

RESOLUTION NO. R-2017- 0842

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2016-01836
(CONTROL NO. 1975-00069)
a Requested Use
APPLICATION OF Concierge Development 2 LLC
BY Wantman Group Inc., AGENT
(Checkers at Sam's Wholesale Club 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;

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 DOA/R-2016-01836 was presented to the Board of County Commissioners at a public hearing conducted on June 22, 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 DOA/R-2016-01836, the Application of Concierge Development 2 LLC, by Wantman Group Inc., Agent, for a Requested 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 June 22, 2017, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams 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	-	Aye
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 June 22, 2017.

Filed with the Clerk of the Board of County Commissioners on June 28, 2017.

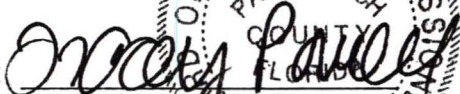
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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




EXHIBIT A
LEGAL DESCRIPTION

The land referred to hereon below is situate in the County of Palm Beach, State of Florida, and is described as follows:

BEGINNING at the Northwest corner of Parcel 3 of HY-CREST CENTER, according to the Plat thereof as recorded in Plat Book 64, page 177 & 178 of the Public Records of Palm Beach County, Florida; thence run N78°28'40"E, along the Northerly line of said Parcel 3 and being also the Southerly Right-of-Way line of Hypoluxo Road, a distance of 40.96 feet; thence N51°28'34"E, a distance of 45.45 feet; thence S88°53'16"E, a distance of 41.70 feet; thence S02°29'14"W, departing the aforementioned Right-of-Way line and running along a line 10 feet East and parallel with the most Easterly face of an existing Pizza Hut Restaurant and its Northerly projection, a distance of 96.00 feet; thence N87°30'46"W, a distance of 4.60 feet; thence S02°29'14"W, along a line 5.60 feet East and parallel with the aforementioned Easterly face of Pizza Hut Restaurant, a distance of 106.40 feet; thence N87°30'46"W, a distance of 32.40 feet; thence S02°29'14"W, a distance of 72.64 feet; thence S87°30'46"E, a distance of 10.00 feet; thence S02°29'14"W, a distance of 25.00 feet more or less to the Southerly line of said Parcel 3; thence N87°30'46"W, along said Southerly line, a distance of 88.74 feet more or less to the Southwest corner of said Parcel 3; thence N02°29'14"E along the Westerly line of said Parcel 3, a distance of 259.29 feet to the POINT OF BEGINNING.

Said lands situate in Palm Beach County, Florida and containing 28,881 square feet (0.6630 acres), more or less.

EXHIBIT B
VICINITY SKETCH

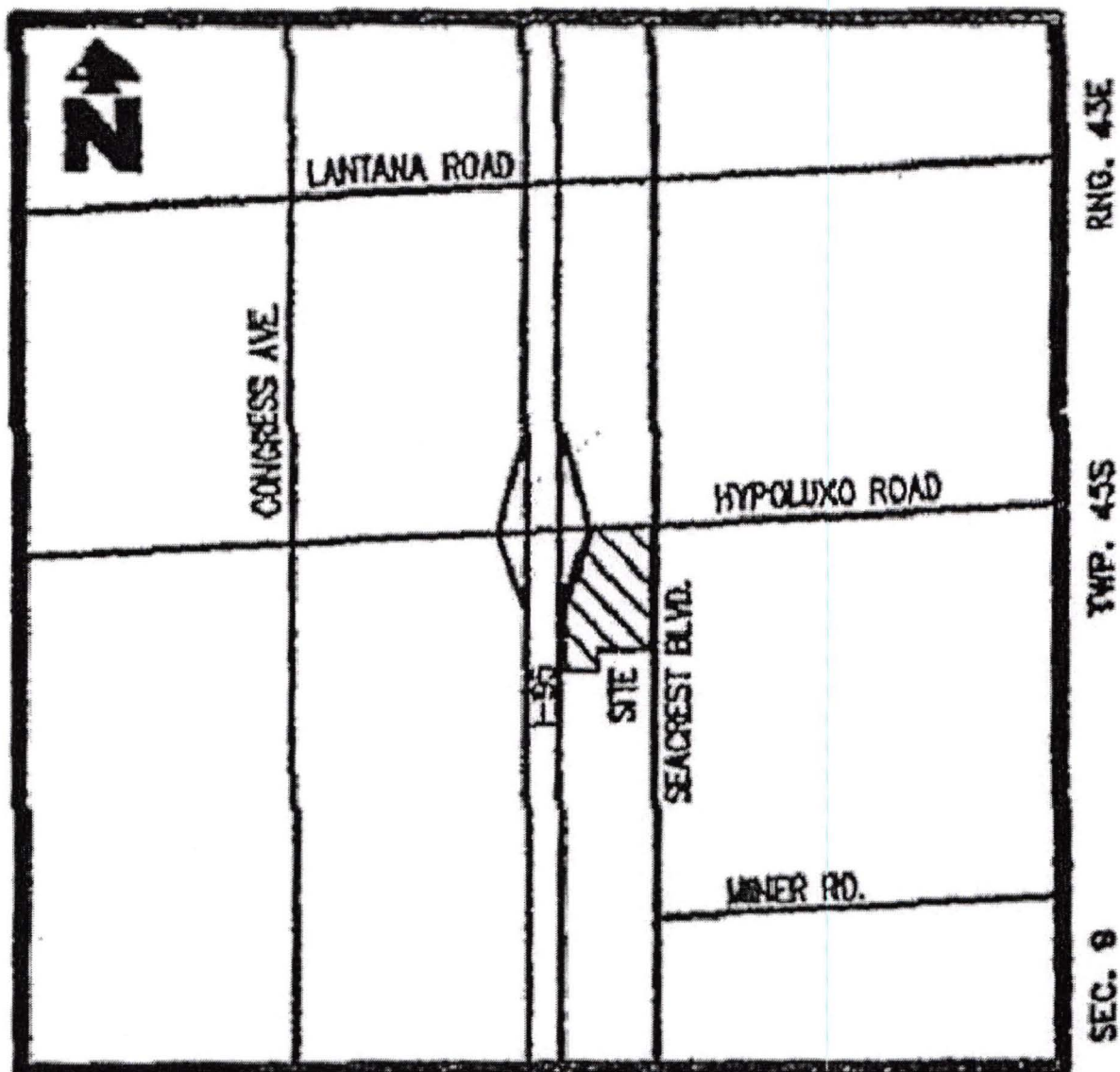


EXHIBIT C

CONDITIONS OF APPROVAL

Requested Use

ALL PETITIONS

1. The approved Preliminary Site, Regulating and Master Sign Plans are dated April 13, 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: MONITORING - Zoning)

LANDSCAPE - GENERAL

1. A minimum four (4) foot high hedge at time of planting shall be installed along the north Right-of-Way (ROW) Buffer for Parcel 3. (BLDG/PMT/ONGOING: 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.