

RESOLUTION NO. R- 86-748

RESOLUTION APPROVING ZONING PETITION 84-177(A), Special Exception

WHEREAS, the Board of County Commissioners, as the governing body, 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 notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 84-177(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th March 1986; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. With minor site plan modifications, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 27th of March 1986, that Petition No. 84-177(A) the petition of THIRD GENERATION INC. AND PALM BEACH VENTURES, INC., By Kieran Kilday, Agent for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 84-177 TO INCREASE BUILDING SQUARE FOOTAGE on a parcel of land lying within the Southeast 1/4 of Section 22, Township 44 South, Range 42 East, and being more particularly described as follows:

Commence at the South 1/4 corner of said Section 22; thence North 89 degrees 14'08" East along the South line of said Section 22 a distance of 1189.72 feet, thence North 00 degrees 02'03" East a distance of 90.01 feet to a point of intersection with the North

Right-of-way of Lake Worth Road (S.R. 802) as recorded in Road Book 5, Pages 125-138 inclusive, said intersection also being the Point of Beginning; thence continue North 00 degrees 02'03" East a distance of 272.25 feet; thence North 89 degrees 14'08" East a distance of 160.00 feet; thence South 00 degree 02'03" West a distance of 272.25 feet to said North Right-of-way line; thence South 89 degrees 14'08" West along said North Right-of-way line a distance of 160.00 feet to the said Point of Beginning. Said property located on the northwest corner of the intersection of Lake Worth Road (S.R. 802) and Scott Road in an CG-General Commercial District was approved as advertised subject to the following conditions:

1. Prior to site plan certification:

a) Cross access and cross parking agreements shall be executed and recorded in a form acceptable to the County Attorney. Said agreements shall be terminable solely by the Board of County Commissioners.

b) All existing conditions shall be complied with unless modified by this petition.

c) A 10 foot stacking lane and a 10 foot by-pass lane width.

2. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

3. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

4. Any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative Code. The design and installation plans will be submitted to the Health Department for approval prior to installation.

5. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C.

6. Condition No. 9 of R-85-326 which states:

"9. The property owner shall convey for the ultimate right-of-way of Scott Road, 25 feet from centerline (approximately an additional 25 feet) within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit."

is hereby amended to state:

"9. The property owner shall re-record the existing easement for Scott Road. The new easement shall be dedicated to the public and shall be 25 foot in width. This easement shall be a perpetual access easement and shall not contain a reversionary clause. This easement shall be re-recorded per the County Engineer and the County Attorney's approval prior to the Site Plan Certification for this new proposal."

7. The property owner shall relocate the existing utility poles by placing them a minimum of 7 feet from the proposed edge of pavement

or bury these facilities underground.

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 proposed restaurant is \$11,600.00 (433 trips x \$26.79 per trip).

9. The property owner shall install signalization if warranted as determined by the County Engineer at the intersection of Scott Road and Lake Worth Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy for this entire project this property owner shall be relieved from this condition.

Commissioner Owens, moved for approval of the petition. The motion was seconded by Commissioner Adams, and upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, vice Chairman	--	AYE
Kenneth Spillias, Member	--	ABSENT
Dorothy Wilken, Member	--	AYE
Kenneth Adams, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 27th day of May, 1986 confirming action of the 27th March 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Pry
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Proctor
County Attorney