

RESOLUTION NO. R-96- 395

RESOLUTION APPROVING ZONING PETITION CA95-120
CLASS A CONDITIONAL USE
PETITION OF MANUEL ANDRADE
BY JIM NORQUEST, AGENT
OKEECHOBEE BOULEVARD COMMERCIAL SITE

231-3-1

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 Unified Land Development Code (Ordinance 92-20, as amended) 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 Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA95-120 was presented to the Board of County Commissioners at a public hearing conducted on March 28, 1996; 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 Unified Land Development Code (ULDC) 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 Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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 Unified 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 of the ULDC.
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 Unified 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 CA95-120, the petition of MANUEL ANDRADE, by JIM NORQUEST, Agent for a Class A Conditional Use (CA) to allow 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 March 28, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on March 28, 1996.

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

Petition No. CA95-120
Project No.

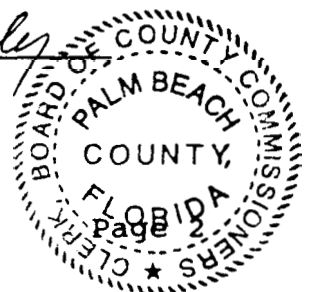


EXHIBIT A
LEGAL DESCRIPTION

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LAND DESCRIPTION:

The North 575.00 of the South 656.00 feet of the West 843.00 feet of the East 893.00 feet of the Southwest One-Quarter (SW 1/4) of Section 23, Township 43 South, Range 42 East, Palm Beach County, Florida.

Subject to easements and restrictions of record.

Containing 11.13 acres more or less.

