

RESOLUTION NO. R-93- 1371

RESOLUTION APPROVING ZONING PETITION DOA86-150(A)
REQUESTED (R) 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 6, Section 6.8 (Planned Development District Regulations) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to approve, approve with conditions or deny Requested Uses within a Planned Development District; and

WHEREAS, the notice and hearing requirements, as provided for in Article 6, Section 6.8, of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, Zoning Petition DOA86-150(A) was presented to the Board of County Commissioners at a public hearing conducted on October 28, 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 Requested Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Requested Use is consistent with the requirements of the Palm Beach County Land Development Code.
3. This Requested Use is consistent with all requirements of Article 6, Section 6.8 (Planned Development District Regulations) of the Palm Beach County Land Development Code, Ordinance 92-20.
4. This Requested Use is consistent with all other applicable local land development regulations.

WHEREAS, Article 6, Section 6.8, 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 DOA86-150(A) the petition of CHECKERS DRIVE-IN RESTAURANT, INC., for a REQUESTED 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 October 28, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Lee moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of October, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

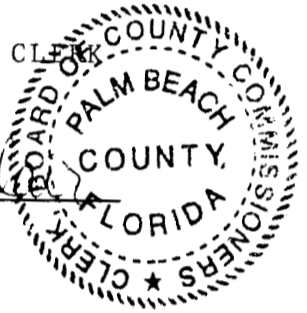


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATE IN SECTION 17, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF GLADES ROAD (S.R. 808), AND THE WEST RIGHT-OF-WAY LINE OF THE FLORIDA'S TURNPIKE, SAID POINT BEING 40.00 FEET FROM THE CENTERLINE OF SAID GLADES ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE OF GLADES ROAD WITH AN ASSUMED BEARING, NORTH 90-00-00 WEST, A DISTANCE OF 30.00 FEET TO THE CENTERLINE OF BOCA RIO ROAD (FORMERLY ROCK PIT ROAD), 60.00 FEET IN WIDTH AS SHOWN ON PALM BEACH COUNTY RIGHT-OF-WAY MAP DRAWING NO. 3-70-021R/W; THENCE ALONG SAID CENTERLINE, SOUTH 00-43-00 EAST, A DISTANCE OF 286.99 FEET; THENCE DEPARTING SAID CENTERLINE, SOUTH 89-17-00 WEST, A DISTANCE OF 50.00 FEET TO INTERSECT A LINE 20.00 FEET WEST OF AND PARALLEL TO THE WEST RIGHT-OF-WAY LINE OF BOCA RIO ROAD AS SHOWN ON SAID RIGHT-OF-WAY MAP AT THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING; THENCE ALONG SAID LINE 20.00 FEET WEST OF AND PARALLEL TO SAID RIGHT-OF-WAY LINE, SOUTH 00-43-00 EAST, A DISTANCE OF 136.44 FEET; THENCE SOUTH 89-59-59 WEST, A DISTANCE OF 165.15 FEET; THENCE NORTH 00-00-00 EAST, A DISTANCE OF 137.07 FEET; THENCE SOUTH 89-46-37 EAST, A DISTANCE OF 163.44 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 0.516 ACRE OF LAND, MORE OR LESS.

SUBJECT TO RIGHTS-OF-WAY, EASEMENT, AND/OR RESERVATIONS OF RECORD, IF ANY.

BEARINGS REFER TO AN ASSUMED BEARING OF NORTH 90-00-00 WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF GLADES ROAD (SR 608).

