

RESOLUTION NO. R-2007- 2142

RESOLUTION APPROVING ZONING APPLICATION R2007-886
(CONTROL NO. 1974-104)
REQUESTED USE
APPLICATION OF MS WOOLBRIGHT BOCA GROVE, LLC
BY MILLER LAND PLANNING CONSULTANTS, INC., AGENT
(SHOPS AT BOCA GROVE)

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 applications relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Requested Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application R2007-886 was presented to the Board of County Commissioners at a public hearing conducted on November 29, 2007; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant 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 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Requested Use is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Requested Use complies with relevant and appropriate portions of Article 4.B, Supplementary Use Standards of the Palm Beach County Unified Land Development Code. This Requested Use also meets applicable local land development regulations.
3. This Requested Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Requested Use has a concurrency determination and complies with Article 2.F (Concurrency) of the ULDC.

5. This Requested 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.
7. This Requested Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Requested Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Requested Use, with conditions as adopted, is consistent with the applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Requested Use.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified 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 Application R2007-886, the application of MS Woolbright Boca Grove LLC, by Miller Land Planning Consultants, Inc., agent, for a Requested Use to allow a Type I Restaurant in the Residential Planned Unit Development 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 November 29, 2007, subject to the conditions of approval described in EXHIBIT C of DOA2007-886.

Commissioner McCarty 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:

Addie L. Greene, Chairperson	- Absent
Jeff Koons, Vice Chair	- Aye
Karen T. Marcus	- Aye
Robert J. Kanjian	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye
Jess R. Santamaria	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on November 29, 2007.

Filed with the Clerk of the Board of County Commissioners on December 4, 2007.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

(DEED)

A PARCEL OF LAND LOCATED IN SECTION 22, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WESTERLY 129.31 FEET OF THE SOUTHERLY 427.71 FEET OF THE NORTHERLY 1277.79 FEET OF THE NORTHWEST 1/4 AS DESCRIBED IN OFFICIAL RECORDS BOOK 2736, PAGE 903, AND THAT PART OF THE NORTHWEST 1/4 LYING WESTERLY OF JOG ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 2596, PAGE 266; SAID PARCEL BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 22; THENCE SOUTH 00°10'25" WEST, ALONG THE WEST LINE OF SAID SECTION 22, A DISTANCE OF 850.08 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE SOUTH 00°10'25" WEST, ALONG THE LAST DESCRIBED LINE, 427.91 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SUNSTREAM BOULEVARD; THENCE ALONG SAID RIGHT-OF-WAY LINE OF SUNSTREAM BOULEVARD NORTH 89°37'45" EAST, 36.19 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE, AND ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 386.54 FEET, AN ARC DISTANCE OF 217.31 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE, SOUTH 58°09'38" EAST ALONG SAID RIGHT-OF-WAY LINE OF SUNSTREAM BOULEVARD, 173.95 FEET; THENCE NORTH 77°38'11" EAST ALONG SAID RIGHT-OF-WAY LINE OF SUNBEAM BOULEVARD, 34.86 FEET TO A POINT LOCATED ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT AND WHOSE RADIUS POINT BEARS SOUTH 56°34'03" EAST FROM THE LAST DESCRIBED POINT: SAID POINT BEING FURTHER DESCRIBED AS BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF JOG ROAD; THENCE NORTHERLY AND EASTERLY ALONG SAID RIGHT-OF-WAY LINE OF JOG ROAD AND ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2313.88 FEET, AN ARC DISTANCE OF 538.97 FEET; THENCE, NORTH 76°06'00" WEST, 659.56 FEET; THENCE NORTH 89°49'35" WEST, 129.31 FEET THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