EXHIBIT B
VICINITY SKETCH

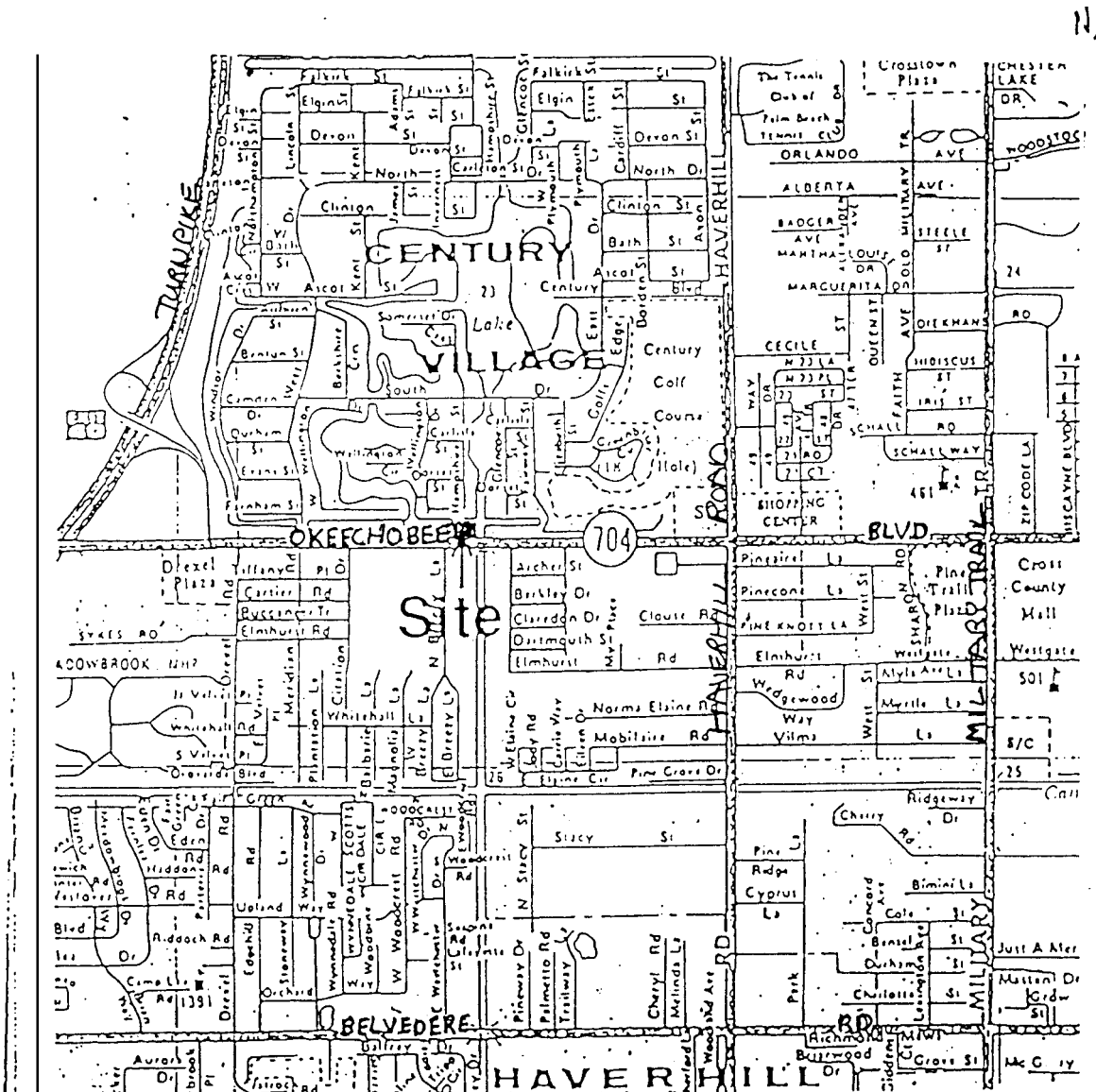


EXHIBIT C

CONDITIONS OF APPROVAL

A. LANDSCAPING

1. 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 outermost branch tip. Each radius shall measure at least 3.5 feet in length. (CO: LANDSCAPE - Zoning)
2. Prior to site plan approval, the petitioner shall amend the site plan to indicate an Alternative Number 3 compatibility landscape strip adjacent to the north property line or adjacent to the south side of the abutting utility easement. (DRC: LANDSCAPE - Zoning)

B. LANDSCAPING ALONG SOUTH PROPERTY LINE (ADJACENT TO MARSINAL ACCESS ROAD)

1. Landscaping and buffering along the south property line, adjacent to the marginal access road, shall be upgraded to include:
 - a. A minimum fifteen (10) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every twenty (20) linear feet with a maximum spacing of thirty (30) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and,
 - c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE - Zoning)

C. SIGNS

1. Point of purchase and/or freestanding signs along the south property line fronting toward Okeechobee Boulevard shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
 - b. Maximum sign face area per side - 50 square feet; and,
 - c. Maximum number of signs - one (1). (CO: BLDG)

D. SITE DESIGN

1. Prior to site plan approval, the petitioner shall amend the site plan to indicate all dumpsters and trash compactors, a minimum of fifty (50) feet from the west property line and two hundred (200) from the south property line, and shall be confined to areas designated on the site plan. (DRC: BLDG - Zoning)

2. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and **away** from adjacent properties and streets. (CO: **BLDG** - Zoning)
3. All outdoor lighting fixtures shall not exceed 25 feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
4. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record a cross access agreement from the subject property to the property adjacent to the east in a form acceptable to the County Attorney. (DRC: CO ATTY)
5. Prior to site plan certification by the **Development** Review Committee (DRC), the petitioner shall record a cross drainage agreement from the subject property to the property adjacent to the east in a form acceptable to the County Attorney. (DRC: **CO** ATTY)

E. ENGINEERING

1. 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, Zoning Petition Number 95-120(A), to be paid at the time of issuance of the Building Permit presently is \$6,903.00 (251 additional trips for the fast food restaurant X \$27.50 per trip). (BLDG PERMIT: FAIR SHARE FEE COORDINATOR)

F. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance **of** a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation **of** a Certificate of Occupancy; the denial **of** any other permit, license **or** approval to any developer, owner, lessee, or user **of** the subject property; the revocation **of** any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
 - b. **The** revocation **of** the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. **A** requirement of the project to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to **code** enforcement; and/or
 - e. Imposition **of** entitlement density **or** intensity.

Appeals **of** any departmental administrative actions hereunder may **be** taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation **of** an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board **of** County Commission decision shall **be** by petition for writ **of** certiorari to the Fifteenth Judicial Circuit. (MONITORING)