EXHIBIT B
VICINITY SKETCH

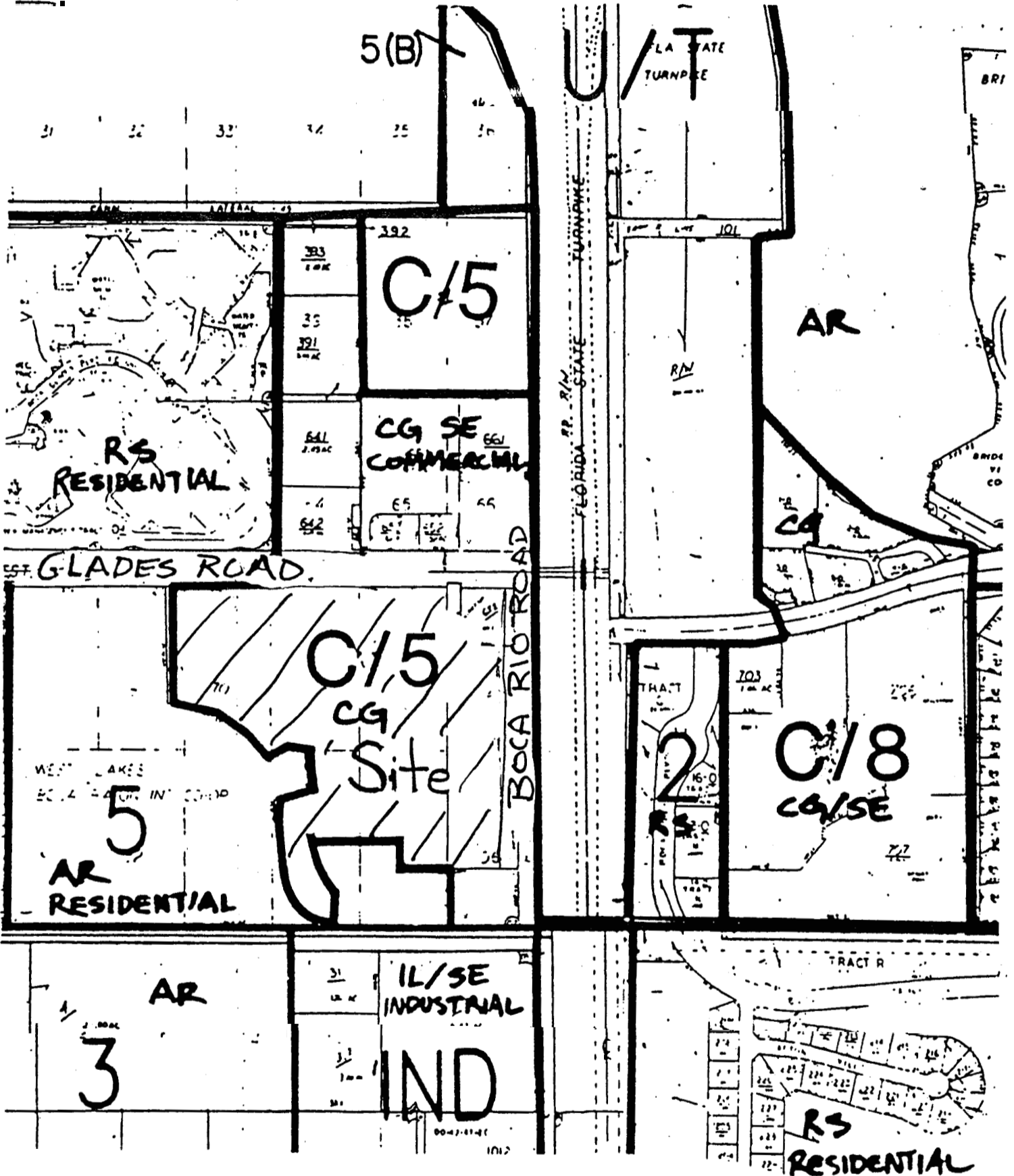


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. All previous conditions of approval applicable to the subject property have been consolidated **as** contained herein. The petitioner shall comply with all previous conditions **of** approval, including original deadlines for Section 5.8 **of** the ULDC compliance, as amended, unless expressly modified. (MONITORING)
2. All flag poles located on the fast food site shall be limited to a maximum height of twenty-five (25) **feet** measured from finished grade to the highest point.. (BUILDING)
3. Prior to site plan certification by the Development Review Committee the petitioner shall submit a detailed master signage program demonstrating compliance to Section 7.14 (Signage) of ULDC. (ZONING)
4. All lakes **on** site shall, at all times, be maintained **free** of exotic species, including but not limited to cattails, primrose willow, and hyacinth, as listed in Section 7.6.F.4.i(1) (b) of the ULDC. (CODE ENFORCEMENT-EM)
5. Prior to site plan certification, the site plan shall be amended to reflect the following:
 - a) the correct loading space requirement in the site data tabular.
 - b) the elimination and relocation of the two (2) handicap parking stalls immediately west of the four (4) story hotel.
 - c) the required number of handicap spaces.
 - d) relocation of the southeastern most parking stall out of the 25 foot landscape buffer and 20 foot required backup distance maneuvering area along the eastern property line.
 - e) a 25 foot landscape buffer along the western property line on West Lake Boulevard.

