

RESOLUTION NO. R-94-209

RESOLUTION APPROVING ZONING PETITION **DOA83-175(D)**  
REQUESTED (R) USE  
PETITION OF **BRAUVIN/STRAWBERRY** FIELDS ASSOCIATIONS

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 **DOA83-175(D)** was presented to the Board of County Commissioners at a public hearing conducted on February 24, 1994; 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 **DOA83-175(D)**, the petition of Brauvn/Strawberry Fields Associations, 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 February 24, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part thereof.

Commissioner Newell moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 24th day of February, 1994.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

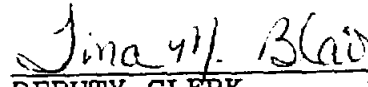
**PALM BEACH COUNTY, FLORIDA**  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

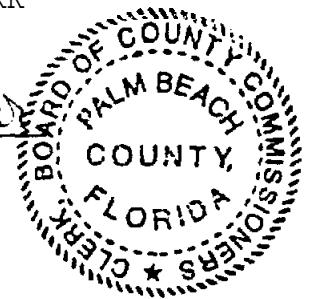


EXHIBIT A

LEGAL DESCRIPTION

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The South one-half of Tract 5, Block 4, Section 12, Township 44 South, Range 42 East, Plat No. 1, PALM BEACH PLANTATIONS, according to the Plat thereof as recorded in Plat Book 10, Page 20, Public Records, Palm Beach County, Florida;

Excepting the West 60.00 feet thereof for Military Trail (S.R. No. 809) Right of way; Also excepting the East 100 feet of the North one-half of South one-half of said Tract 5;

The North one-half of Tract 5, Block 4, Section 12, Township 44 South, Range 42 East, Plat No. 1, PALM BEACH PLANTATIONS, according to the Plat thereof, as recorded in Plat Book 10, Page 20, Public Records, Palm Beach County, Florida,

Excepting the West 335.21 Feet and the East 600.00 feet thereof, as measured along the North Tract line of said Tract 5; Also excepting the North 60.00 feet thereof for Forest Hill Boulevard Right of way.

83-175D

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EXHIBIT B

(location sketch)

