

RESOLUTION NO. R-88-1185

RESOLUTION APPROVING ZONING PETITION NO. 83-85(A)  
SPECIAL EXCEPTION AND MODIFICATION PETITION OF PIZZA HUT, INC.

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. 83-85(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 23, 1987; 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) 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 proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 83-85(A), the petition of PIZZA HUT OF TITUSVILLE, INC., for a SPECIAL EXCEPTION TO 1) AMEND AND EXPAND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 83-85; AND 2) TO INCREASE THE ACREAGE BY .33 ACRES OF LAND, AND MODIFICATION OF COMMISSION REQUIREMENTS, on a parcel of land lying on all of Lots 24, 25, and 26 "Banlow Subdivision" in Section 17, Township 44 South, Range 43 East according to the Plat thereof, as recorded in Plat Book 21, Page 92, located on the Southeast corner of the intersection of Lorene Drive and Congress Avenue (S.R. 807), in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.

2. Prior to site plan certification, the site plan shall be amended to indicate the following:
  - a) Required landscaping between off-street parking areas and right-of-way.
  - b) Elimination of the six inch curb between the drive-thru lane and the by-pass lane.
  - c) Redesign of the by-pass lane (if required to satisfy Condition No. 1.a.).
  - d) Elimination of the access drive along Congress Avenue.
3. No building permit shall be issued for the subject property until such a time that the site is approved for connection to a public sewer system.
4. Since sewer and water service is available to the property, neither septic tank nor well shall be approved for use on the property.
5. Condition No. 1 of Zoning Petition No. 83-85 which states:
  - "1. This development must 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 amended to state:
  - "1. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement."
6. Condition No. 4 of Zoning Petition No. 83-85 which states:
  - "4. The developer shall pay \$1.25 per square foot of

floor area to be paid at the time of issuance of building permits towards the cost of meeting this project's direct and identifiable traffic impact."

is hereby amended to state:

- "4. The developer 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 presently is \$16,958.00 (633 trips X \$26.79 per trip)."
7. No off-premises signs shall be erected on site.
8. Petitioner shall redesign the site plan to provide drive-thru stacking along the east side of the property with the parking as presently shown on the east of the property moved contiguous to the building.


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

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Absent

The foregoing resolution was declared duly passed and adopted this 9th day of August, 1988 confirming action of July 23, 1987.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY


BY:

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
DEPUTY CLERK

