

RESOLUTION R-96-654

RESOLUTION AMENDING RESOLUTION R-96-395
RESOLUTION APPROVING ZONING PETITION OF MANUEL ANDRADE
PETITION CA95-120

WHEREAS, Manuel Andrade petitioned the Palm Beach County Board of County Commissioners on March 28, 1996 for a Class A Conditional Use; and

WHEREAS, Resolution R-96-395, adopted on March 28, 1996 confirming the action of the Board of County Commissioners inadvertently contained an error in Exhibit C; and

WHEREAS, Exhibit C of Resolution R-96-395 should have read as shown on attached Exhibit C.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Exhibit C of Resolution R-96-395 is hereby amended.

Commissioner Lee 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:

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

The Chair thereupon declared the resolution was duly passed and adopted on May 23, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Bentley Alt*
COUNTY ATTORNEY

DEPUTY CLERK *Joan Hawley*

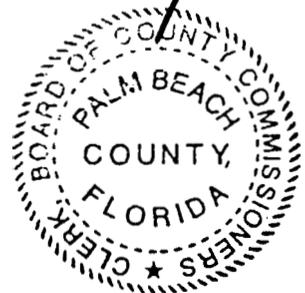


EXHIBIT C
CONDITIONS OF APPROVAL

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 MARGINAL 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~~ ten (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)