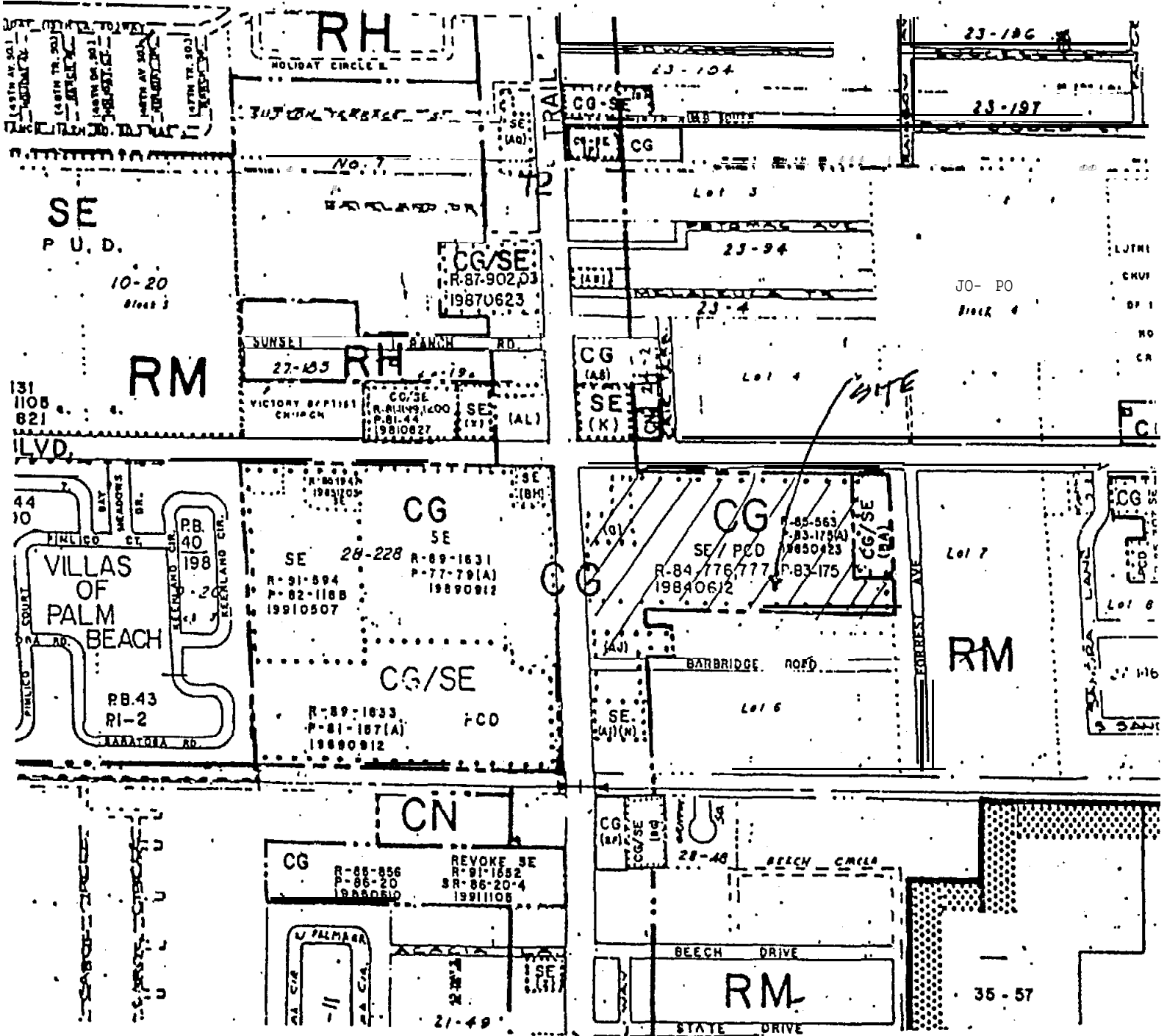


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. Condition A.1 of Resolution R-93-896, which **currently** states:

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 pursuant to Section 5.8 of the **ULDC**, as amended, unless expressly modified.

Is hereby amended to state:

All previous conditions of approval contained in Resolution R-93-896 have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines pursuant to Section 5.8 of the ULDC, as amended, unless expressly modified. (MONITORING)

2. Prior to site plan certification, the site plan shall be amended to reflect the following:
- a) provision of the required six-foot **high** solid masonry wall supplemented by **12'** to **14'** canopy trees planted at twenty feet oa center along the South and East property boundaries abutting residential development.
  - b) enclosed loading areas separated from any nearby residential areas by ten foot **high wing** walls.
  - c) all mechanical and air conditioning equipmeat to be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
  - d) uniform architectural treatment **of** the shopping center building to avoid a warehouse appearance on any facade facing residentially aoned property. (Previously Condition A.2 of Resolution R-93-896). (ZONING)
3. Dumpsters shall be located within the encasements as shown on site plan Exhibit **#18**. Previously Condition No. A.5 of Resolution R-93-896. (ZONING)
4. No storage or placement **of** any materials, refuse, equipment or accumulated debris shall be allowed in the rear **of** the shopping center. Previously Condition No. A.6 of Resolution R-93-896. (CODE ENF)
5. No parking of any vehicles along the rear **of** the shopping center except *in* designated spaces or unloading areas. Previously Condition No. A.7 of Resolution R-93-896. (CODE ENF)
6. The loading areas shall be located near the Western end **of** the property as shown on the Site Plan Exhibit **# 18**. This area shall be depressed and enclosed with a **10'** wing wall. (Previously Condition A.8 of Resolution **R-93-896**). (ZONING)

7. Developer shall **preserve** existing significant vegetation on site wherever possible into interior parking islands **in** the landscaped perimeter of the project. Developer shall also take appropriate steps to protect these **areas during** construction. (Previously Condition A.9 of Resolution R-93-896). **(ERM)**

8. Condition No. A.10 of Resolution R-93-896 which currently states:

Prior to site plan certification the site plan shall be revised to reflect the following:

**a)** A building layout or **design** that addresses the need for left field viewing **from** vehicles exiting the westernmost drive up teller lanes, or a mirror design shall be provided to **ensure** proper visibility.

