

RESOLUTION NO. R-2017- 0693

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/R-2016-00845
(CONTROL NO. 2004-00459)
a Requested Use
APPLICATION OF W95 Glades, Glades W95 LLC, Daniel Johns
BY Wantman Group Inc., AGENT
(Johns Glades West MXPDP)

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 ZV/PDD/R-2016-00845 was presented to the Board of County Commissioners at a public hearing conducted on May 25, 2017;

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 ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

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 Requested Use;

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 ZV/PDD/R-2016-00845, the Application of W95 Glades, Glades W95 LLC, Daniel Johns, by Wantman Group Inc., Agent, for a Requested Use to allow a Type I Restaurant with Drive-through (Building C6), 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 May 25, 2017, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Paulette Burdick, Mayor	- Aye
Commissioner Melissa McKinlay, Vice Mayor	- Absent
Commissioner Hal R. Valeche	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on May 25, 2017.

Filed with the Clerk of the Board of County Commissioners on June 8th, 2017.

This resolution shall not become effective unless or until the effective date of Comprehensive Plan Amendment No. LGA-2017-00003.

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: COMMERCIAL PARCEL

BEING A PORTION OF TRACTS 105, 106, 107, 108 AND 109, BLOCK 77 OF PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF FESTIVAL SHOPPES OF BOCA RATON REPLAT ONE, AS RECORDED IN PLAT BOOK 120, PAGES 9 THROUGH 12 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE, ALONG THE EAST LINE OF SAID FESTIVAL SHOPPES OF BOCA RATON REPLAT ONE, NORTH 00°50'59" WEST, A DISTANCE OF 604.58 FEET TO THE POINT OF BEGINNING;

THENCE, CONTINUING ALONG SAID EAST LINE, NORTH 00°50'59" WEST, A DISTANCE OF 651.22 FEET TO A POINT OF INTERSECTION WITH A LINE 20.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF THE 20 FOOT RIGHT-OF-WAY FOR GLADES ROAD AS RECORDED IN OFFICIAL RECORD BOOK 6782 AT PAGE 1187 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N89°37'59"E ALONG SAID PARALLEL LINE, A DISTANCE OF 1,270.86 FEET; THENCE S.45°09'50"E., A DISTANCE OF 35.48 FEET; THENCE S.00°02'20"W., A DISTANCE OF 583.35 FEET; THENCE N90°00'00"W, A DISTANCE OF 76.58 FEET; THENCE S.73°57'01"W., A DISTANCE OF 200.70 FEET; THENCE S.89°38'58"W., A DISTANCE OF 286.94 FEET; THENCE N.67°57'14"W., A DISTANCE OF 123.36 FEET; THENCE N90°00'00"W, A DISTANCE OF 85.78 FEET; THENCE S.00°00'10"E., A DISTANCE OF 15.38 FEET; THENCE N90°00'00"W, A DISTANCE OF 121.57 FEET; THENCE S.00°00'05"E., A DISTANCE OF 24.60 FEET; THENCE N90°00'00"W, A DISTANCE OF 407.85 FEET TO THE POINT OF BEGINNING.

CONTAINING 830,515 SQUARE FEET/19.0660 ACRES, MORE OR LESS

EXHIBIT B

VICINITY SKETCH

LOCATION MAP

N.T.S.

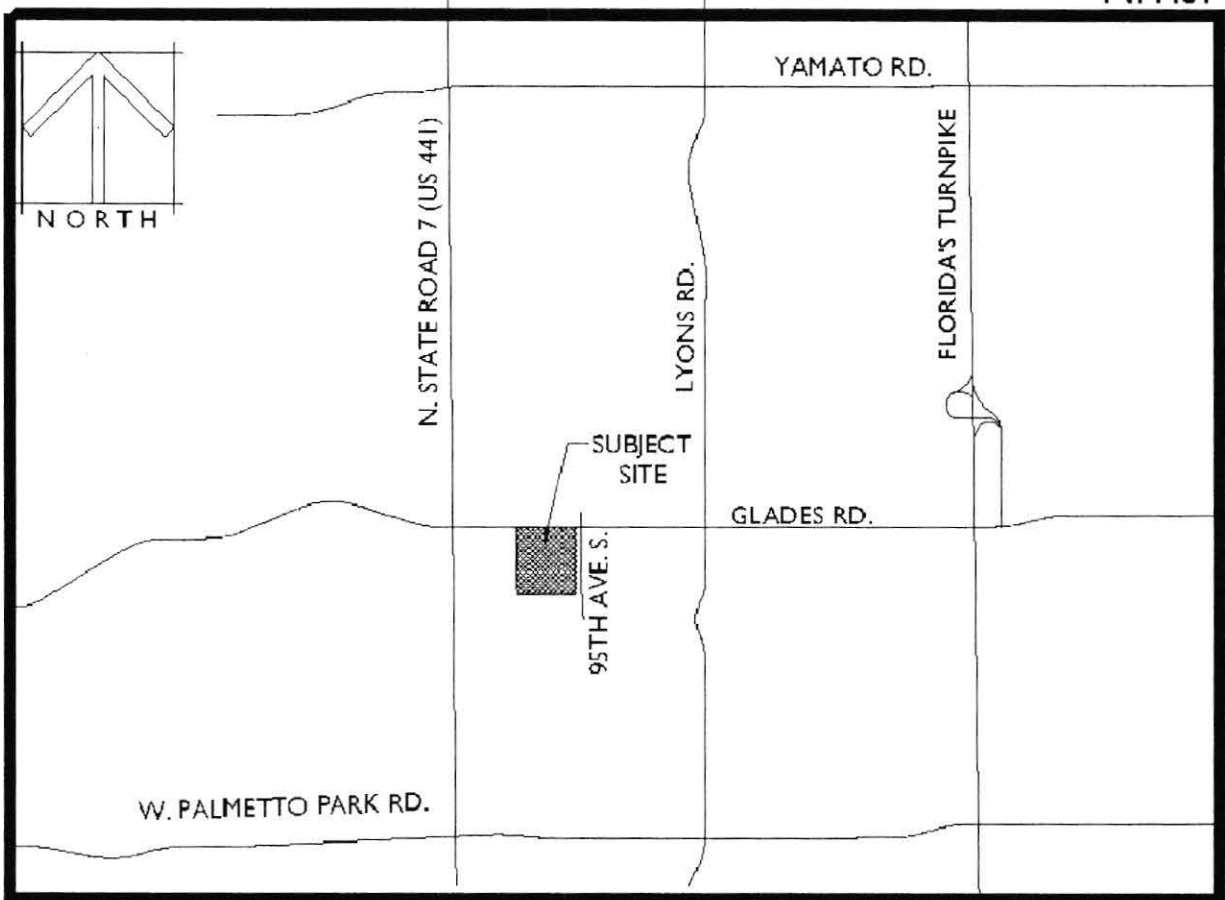


EXHIBIT C

CONDITIONS OF APPROVAL

Requested Use

TYPE I RESTAURANT WITH DRIVE-through (BUILDING C6)

ALL PETITIONS

1. The approved Preliminary Site and Regulating Plans are dated February 9, 2017. 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. (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 with Drive-through (BUILDING C6) 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 approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements (DRO: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the 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 Voluntary Commitments 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.