

RESOLUTION NO. R-2017- 0698

RESOLUTION APPROVING ZONING APPLICATION SV/DOA/R-2015-01464
(CONTROL NO. 2008-00421)

a Requested Use

APPLICATION OF Mazzoni William Trs, M&M Realty Partner's @ Hagen Ranch LLC -
Jack Morris
BY Urban Design Kilday Studios, AGENT
(Hagen Commercial MUPD)

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 SV/DOA/R-2015-01464 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 SV/DOA/R-2015-01464, the Application of Mazzoni William Trs, M&M Realty Partner's @ Hagen Ranch LLC - Jack Morris, by Urban Design Kilday Studios, Agent, for a Requested Use to allow a Type I Restaurant with 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 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 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



The seal is circular with a double-line border. The outer ring contains the text 'PALM BEACH COUNTY COMMISSIONERS' at the top and 'BOCA RATON FLORIDA' at the bottom, separated by a star. The inner ring contains the text 'PALM BEACH COUNTY' at the top and 'CLERK' at the bottom.

EXHIBIT A

LEGAL DESCRIPTION

TRACTS 103, 104, LESS THE SOUTH 30.0 FEET THEREOF, AND THAT PORTION OF THE 30 FOOT ROAD RIGHT OF WAY LYING WEST OF TRACT 104, BLOCK 49, PALM BEACH FARMS COMPANY PLAT NO. 3, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE RIGHT OF WAY FOR BOYNTON BEACH BOULEVARD (STATE ROAD NO. 804), AS DESCRIBED IN OFFICIAL RECORDS BOOK 6690, PAGE 1384 AND OFFICIAL RECORDS BOOK 6366, PAGE 721, AND LESS THAT PORTION OF TRACTS 103 AND 104, DESCRIBED AS PARCELS "A" AND "C", AS RECORDED IN OFFICIAL RECORDS BOOK 8898, PAGE 220.

PARCEL A:

PARCELS OF LAND OF LAND IN TRACTS 103, 104, AND 105, BLOCK 49 OF PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT "S" OF PALM ISLES, A P.U.D., AS RECORDED IN PLAT BOOK 67, PAGES 116 THRU 127, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ON A GRID BEARING OF S.00°56'17"E., ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID TRACT "S", A DISTANCE OF 1.00 FOOT; THENCE S.89°03'17"W., ALONG THE NORTH RIGHT OF WAY LINE OF WEST BOYNTON BEACH BOULEVARD, A DISTANCE OF 174.63 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°03'17"W., ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 484.51 FEET TO THE WEST LINE OF SAID TRACT 104; THENCE N.00°56'17"W., ALONG SAID WEST LINE, A DISTANCE OF 565.12 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE N.89°03'43"E., ALONG THE NORTH LINE OF SAID TRACT, A DISTANCE OF 31.91 FEET; THENCE S.02°52'10"E., A DISTANCE OF 225.24 FEET TO A LINE 39.50 FEET EAST OF AND PARALLEL WITH THE SAID WEST LINE OF TRACT 104; THENCE S.00°56'17"E., ALONG SAID PARALLEL LINE, A DISTANCE OF 287.99 FEET; THENCE S.45°56'30"E., A DISTANCE OF 56.57 FEET TO A LINE 12.00 FEET NORTH OF AND PARALLEL WITH THE SAID NORTH RIGHT OF WAY LINE OF WEST BOYNTON BEACH BOULEVARD; THENCE N.89°03'17"E., ALONG SAID PARALLEL LINE A DISTANCE OF 355.74 FEET; THENCE S.77°15'17"E., A DISTANCE OF 50.70 FEET TO THE POINT OF BEGINNING; TOGETHER WITH PARCEL C, DESCRIBED AS FOLLOWS:

PARCEL C:

A STRIP OF LAND 30.00 FEET IN WIDTH FOR ROAD RIGHT OF WAY PURPOSES BEING A PORTION OF PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, PALM BEACH COUNTY PUBIC RECORDS, SITUATE IN SECTION 21, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THE 30.00 FOOT ROAD RIGHT OF WAY LYING BETWEEN TRACTS 104 AND 105, BLOCK 49, AS SHOWN ON THE PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54 IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE SOUTH 95.00 FEET THEREOF.