**b)** Removal of the two southernmost **fort (40)** degree/angles parking stalls that require backing onto the internal parking lot access corridor.

Is hereby deleted. [REASON: No longer required.]

9. Landscaping shall be installed in **accordance** with the county landscape code, approved conditions, and graphic representations presented to the Planning Commission and the Board of County Commissioners. Previously Condition No. A.11 of Resolution R-93-896. **(BUILDING)**

10. Condition No. A.13 of Resolution R-93-896 which currently states:

The proposal shall be limited to five (5) drive-up teller windows.

Is hereby deleted. [REASON: No longer required.]

11. **No outdoor audible noises outside the structure site shall be permitted.** (Previously Condition A.14 of Resolution R-93-896). **(CODE ENFORCEMENT)**

12. All property owners and lessee's shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. **(SWA)**

B. 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 BCR-I.** (Previously Condition B.1 of Resolution R-93-896). **(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-II.** (Previously Condition B.2 of Resolution R-93-896). **(HEALTH)**

E. ENGINEERING

1. Previously Condition E.1 of Resolution R-93-896, which currently states:

The development shall retain **onsite 85%** of the stormwater runoff generated by a **three(3)** year storm per requirements of the Permit Section, Land Development Division.

Is hereby deleted. [REASON: Code Requirement]

2. **The** property owner shall convey, for the ultimate right-of-way of Military Trail, 60 feet from centerline, approximately an additional 7 feet, within 90 **days** of approval; conveyance must be accepted by Palm Beach County prior to issuance of the first Building Permit. (Previously Condition E.2 of Resolution R-93-896). [STATUS: Data base indicates compliance with condition.] (ENGINEERING)

3. Condition E.3 of Resolution R-93-896, which currently states:

The developer shall provide the construction plans for Forest Hill Boulevard as a **4-lane** median-divided section (expandable to a 6-lane section) from the present I-lane terminus of Forest Hill Boulevard), 200 feet West **of** the entrance of Palm Bill Villas West to a point 300 feet **West** of Eaverhill Road plus drainage and appropriate tapers per the County Engineer's approval.

Is hereby deleted. [REASON: Currently constructed as 6 lane cross section.] (ENGINEERING)

4. The Developer shall contribute **\$180,021.00** based upon his engineer's certified cost estimate toward the construction of Forest Hill Boulevard as a I-lane median divided section from the present I-lane terminus of Forest Hill Boulevard **West** of **Military** Trail, **West** to a point 300 feet West of Haverhill Road as outlined in Condition No. 3, above. (Previously Condition E.4 of Resolution R-93-896). [STATUS: Data base indicates compliance with condition.] (ENGINEERING)

5. The developer shall contribute One Hundred and Three Thousand and Thirty-Eight Dollars (**\$103,038.00**) toward the cost **of** meeting this project's direct **and** identifiable impact, to be paid at the time of issuance of the Building Permit.

Credit shall **be** applied toward the impact fee based upon a certified cost estimate **for** the **road** plans and construction **as** outlined in Conditions **#3** and **#4** above. (Previously Condition E.5 of Resolution R-93-896). [STATUS: Data base indicates compliance with condition.] (ENGINEERING - Impact Fee Coordinator)

6. Condition E.6 of Resolution R-93-896, which currently states:

Drainage systems on Military Trail **are to be** constructed only during the period of April 15 **to** December 15th to avoid seasonal traffic **conflicts**.

Is hereby deleted. [REASON: Drainage **system is** constructed. (ENGINEERING)]

7. Previously Condition E.7 of Resolution R-93-896, which currently states:

The developer shall construct a right turn lane, west approach, on Forest Hill Boulevard at the west entrance. Developer must be granted a permit from Florida D.O.T..

Is hereby deleted. [REASON: Forest Hill Boulevard now a six lane cross section.] (ENGINEERING)

8. 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 fast food restaurant to be paid at the time of the Building Permit presently **is \$22,550.00** (820 additional trips X \$27.50 per trip) (IMPACT FEE COORDINATOR).