Previously Condition No. 1, of Resolution R87-903, Petition 86-150. (ZONING)

6. Prior to site plan approval, petitioner shall record a **Unity of Title Agreement** covering the entire site. Previously Condition No. 2, of Resolution R87-903, Petition 86-150. (ZONING-County Attorney)
7. The rear facade(s) of the shopping center shall be given architectural treatment compatible with the front of the center. The design will avoid an incompatible industrial appearance. Previously Condition No. 3, of Resolution R87-909, Petition 86-150. (ZONING/BUILDING)
8. All mechanical and air conditioning equipment shall be roof mounted and architecturally screened or be contained within the enclosed loading and service area. Previously Condition No. 4, of Resolution R87-909, Petition 86-150. (ZONING/BUILDING)

9. **No stock loading or dumpster pickup will be permitted between the hours of 8:00 P.M. and 8:00 A.M.** Previously Condition No. 5, of Resolution R87-909, Petition 86-150. (CODE ENFORCEMENT)
10. **No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.** Previously Condition No. 6, of Resolution R87-909, Petition 86-150. (CODE ENFORCEMENT)
11. **No parking of any vehicle shall be permitted along the rear of the shopping center except in designated spaces or unloading areas.** Previously Condition No. 7, of Resolution R87-909, Petition 86-150. (CODE ENFORCEMENT)
12. **Security lighting shall be low intensity in nature and directed away from nearby residences.** Previously Condition No. 8, of Resolution R87-909, Petition 86-150. (ZONING/BUILDING)
13. **The property owner shall construct an eight (8) foot bike path along Boca Rio Road as outlined in Condition Nos. 11 and 12 above.** Previously Condition No. 19, of Resolution R87-909, Petition 86-150. (ENGINEERING/ZONING)

[NOTE: Completed]

14. **No exterior neon billboard-style signage shall be permitted on the site.** Previously Condition No. 20, of Resolution R87-909, Petition 86-150. (ZONING/BUILDING)

[NOTE: Neon architectural non-signage treatments exempt]

15. Previously Condition No. 21, of Resolution R87-909, Petition 86-150, which stated:

"No drive-in fast food restaurants shall be permitted on site."

Is hereby deleted.

16. **To ensure consistency with the architectural style of the surrounding area. The architectural treatments shall be identical to the "Wellington Style" store used in the Wellington PUD (Petition 73-273(C)).** (BUILDING)
17. The petitioner shall supplement the existing landscape along the entire rear of the center in a manner and form acceptable to the Zoning Division. All required landscape shall be installed prior to issuance of a Certificate of Occupancy for the fast food restaurant. (ZONING/BUILDING)

D. HEALTH

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

E. ENGINEERING

1. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this 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 as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer this matter will be reviewed by the Code Enforcement Board for enforcement. Previously Condition No. 9, of Resolution R87-909, Petition 86 150. (ENGINEERING)

[NOTE: Completed]

2. The property owner shall convey for the ultimate right-of-way for:
 - a) Glades Road, 80 feet from centerline
 - b) Boca Rio Road, 80 feet west of the existing east right of way line of Boca Rio Road
 - c) the construction of a right turn lane, west approach on Glades Road at the project's main entrance road

all within 90 days of the approval of the Resolution approving this project. Previously Condition No. 10, of Resolution R87-909, Petition 86-150. (ENGINEERING)

[NOTE: Completed]

3. Condition No. 11 of Resolution R-87-909, which currently states:

Concurrent with onsite paving and drainage improvements, or concurrent with the widening of Glades Road under the Florida Turnpike, whichever shall first occur, the property owner shall construct:

- a) a right turn lane, west approach on Glades Road at the project's main entrance road
- b) Boca Rio Road as a 5 lane undivided section from Glades Road to the project's middle entrance plus the appropriate tapers and any turn lanes. Plans for this section of road shall be submitted to the office of the County Engineer prior to the letting of the contract for the Glades Road underpass.
- c) dual left turn lane on Boca Rio Road at Glades Road. This petitioner shall be responsible for all plans and change orders associated with this road project.

