

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2013-03119
(CONTROL NO. 1994-00005)
a Class A Conditional Use
APPLICATION OF Lantana Shiv Property LLC
BY Land Design South, Inc., AGENT
(Dunkin Donuts)

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;

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;

WHEREAS, Zoning Application Z/CA-2013-03119 was presented to the Board of County Commissioners at a public hearing conducted on July 24, 2014;

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;

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;

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;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

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 Class A Conditional Use; and,

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 Z/CA-2013-03119, the petition of Lantana Shiv Property LLC, by Land Design South, Inc., agent, for a Class A Conditional Use to allow a Type I 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 July 24, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

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

Commissioner Priscilla A. Taylor, Mayor	-	Aye
Commissioner Paulette Burdick, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 24, 2014.

Filed with the Clerk of the Board of County Commissioners on July 29th, 2014.

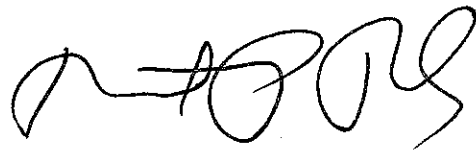
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

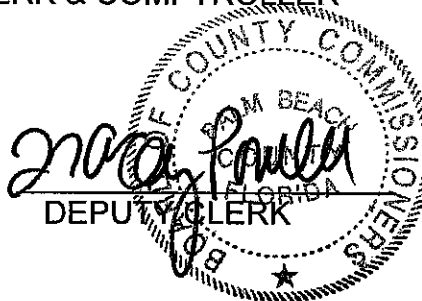
SHARON R. BOCK,
CLERK & COMPTROLLER

BY:



COUNTY ATTORNEY

BY:



DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

DUNKING DONUTS
SOUTHEAST CORNER OF LANTANA ROAD AND MILITARY TRAIL
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN HIATUS LOT 1, TRACT 37, TOWNSHIP 44½ SOUTH, RANGE 42 EAST, FLORIDA; SAID PARCEL OF LAND BEING 200 FEET MEASURED ALONG S.R. #812 (LANTANA ROAD) EASTERLY FROM THE EAST RIGHT-OF-WAY LINE OF S.R. #809 (MILITARY TRAIL) AND BEING 157.53 FEET MEASURED ALONG S.R.#809, SOUTHERLY FROM THE SOUTH RIGHT-OF-WAY LINE OF L.W.D.D. LAT. NO. 16; SAID PARCEL OF LAND ALSO BEING PART OF LOTS 170 AND 171, LAKE OSBORNE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 42 AND 43, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

FROM THE N.W. CORNER OF HIATUS LOT 1, TOWNSHIP 44½ SOUTH, RANGE 42 EAST, RUN ASSUMED DUE EAST ALONG SAID LINE A DISTANCE OF 286.59 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF S.R. #809 AND THE POINT OF BEGINNING; THENCE CONTINUE DUE EAST ALONG THE NORTH LINE OF SAID TRACT 37, A DISTANCE OF 200 FEET; THENCE SOUTH 19°38'15" EAST, A DISTANCE OF 200 FEET; THENCE DUE WEST, A DISTANCE OF 200 FEET TO THE EAST RIGHT-OF-WAY LINE OF S.R. #809; THENCE NORTH 19°38'15" WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING.

LESS, HOWEVER, THE NORTH 40 FEET THEREOF, FOR RIGHT -OF-WAY OF THE LAKE WORTH DRAINAGE DISTRICT LATERAL NO.16.

ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED LAND AS CONTAINED IN THAT STIPULATED ORDER OF TAKING AS RECORDED IN O.R. BOOK 6074, PAGE 1818, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

A PORTION OF THE HIATUS TRACT 37, TOWNSHIP 44½ SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH ONE-QUARTER CORNER OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST; THENCE SOUTH 88°32'21" EAST ALONG THE SOUTH LINE OF SAID SECTION 36, AND NORTH LINE OF SAID HIATUS TRACT 37, SAID NORTH LINE ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT L-16 CANAL AS RECORDED IN OFFICIAL RECORDS BOOK 767, PAGES 486 AND 487, A DISTANCE OF 286.52 FEET TO A POINT OF INTERSECTION OF THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF LANTANA ROAD AND THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL AS SHOWN ON STATE OF FLORIDA, STATE ROAD DEPARTMENT, RIGHT-OF-WAY MAP, ROAD NO. 809, SECTION NO. 9775-113; THENCE SOUTH 18°11'38" EAST ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 42.47 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88°32'21" EAST ALONG THE SOUTH RIGHT -OF-WAY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT L-16 CANAL, A DISTANCE OF 38.66 FEET; THENCE SOUTH 36°38'01" WEST, A DISTANCE OF 40.87 FEET; THENCE SOUTH 18°11'38" EAST, PARALLEL WITH AND 3.00 FEET EAST OF SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 122.05 FEET; THENCE NORTH 88°32'21" WEST, A DISTANCE OF 3.19 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE NORTH 18°11'38" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 157.53 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE COUNTY OF PALM BEACH, FLORIDA.

EXHIBIT B
VICINITY SKETCH

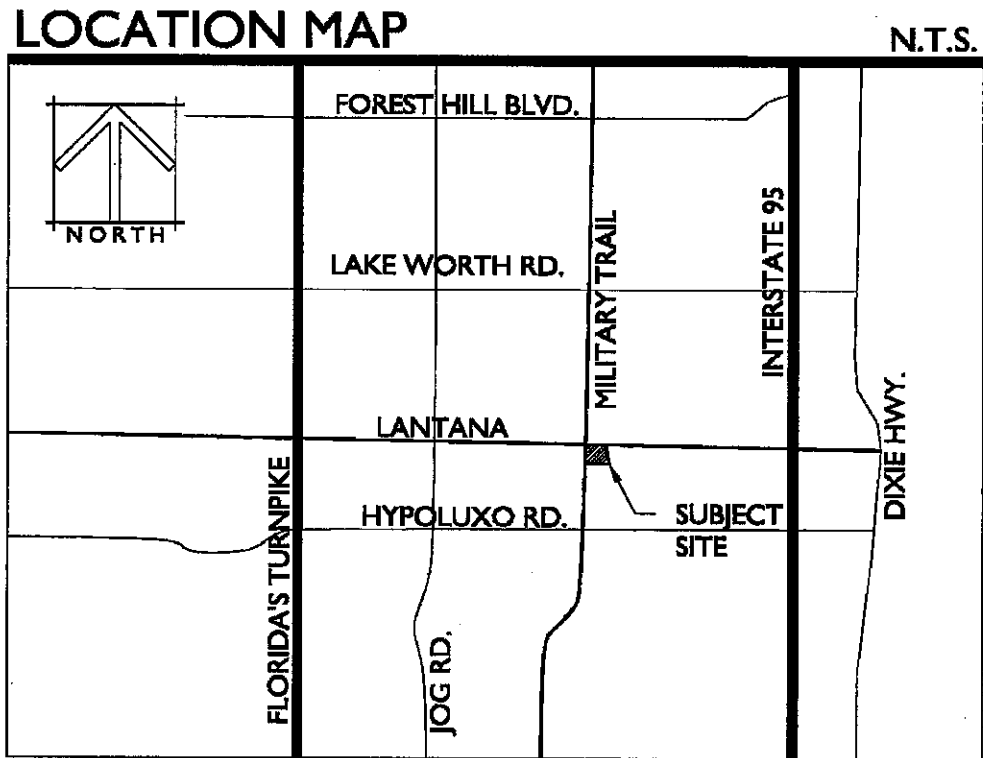


EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Site Plan is dated April 10, 2014. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning) (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Type I Restaurant shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO/ONGOING: ZONING - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2016. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (BLDG/PMT/DATE: MONITORING - Engineering)

2. Prior to issuance of the first building permit, the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG/PMT: MONITORING - Engineering)

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: ZONING - 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; 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; the 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 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 of Approval; 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: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.