(THE ABOVE DESCRIBED PARCEL C BEING A PART OF THE LAND QUIT CLAIMED TO WILLIAM MAZZONI BY QUIT CLAIM DEED RECORDED IN OFFICIAL RECORD BOOK 8746, PAGE 534 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA).

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 345,304 SQUARE FEET/7.9271 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

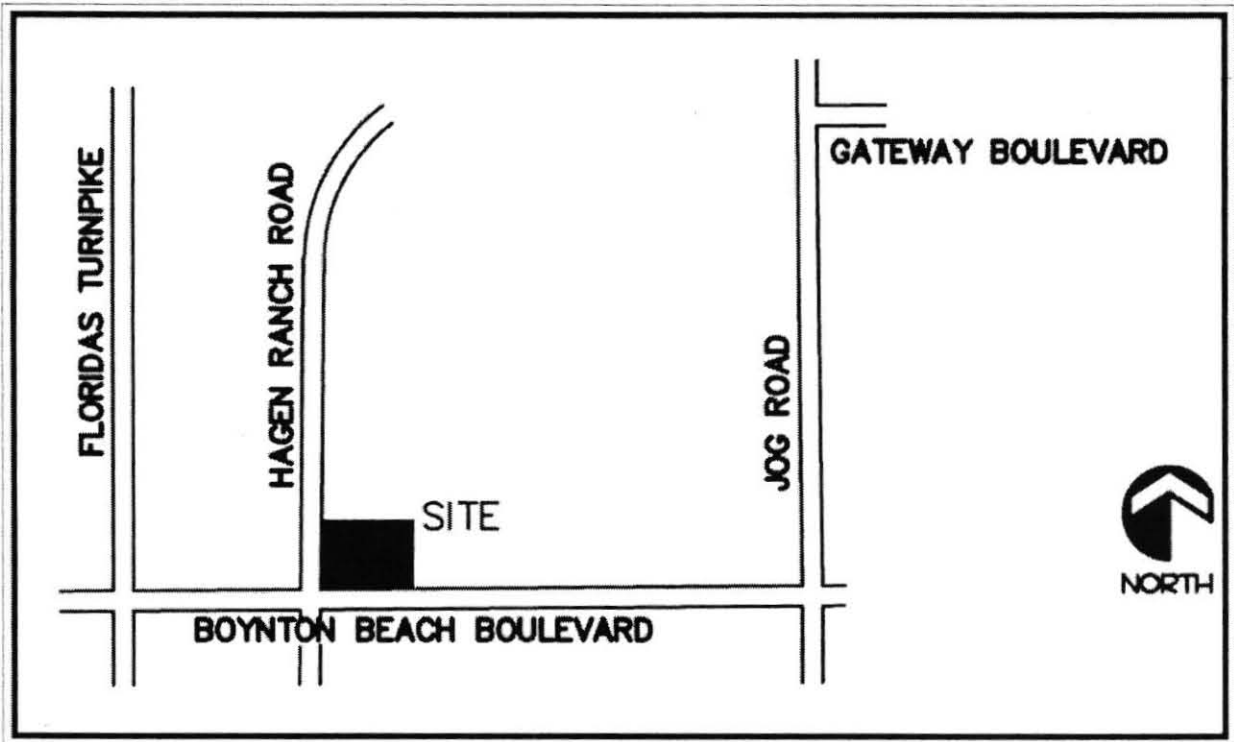


EXHIBIT C

CONDITIONS OF APPROVAL

Requested Use (Type I Restaurant with Drive-through)

ALL PETITIONS

1. The approved Preliminary Site, Preliminary Regulating, Phasing and Master Sign Plans are dated March 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 or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the buildings 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) and shall be generally consistent with the Architectural Elevations dated March 9, 2017. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (ONGOING: ZONING - Zoning)

2. Prior to Final Approval by the Development Review Officer (DRO), the site plan shall be revised to indicate the specific height of each building to be consistent with the approved Architectural Elevations. (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: 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; 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: MONITORING - Zoning)

DISCLOSURE

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