Is hereby amended to state:

Concurrent with onsite paving and drainage improvements, or concurrent with the widening of Glades Road under the Florida Turnpike, whichever shall first occur, the property owner shall construct:

- a) a right turn lane, west approach on Glades Road at the project's main entrance road; and,

b) Boca Rio Road as a 5 lane undivided section from Glades Road to the project's middle entrance plus the appropriate tapers and any turn lanes. Plans for this section of road shall be submitted to the office of the County Engineer prior to the letting of the contract for the Glades Road underpass.

4. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from those segments of Boca Rio Road along the property frontage along Boca Rio Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff. Additionally, this property owner shall accommodate to the extent possible, based on a drainage study provided by the adjacent trailer park and approved by the county engineer, the ability of the adjacent trailer park to drain through this proposed project's drainage system. Previously Condition No. 12, of Resolution R87-909, Petition 86-150. (ENGINEERING)

[NOTE: Completed]

5. Condition No. 13 of Resolution R87-809 which currently states:

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 \$225,576.00 (9,540 trips X \$26.79 per trip). Previously Condition No. 13, of Resolution R87-909, Petition 86-150. (ENGINEERING)

Is hereby deleted. [REASON: DUPLICATION]

6. Condition No. 14 of Resolution R87-809 which currently states:

Based on the Traffic Performance Standards (Category "A"), the developer shall contribute an additional \$127,785.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$386,364.00 to be paid prior to the issuance of the first building permit or prior to January 1, 1987 whichever shall first occur. Credit shall be given for two (2) of the proposed five (5) lanes of Boca Rio Road and outlined in Condition No. 11b. (ENGINEERING)

Is hereby deleted. [REASON: DUPLICATION]

7. Condition No. 15 of Resolution R87-809 which currently states:

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$127,788.00 shall be credited toward the increased Fair Share Fee.

Is hereby amended to state:

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 proposed Checkers Restaurant at the time of the Building Permit presently is \$22,248.00 (809 external trips X \$27.50 per trip) (IMPACT FEE COORDINATOR).

8. In order to comply with the mandatory traffic performance standards the property owner shall be issued no building permits until:

- a) Palmetto Park Road is open to traffic from SR 7 to Powerline Road (including the Turnpike overpass),
- b) Twelve (12) months after the construction has begun for the Glades Road/Turnpike interchange Conditions No. 16 a) and 16 b) shall also be deed restricted prior to site plan certification. Once the roads are constructed in accordance with Conditions 16 a) and 16 b), a document evidencing satisfaction of the conditions may be executed by the Executive Director of the Palm Beach County Planning, Zoning and Building Department and may be recorded.

Previously Condition No. 16, of Resolution R87-909, Petition 86-150. (ENGINEERING)

[NOTE: Completed]

9. The property owner shall install signalization if warranted as determined by the County Engineer at:

- a) project's entrance and Boca Rio Road
- b) project's entrance and Glades Road.

Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. Previously Condition No. 17, of Resolution R87-909, Petition 86-150. (ENGINEERING)

[NOTE: Completed]

10. If valet or other limited access parking is to be provided for the hotel, it shall be restricted to the parking spaces in excess of the minimum required by Section ~~500.17~~ 7.2 of the ~~Zoning Code PBC ULD~~. Previously Condition No. 18, of Resolution R87-909, Petition 86-150. (ZONING/CODE ENFORCEMENT)

11. Prior to site plan certification the developer shall revise the subject site plan to align the parking aisles in the southeast corner of the site in accordance with the County Engineer's approval to provide for a smooth traffic flow. (ENGINEERING)