

RESOLUTION NO. R-2016-0411

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2015-01227  
(CONTROL NO. 1983-00045)  
a Class A Conditional Use  
APPLICATION OF JCL Management LLC  
BY Urban Design Kilday Studios, AGENT  
(Southern Station)

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 pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application Z/CA-2015-01227 was presented to the Board of County Commissioners at a public hearing conducted on March 24, 2016;

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 hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Class A Conditional Use;

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the ULDC 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 ULDC 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC 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-2015-01227, the Application of JCL Management LLC, by Urban Design Kilday Studios, Agent, for a Class A Conditional Use to allow a Type I Restaurant with a drive-through, on a parcel of land generally described as shown on the legal description 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 24, 2016, subject to the Conditions of Approval described in EXHIBIT C-3, attached hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on March 24, 2016.

Filed with the Clerk of the Board of County Commissioners on April 14th, 2016

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

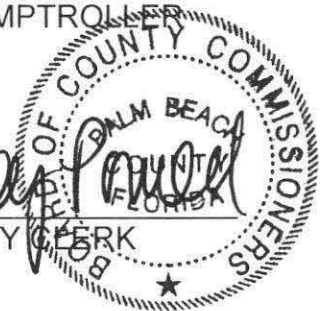


EXHIBIT A

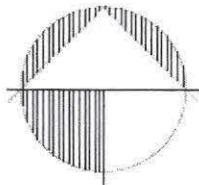
LEGAL DESCRIPTION

DESCRIPTION:

THAT CERTAIN PARCEL OF LAND IN TRACT 42, BLOCK 6 OF "THE PALM BEACH FARMS CO. PLAT NO. 3" ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; TOGETHER WITH A PORTION OF "SOUTHERN BOULEVARD PINES NO. 2" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 18 AT PAGE 71, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO KNOWN AS EXHIBIT "A" OF THE AFFIDAVIT OF WAIVER, AS RECORDED IN OFFICIAL RECORD BOOK 24390, PAGES 1885 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 42; THENCE RUN NORTH 89 DEGREES 00 MINUTES 44 SECONDS EAST ALONG THE NORTH LINE OF SAID TRACT 42 FOR A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 00 DEGREES 56 MINUTES 52 SECONDS WEST, ALONG A LINE 35 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT 42, FOR A DISTANCE OF 15.00 FEET; THENCE RUN NORTH 89 DEGREES 00 MINUTES 44 SECONDS EAST ALONG A LINE 15 FEET NORTH OF AND PARALLEL TO THE NORTH LINE OF SAID TRACT 42 FOR A DISTANCE OF 239.96 FEET; THENCE RUN SOUTH 00 DEGREES 57 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 367.36 FEET TO A POINT LYING ON THE NORTHERLY EXISTING RIGHT-OF-WAY LINE OF STATE ROAD NO. 80 (SOUTHERN BOULEVARD) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 93120-2543; SAID POINT ALSO LYING 15 FEET EAST OF THE EAST LINE OF BLOCK ONE OF SAID PLAT OF "SOUTHERN BOULEVARD PINES NO. 2". THENCE RUN NORTH 88 DEGREES 21 MINUTES 12 SECONDS WEST ALONG SAID NORTHERLY LINE FOR A DISTANCE OF 165.14 FEET; THENCE RUN NORTH 00 DEGREES 56 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 38.20 FEET; THENCE RUN NORTH 88 DEGREES 21 MINUTES 16 SECONDS WEST, ALONG A LINE 125 FEET NORTH OF AND PARALLEL TO THE ORIGINAL NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 80 CONVEYED BY DEED RECORDED IN DEED BOOK 1027, PAGE 398, PALM BEACH COUNTY RECORDS, FOR A DISTANCE OF 75.08 FEET; THENCE RUN NORTH 00 DEGREES 56 MINUTES 52 SECONDS WEST ALONG A LINE 35.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT 42 FOR A DISTANCE OF 303.11 FEET TO THE POINT OF BEGINNING.  
SAID LANDS CONTAINING 83,964 SQUARE FEET, (1.9275 ACRES) MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



**LOCATION MAP**

N.T.S.

EXHIBIT C-3

CONDITIONS OF APPROVAL

**Conditional Use Class A – Type I Restaurant wth Drive Through**

**ALL PETITIONS**

1. The approved Preliminary Site Plan is dated November 18, 2015. 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)

**LAKE WORTH DRAINAGE DISTRICT**

1. Prior to platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or easement deed the east 20 feet of the west 55 feet of the remaining portion of Tract 42, Block 6, PBFCP3, PB 2, PG 45 for the E-2 Canal (North of Southern Blvd). (PLAT: ENGINEERING - Lake Worth Drainage District)

**LANDSCAPE - PERIMETER-ALONG WEST PROPERTY LINE (ABUTTING BENOIST FARMS ROAD)**

1. Prior to final site plan approval by the Development Review Officer (DRO), the landscaping and buffering along the west property line shall be upgraded to include:

- a. a minimum ten (10) feet wide landscape buffer. (DRO: ZONING Zoning)

**LANDSCAPE - PERIMETER-ALONG EAST PROPERTY LINE (ABUTTING AGRICULTURAL PROPERTIES - NURSERY)**

2. Prior to final site plan approval by the Development Review Officer (DRO), the landscaping and buffering along the east property line shall be upgraded to include:

- a. a minimum of six (6) feet in height vinyl chain link fence to be installed on the property line. (DRO: ZONING 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: 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.