

RESOLUTION NO. R-2008- 0913

RESOLUTION APPROVING ZONING APPLICATION R-2007-01428
(Control No. 1976-121)
REQUESTED USE
APPLICATION OF DAROSY INC
BY CORPORATE PROPERTY SERVICES, AGENT
(CHICK-FIL-A)

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 R-2007-1428 was presented to the Board of County Commissioners at a public hearing conducted on May 22, 2008; 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.
6. 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 R-2007-1428, the application of Darosy Inc, by Corporate Property Services, agent, for a Requested Use to allow a Type I Restaurant in the General Commercial District with a Speical Exception for a Large Scale Shopping Center (CG/SE) 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 22, 2008.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on May 22, 2008.

Filed with the Clerk of the Board of County Commissioners on 10 day of June, 2008.

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

Drexel Plaza

Legal Description

A parcel of land lying in the Northeast Quarter of Section 27, Township 43 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 27; thence Westerly along the North line of said Section 27, also being the centerline of Okeechobee Boulevard, 40.00 feet to the intersection with the Northerly extension of the West right-of-way line of Drexel Road, as presently laid out and in use; thence Southerly along the said extension line 275.0 feet to the POINT OF BEGINNING of the hereinafter described property; thence continue Southerly along the said West right-of-way line of Drexel Road 691.2 feet; thence Westerly along a line parallel with the South right-of-way line of Okeechobee Boulevard 600.0 feet; thence Northerly along a line parallel with the said West right-of-way line of Drexel Road 646.20 feet; thence Easterly along a line parallel to the South right-of-way line of Okeechobee Boulevard 193.00 feet; thence Northerly along a line parallel to the West right-of-way line of Drexel Road 245.00 feet to a point on the said South right-of-way line of Okeechobee Boulevard; thence Easterly along said right-of-way line 187.00 feet; thence Southerly along a line parallel to the West right-of-way line 187.00 feet; thence Southerly along a line parallel to the West right-of-way line of Drexel Road 200.00 feet; thence Easterly along a line parallel to the South right-of-way line of Okeechobee Boulevard 220.00 feet, more or less, to the POINT OF BEGINNING.

SUBJECT to rights-of-way, easements, and/or reservations of record, if any.

EXHIBIT B
VICINITY SKETCH

