

RESOLUTION NO. R-95- 712

RESOLUTION APPROVING ZONING PETITION CA95-13
CLASS A CONDITIONAL USE
PETITION OF BOSTON CHICKEN, 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 CA95-13 was presented to the Board of County Commissioners at a public hearing conducted on May 25, 1995; 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.
- a. 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 CA95-13, the petition of Boston Chicken, Inc., by: Anna Cottrell, AGENT for a CLASS A CONDITIONAL USE to allow a fast food restaurant 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 May 25, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 25th day of May, 1995.

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

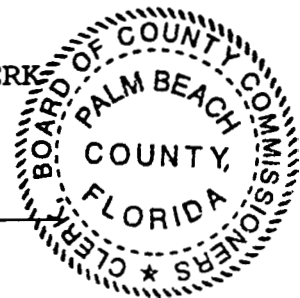


EXHIBIT A
LEGAL DESCRIPTION

BEGINNING AT THE NORTHEAST CORNER OF LOT 3, "SUBURBAN HOMESITES", ACCORDING TO M E PLAT THEREOF, RECORDED IN PLAT BOOK 18, PAGE 20, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 01 DEGREES 21 MINUTES 52 SECONDS WEST ALONG THE EAST LINE OF LOTS 3, 2 AND 1 OF SAID "SUBURBAN HOMESITES" A DISTANCE OF 316.00 FEET TO A POINT ON M E NORTHERLY RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD (SR 704); THENCE NORTH 89 DEGREES 22 MINUTES 28 SECONDS WEST ALONG M E SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 241.41 FEET; THENCE NORTH 43 DEGREES 59 MINUTES 42 SECONDS WEST FOR A DISTANCE OF 49.17 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE NORTH 01 DEGREES 23 MINUTES 05 SECONDS EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 271.40 FEET; THENCE NORTH 00 DEGREES 35 MINUTES 55 SECONDS WEST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 9.60 FEET TO THE NORTH LINE OF SAID LOT 3; THENCE SOUTH 89 DEGREES 22 MINUTES 28 SECONDS EAST ALONG M E NORTH LINE OF SAID LOT 3 FOR A DISTANCE OF 276.62 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

VICINITY SKETCH

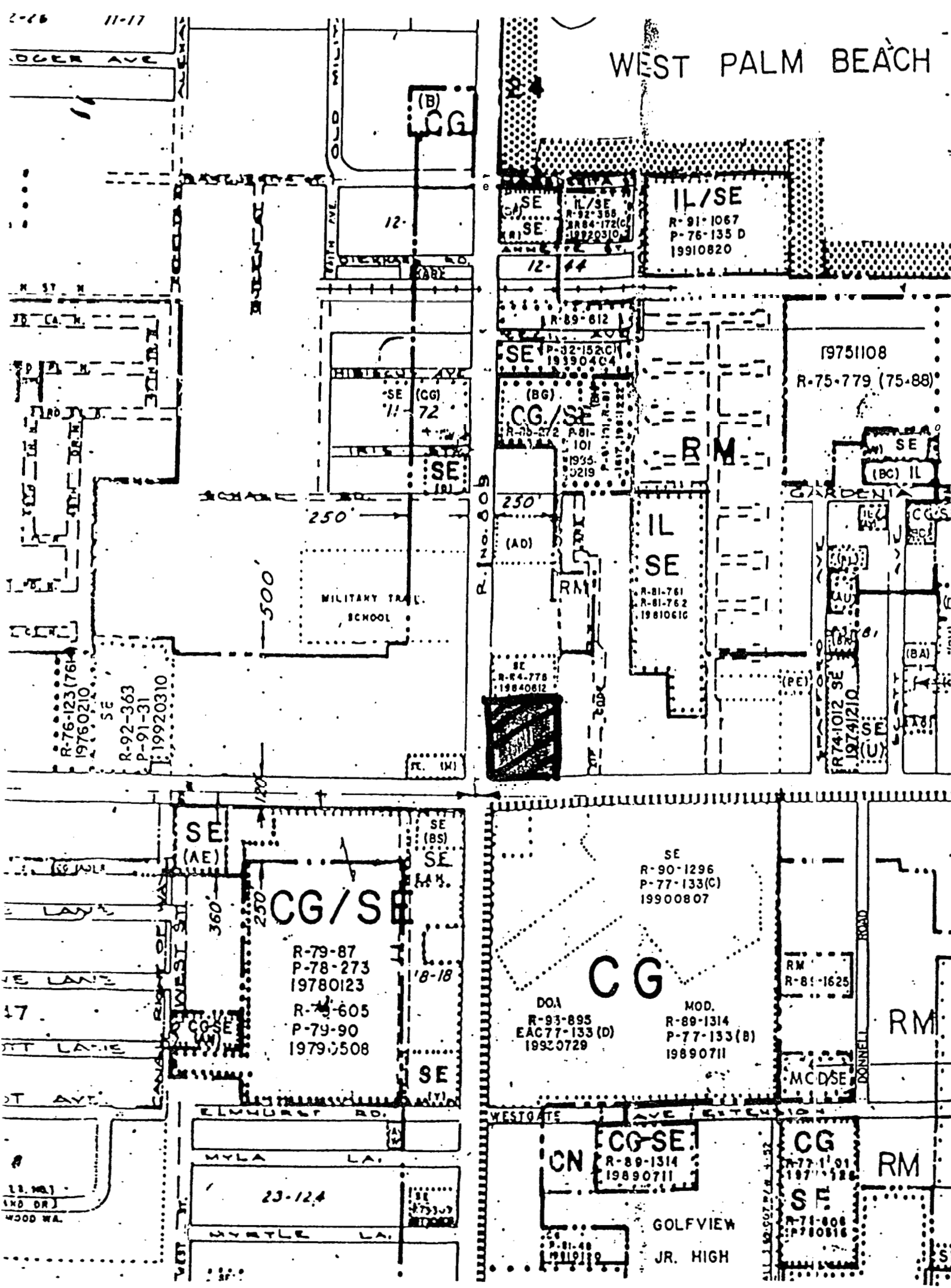


EXHIBIT C

CONDITIONS OF APPROVAL

A. LANDSCAPING

1. Prior to completion of the drive-thru window addition, the petitioner shall revise the parking layout and landscape areas adjacent to the fast food restaurant to accommodate the proposed one way traffic circulation pattern. (BUILDING/ZONING)

B. COMPLIANCE

1. Failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist 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; and/or
 - b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
 - c. A requirement of the development to conform with updated standards of development, applicable 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;
 - 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 Conditional Use, Rezoning, 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)

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 to be paid at the time of issuance of the Building Permit presently is \$1,898.00 (69 additional trips X \$27.50 per trip). (IMPACT FEE COORDINATOR)