

RESOLUTION NO. R-89-1438

RESOLUTION APPROVING ZONING PETITION NO. 85-91(A)  
SPECIAL EXCEPTION PETITION OF OKEECHOBEE MOTEL JOINT VENTURE

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 have been satisfied: and

WHEREAS, Petition No. 85-91(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 1, 1989: and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition NO. 85-91(A) the petition of OKEECHOBEE MOTEL JOINT VENTURE, by Bill Jacobson, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A MOTEL TO (1) INCREASE THE SQUARE FOOTAGE, AND (2) DECREASE THE LAND AREA (PETITION NO. 85-91) on a parcel of land being the North 575.00 feet of the South 656.00 feet of the East 312.59 feet of the West 404.59 feet of Section 23, Township 43, South, Range 42 East: less the North 170.00 feet of the West 190.00 feet of the above described land, and less a parcel of land lying within the Southwest 1/4 of said Section 23, being more particularly described as follows: Commence at the Southwest corner of said Section 23; thence South 88 degrees 40'36" East along the South line of said Section 23, a distance of 92.00 feet;

thence North 01 degree 27'31" East, a distance of 330.10 feet to the Point of Beginning; thence continue North 01 degree 27'31" East, a distance of 155.90 feet; thence South 88 degrees 40'36" East, a distance of 113.24 feet; thence South 01 degrees 30'08" West, a distance of 155.31 feet; thence North 88 degrees 58'23" West, a distance of 113.12 feet to the Point of Beginning, being located on the north side of Okeechobee Boulevard (SR 704), approximately 220 feet west of West Drive, in a CG-General Commercial Zoning District, was approved on May 1, 1989, as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. Prior to certification, the site plan shall be amended to indicate the following:
  - a. The required five (5) foot perimeter landscape strip and vegetation along the western property line; and,
  - b. Relocation of the sign encroaching the required perimeter landscape strip.
3. The petitioner shall submit two (2) copies of properly executed cross-access document to the Zoning Division simultaneously with the Site Plan Review submittal.
4. No restaurant or lounge shall be permitted, until the petitioner can demonstrate the minimum required parking can be accommodated on site.
5. The Developer shall provide discharge control and treatment for 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 the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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. The petitioner 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 12 additional rooms is \$4,501.00 (168 additional trips X \$26.79 per trip).

- 7. In addition the Developer shall contribute the amount of \$450.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$450.00 shall be paid prior to the issuance of the first Building Permit or prior to whichever shall first occur.
- 8. No off-premise signs shall be permitted on site.
- 9. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit: the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure: or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Marcus moved for adoption of the Resolution.

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

Carol J. Elmquist, Chair	--	AYE
Karen T. Marcus	--	AYE
Carol Roberts	--	AYE
Ron Howard	--	AYE
Carole Phillips	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 1st day of August 1980

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: [Signature]  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: [Signature]  
DEPUTY CLERK

