

RESOLUTION NO. R-2011-0430

RESOLUTION APPROVING ZONING APPLICATION PDD/DOA/R-2010-01719
(CONTROL NO. 1977-00048)

a Requested Use
APPLICATION OF Chick-fil-A, Inc
BY Corporate Property Services, AGENT
(Western Plaza)

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 notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application PDD/DOA/R-2010-01719 was presented to the Board of County Commissioners at a public hearing conducted on March 31, 2011; 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 recommendation of the Zoning Commission; and

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) 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 the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a 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 PDD/DOA/R-2010-01719, the petition of Chick-fil-A, Inc, by Corporate Property Services, agent, for a Requested Use to allow a Type I Restaurant. in the MUPD 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 March 31, 2011, 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 Vana and, upon being put to a vote, the vote was as follows:

Commissioner Karen T. Marcus, Chair	-	
Commissioner Shelley Vana, Vice Chair	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on March 31, 2011.

Filed with the Clerk of the Board of County Commissioners on April 4th, 2011.

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

CHICK-FIL-A PARCEL:

A PARCEL OF LAND LYING IN TRACT 6, BLOCK 10 AND THE PLATTED RIGHT-OF-WAY LYING WEST OF AND ADJACENT TO SAID TRACT 6, PLAT OF PALM BEACH FARMS COMPANY PLAT NUMBER 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, IN SECTION 6, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF PARCEL 3, WESTWOODS, AS RECORDED IN PLAT BOOK 34, PAGES 131 THROUGH 134, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING THE INTERSECTION OF THE SOUTH LINE OF SAID TRACT 6 WITH THE EAST LINE OF THAT CERTAIN DRAINAGE EASEMENT DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 4248, PAGES 180 THROUGH 182 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; RUN THENCE S89°22'39"W ALONG THE SOUTH LINE OF SAID TRACT 6 AND ITS WESTERLY EXTENSION, A DISTANCE OF 111.91 FEET TO THE WEST LINE OF THAT CERTAIN DRAINAGE EASEMENT DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 5702, PAGES 72 AND 73 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (SAID DRAINAGE EASEMENT RUNNING ON A NORTH-SOUTH DIRECTION AND LYING EAST AND IMMEDIATELY ADJACENT TO STATE ROAD NUMBER 7); THENCE N01°52'19"E ALONG SAID WEST LINE AND THE EAST RIGHT-OF-WAY LINE OF SAID STATE ROAD NUMBER 7, A DISTANCE OF 112.98 FEET; THENCE CONTINUE THE FOLLOWING THREE (3) COURSES ALONG SAID EAST RIGHT-OF-WAY LINE; (1) N01°52'19"E A DISTANCE OF 229.27 FEET; (2) N00°58'13"E A DISTANCE OF 28.53 FEET FOR A POINT OF BEGINNING; (3) N00°58'13"E A DISTANCE OF 198.50 FEET; THENCE S89°01'47"E A DISTANCE OF 27.99 FEET; THENCE N00°58'13"E A DISTANCE OF 26.47 FEET; THENCE S88°32'09"E A DISTANCE OF 165.01 FEET; THENCE S25°22'17"E A DISTANCE OF 11.28 FEET; THENCE S00°58'13"W A DISTANCE OF 203.43 FEET; THENCE N89°01'47"W A DISTANCE OF 138.00 FEET; THENCE S00°58'13"W A DISTANCE OF 10.00 FEET; THENCE N89°01'47"W A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 42,273 SQUARE FEET OR 0.9705 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

