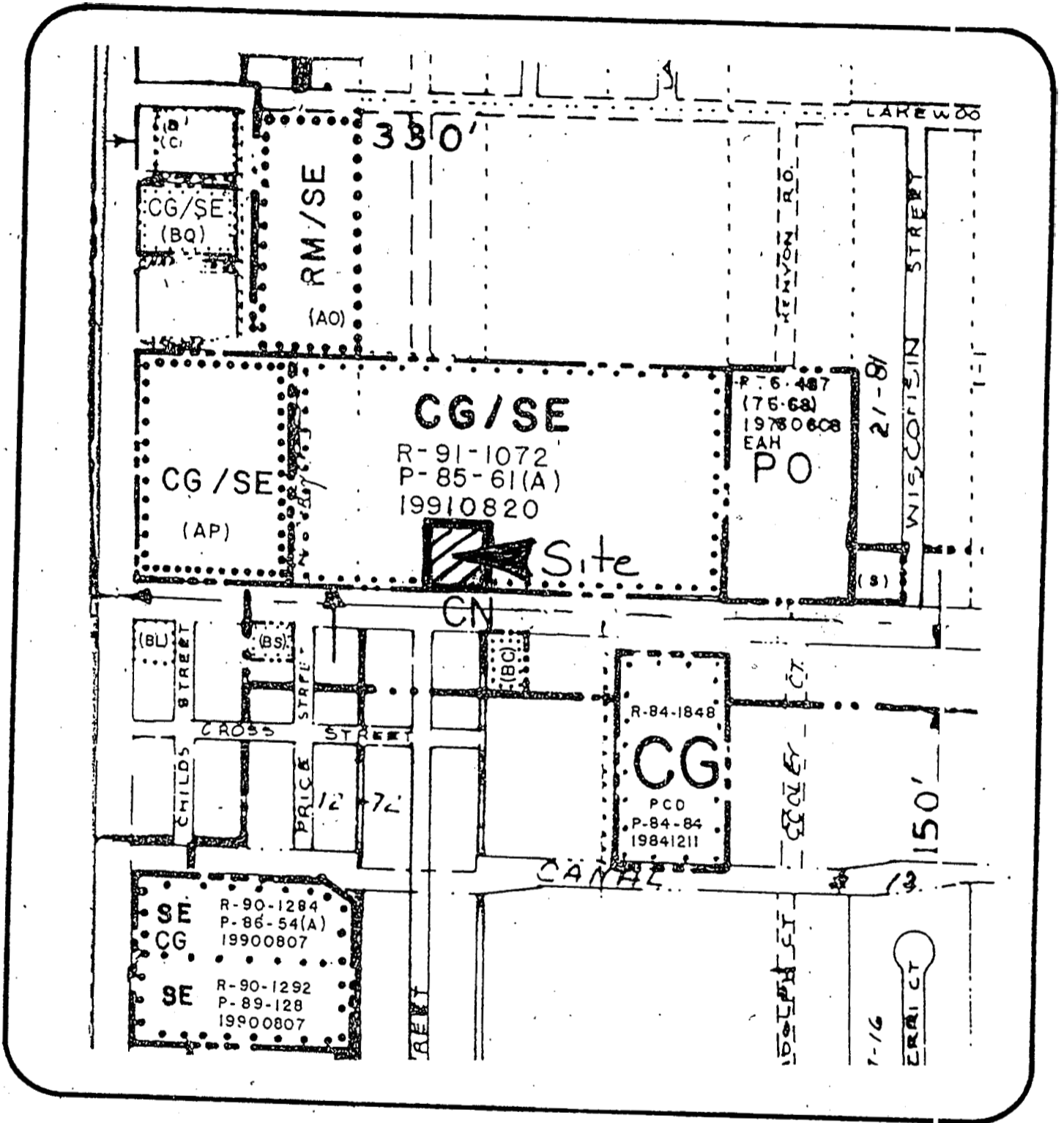


EXHIBIT C

CONDITIONS OF APPROVAL

A. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. All existing on-site sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC and Palm Beach County ECR-I.
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing on-site potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II.

B. LANDSCAPING

1. All trees required to be installed on site shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet minimum.
  - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
  - c. Canopy diameter: seven (7) feet minimum. The diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (ZONING)

C. PARKING

1. Prior to site plan certification, the petitioner shall enter into a parking agreement with the owner of the adjacent property (Home Depot Plaza) to reserve a minimum of nine (9) parking spaces for use of the subject property, subject to approval by the County Attorney and the Zoning Director. The parking spaces provided on the Home Depot site must be located adjacent to the subject property. These spaces shall be appropriately designated on the Home Depot certified site plan and indicated on the site plan for the subject property. In the event a permitted use allowed in the CG Zoning District utilizes the subject property, the property owner shall enter into a similar agreement if the parking requirement for the permitted use cannot be met on site. (COUNTY ATTORNEY/ZONING)

D. SIGNS

1. All new or replaced freestanding and/or point of purchase signs permitted on site shall be limited to the location, number, size, height and face area indicated on Exhibit 58 of the Zoning Division files. (BLDG-Zoning)

E. ENGINEERING

1. The existing western entrance onto Lake Worth Road shall be eliminated. Use of this entrance shall cease concurrent with on site paving and drainage improvements with landscaping installed to prevent vehicles from utilizing this entrance. (ENGINEERING)

**F.** VARIANCE

1. Prior to site plan certification, the petitioner shall obtain variance relief from the applicable requirements of the **ULDC** or revise the site plan to reflect minimum **ULDC** requirements. In the event the variance requests are approved, the petitioner shall revise the site plan to clearly indicate all relief granted, including, but not limited to, minimum property development regulations and landscaping. (ZONING)