

RESOLUTION APPROVING ZONING PETITION CA93-47  
CLASS A CONDITIONAL USE  
PETITION OF 1416 PROPERTY LIABILITY, 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 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 **CA93-47** 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 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 **CA93-47**, the petition of 1416 Property Liability, Inc., by: Jon Ettman, 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 February 24, 1994, 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 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

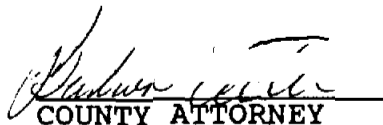
The Chair thereupon declared that the resolution was duly passed and adopted this 24th day of February, 1994.

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

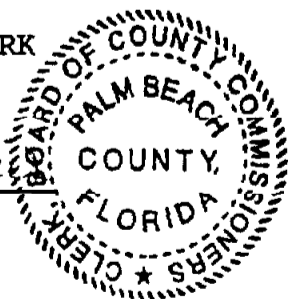


EXHIBIT A  
LEGAL DESCRIPTION

LOTS 20 AND 21

**LANGS ACRE**

*According to the plat recorded in Plat Book 23, Page 104, as recorded in the public records of Palm Beach County, Florida; said land situate, lying, and being in Palm Beach County, Florida,*

EXHIBIT B

VICINITY SKETCH

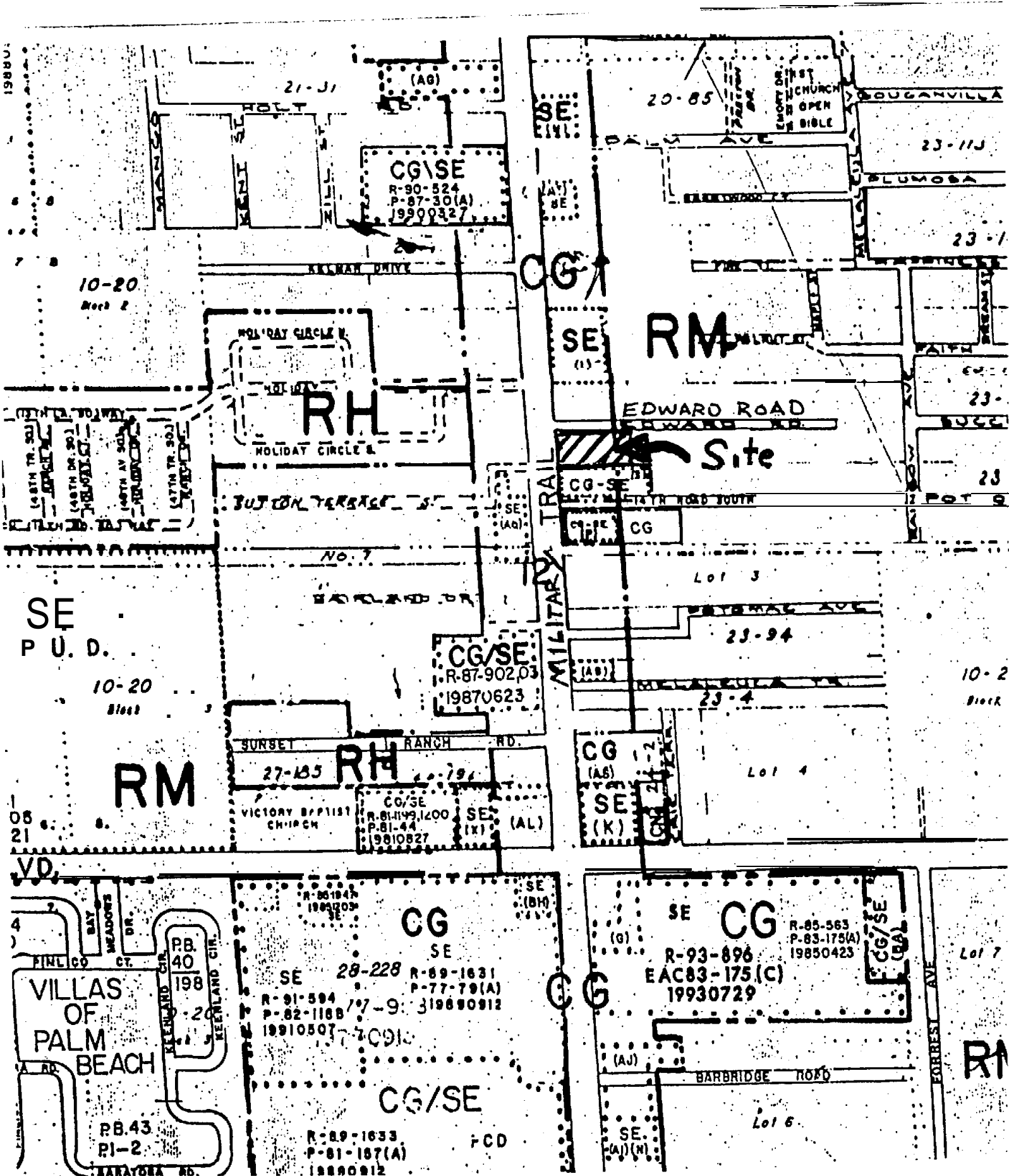


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. To ensure consistency with the request, the proposed use shall be limited to 3,010 square feet of total floor area. Additional square footage may be allowed pursuant to Article 5.4.E.13 (Minor Deviations) of ULDC. (BUILDING/ZONING)
2. To ensure consistency and compatibility with the surrounding land uses, prior to certification by the DRC the petitioner shall amend the final site plan to orientate the menu board and speaker box away from the residential area abutting the east property line. (ZONING)
3. The property owner (OR 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. LANDSCAPING

1. To ensure that adjacent residential land uses are adequately buffered, prior to certification by the DRC the petitioner shall amend the final site plan to indicate a continuous native hedge (i.e. planted a minimum of twenty four (24) inches on center) with a minimum height of forty eight (48) inches along the entire eastern property line and continuing west from the eastern property line along the north property line to the eastern side of the curb cut on Edward Road. (BUILDING-Zoning)
2. To ensure that adjacent residential land uses are adequately buffered, prior to certification by the DRC the petitioner shall amend the final site plan to indicate, in addition to ULDC requirements, one (1) native palm tree with a minimum of eight (8) feet of clear trunk for every twenty (20) linear feet along the east property line and continuing west from the eastern property line along the north property line to the eastern side of the curb cut on Edward Road. These palms may be planted in groups of three spaced no greater than sixty (60) feet on center. (BUILDING-Zoning)
3. All landscape requirements shall be installed on or before May 31, 1994. (MONITORING/BUILDING-Zoning)

C. 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-I. (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. (HEALTH)

E. ENGINEERING

1. The property owner has voluntarily agreed to convey to Palm Beach County Land Development Division by road right-of-way warranty deed a safe sight corner at the intersection of Military Trail and Edward Road, prior to July **1, 1994** or prior to the issuance of the first Building Permit whichever shall first occur. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (MONITORING/ BUILDING - Engineering).