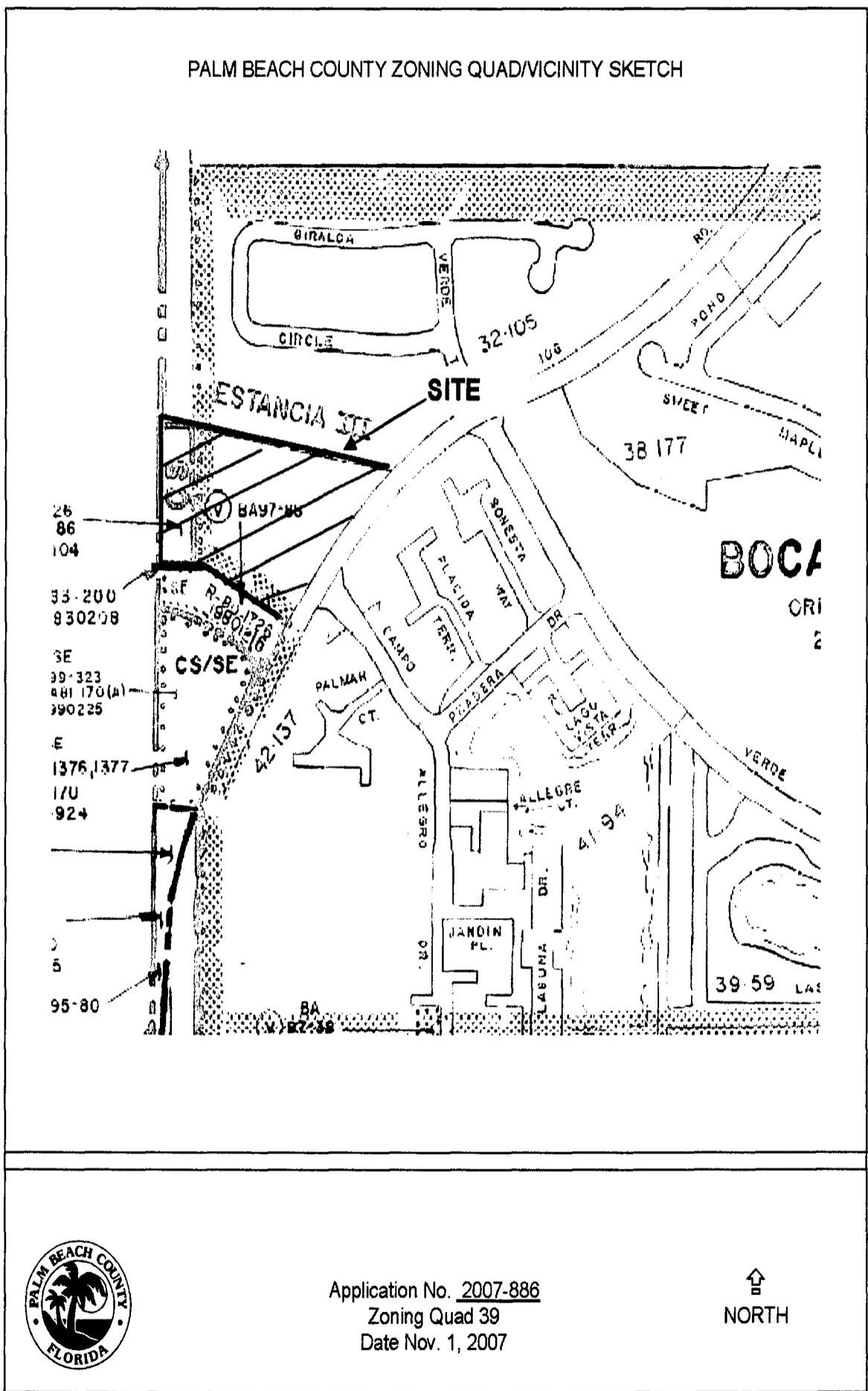
CORRECTIVE LEGAL DESCRIPTION:

A PARCEL OF LAND SITUATE IN SECTION 22, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER SECTION 22, TOWNSHIP 47 SOUTH, RANGE 42 EAST, THENCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22 SOUTH 00°12'33" EAST, A DISTANCE OF 850.44 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22 SOUTH 00°12'33" EAST, A DISTANCE OF 426.58 FEET TO THE NORTH RIGHT OF WAY LINE OF SUNSTREAM BOULEVARD AS LAID OUT AND IN USE AND AS DEDICATED PER THE PLAT OF "BOCA GROVE" AS RECORDED IN PLAT BOOK 32, PAGES 12 AND 13 AND THE PLAT OF "BOCA GROVE ADDITION" AS RECORDED IN PLAT BOOK 39, PAGE 194, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THE ALONG THE NORTH RIGHT OF WAY LINE OF SAID SUNSTREAM BOULEVARD NORTH 89°10'22" EAST, A DISTANCE OF 36.19 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE THE SOUTH, SAID CURVE HAVING A

RADIUS OF 386.54 FEET AND A CENTRAL ANGLE OF 32°12'39"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 217.31 FEET; THENCE CONTINUE ALONG THE SAID NORTH RIGHT OF WAY LINE SOUTH 58°36'59" EAST, A DISTANCE OF 175.48 FEET; THENCE CONTINUE ALONG SAID NORTH RIGHT OF WAY LINE NORTH 77°11'50" EAST, A DISTANCE OF 34.85 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A RADIUS OF 2313.88 FEET AND A CENTRAL ANGLE OF 13°19'25", AND FROM WHICH A RADIAL LINE BEARS SOUTH 56°59'20" EAST, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY LINE OF JOG ROAD AS LAID OUT AND IN USE AND AS DEDICATED PER OFFICIAL RECORDS BOOK 1799, PAGE 1422 AND OFFICIAL RECORDS BOOK 3520, PAGE 10, BOTH OF THE AFOREMENTIONED PUBLIC RECORDS, THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 538.07 FEET TO THE SOUTHEAST CORNER OF TRACT "A", ESTANCIA III OF VIA VERDE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 32, PAGES 105 AND 106 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE ALONG THE SOUTH LINE OF SAID TRACT "A" NORTH 76°32'38" WEST, A DISTANCE OF 659.56 FEET THE SOUTHWEST CORNER OF SAID TRACT "A"; THENCE SOUTH 89°47'27" WEST, A DISTANCE OF 129.69 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH



Application No. 2007-886
Zoning Quad 39
Date Nov. 1, 2007

