

RESOLUTION R-96- 1015

RESOLUTION MENDING RESOLUTION R-96-816
RESOLUTION APPROVING ZONING PETITION OF ROGER DEAN
PETITION CA96-26

WHEREAS, Roger Dean, petitioned the Palm Beach County Board of County Commissioners on June 24, 1996 for a Class A Conditional Use (CA) to allow a Fast food restaurant; and

WHEREAS, Resolution R-96-816, adopted on June 24, 1996 confirming the action of the Board of County Commissioners inadvertently contained an error in Exhibit C; and

WHEREAS, Exhibit C of Resolution R-96-816 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-96-816 is hereby amended.

Commissioner Aaronson moved for the approval of the Resolution.

The motion was seconded by Commissioner Marcus, 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	-- Aye
Warren Newell	-- Aye
Carol A. Roberts	-- Absent

The Chair thereupon declared the resolution was duly passed and adopted on July 25, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Barbara Allen*
COUNTY ATTORNEY

BY: *Dorothy H. Wilken*
DEPUTY CLERK

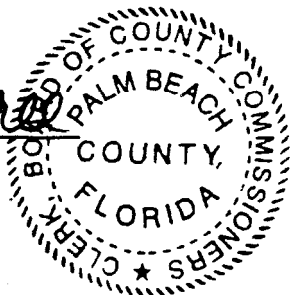


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners (site plan dated April 26, 1996). All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. BUILDING AND SITE DESIGN

1. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material. (BLDG PERMIT: BLDG - Zoning)
2. The four (4) parking spaces in the northeast corner of the site plan shall be designated for employee parking. Appropriate signs shall be posted indicating these spaces as employee parking only. (CO: BLDG - Zoning)

C. SIGNS

1. Point of purchase sign 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 - 60 square feet;
 - c. Maximum number of signs - one (1);
 - d. Location - maximum fifteen (15) feet from turnout. (BLDG PERMIT: BLDG - Zoning)

D. LIGHTING

1. 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 / ONGOING: BLDG / CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)

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 96-26, to be paid at the time of issuance of the Building Permit presently is \$24,338 (885 additional trips/day X \$27.50 per trip) (BLDG PERMIT: ACCOUNTING - Fair Share Fee Coordinator).

F. LANDSCAPING

1. All trees required to be planted shall be native evergreen species and meet the following minimum standards at time of installation:
 - a. Tree height: fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade; and
 - 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. All palms required to be planted shall be native species and meet the following minimum standards at time of installation:
 - a. Palm heights: twelve (12) feet clear wood;
 - b. Clustering: staggered heights twelve (12) to eighteen (18) feet; and
 - c. Pruning: minimum six (6) fronds, no clipped or spiked cuts. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG NORTH PROPERTY LINE (OKEECHOBEE BOULEVARD)

1. Landscaping and buffering along the north property line shall include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. A continuous two (2) foot high berm with the height of the berm measured from the top of curb;
 - c. One (1) canopy tree for each twenty (20) feet of frontage with a maximum spacing of twenty-five (25) feet on center;
 - d. One (1) palm for each twenty-five (25) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters. A grouping of three or more palms may supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE)

H. LANDSCAPING ALONG EAST AND SOUTH PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the east and south property lines shall include:
 - a. A minimum ten (10) foot wide landscape buffer strip; and
 - b. A six (6) foot high opaque concrete wall. Both sides of the wall shall be given a finished architectural treatment. (CO: LANDSCAPE)

2. The following landscaping requirements shall be installed alternating on the interior and exterior side of the required wall:
 - a. One (1) canopy tree for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet on center; and
 - b. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three or more palms may supersede the requirement

for a canopy tree in that location. (CO: LANDSCAPE)

3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)
4. Along the exterior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

I. 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 development 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)