VICINITY SKETCH

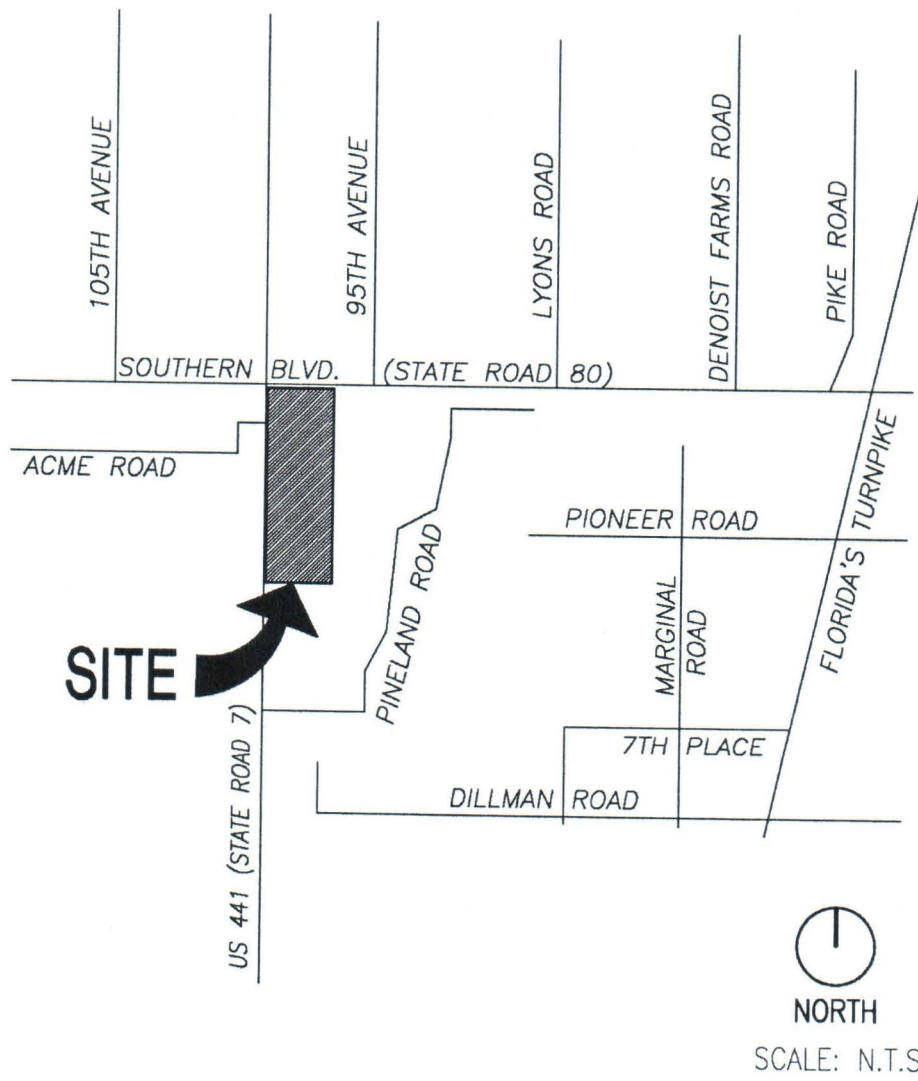


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.The approved site plan is dated December 13, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1.At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the Type I Restaurant shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC and generally consistent with the elevations submitted by Interplan, LLC dated July 21, 2010. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

DRO

1.Prior to approval by the Development Review Officer, the applicant shall revise the site plan to extend the drive aisle abutting the Type I Restaurant (Chick-fil-a) to the southern most ingress/egress driveway. (DRO:ZONING-Zoning)

USE LIMITATIONS

1.Hours of deliveries for the Type I Restaurant (Chick-fil-A) (Application PDD/DOA/R 2010-1719) shall be limited from 7:00 a.m. to 8:00 p.m. daily. (ONGOING: CODE ENF - Zoning)

2.Outdoor speaker or public address systems, which are audible from any property line, shall not be permitted on site. (ONGOING: CODE ENF - Zoning)

COMPLIANCE

1.In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2.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 (CO); 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; revocation of any concurrency; 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 Unified Land Development Code (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.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order

Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)