

RESOLUTION NO. R-2019- 1238

RESOLUTION APPROVING ZONING APPLICATION SV/ZV/ABN/CA-2018-01348
(CONTROL NO. 1988-00021)
a Class A Conditional Use
APPLICATION OF Dolphin Stations LLC, School Property Dev Glen Ridge LLC
BY Schmidt Nichols, AGENT
(APEC)

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 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067, Supplement 24, have been satisfied;

WHEREAS, Zoning Application SV/ZV/ABN/CA-2018-01348 was presented to the Board of County Commissioners at a public hearing conducted on August 22, 2019;

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 (Application Processes and 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 Processes) for a Class A Conditional 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.B.6.C (Board Action) 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/ZV/ABN/CA-2018-01348, the Application of Dolphin Stations LLC, School Property Dev Glen Ridge LLC, by Schmidt Nichols, Agent, for a Class A Conditional Use to allow a Type 1 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 August 22, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

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

Commissioner Mack Bernard, Mayor	-	Absent
Commissioner Dave Kerner, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Robert S. Weinroth	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Melissa McKinlay	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 22, 2019.

Filed with the Clerk of the Board of County Commissioners on September.

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

BY:


COUNTY ATTORNEY

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1

COMMENCING AT THE NORTHWEST CORNER OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF SAID SECTION 5, FOR THE FOLLOWING TWO (2) COURSES: 1) S.02°30'49"W., A DISTANCE OF 2,678.46 FEET TO THE WEST QUARTER (W 1/4) CORNER OF SAID SECTION 5; 2) THENCE S.02°31'05"W., A DISTANCE OF 569.69 FEET; THENCE S.88°32'37"E., DEPARTING SAID WEST SECTION LINE, A DISTANCE OF 33.00 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 1, PALM ACRES ESTATES, ACCORDING TO PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 5, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND POINT OF BEGINNING; THENCE CONTINUE S.88°32'37"E., ALONG THE SOUTH RIGHT-OF-WAY LINE OF OKLAHOMA STREET AND THE NORTH LINE OF BLOCK 1 OF SAID PLAT OF PALM ACRES ESTATES, FOR A DISTANCE OF 280.04 FEET; THENCE S.02°31'01"W., A DISTANCE OF 442.33 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD AS SHOWN ON OFFICIAL RECORDS BOOK 4813, PAGE 6, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.87°01'53"W. ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 4813, PAGE 6 OF SAID PUBLIC RECORDS, A DISTANCE OF 48.18 FEET; THENCE N.88°32'37"W., A DISTANCE OF 193.37 FEET; THENCE N.43°00'46"W., A DISTANCE OF 35.68 FEET; THENCE N.02°31'05"E., A DISTANCE OF 115.36 FEET; THENCE N.88°33'15"W., A DISTANCE OF 13.00 FEET; THENCE N.02°30'51"E., A DISTANCE OF 300.24 FEET TO THE POINT OF BEGINNING.

CONTAINING 121,363 SQUARE FEET OR 2.786 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

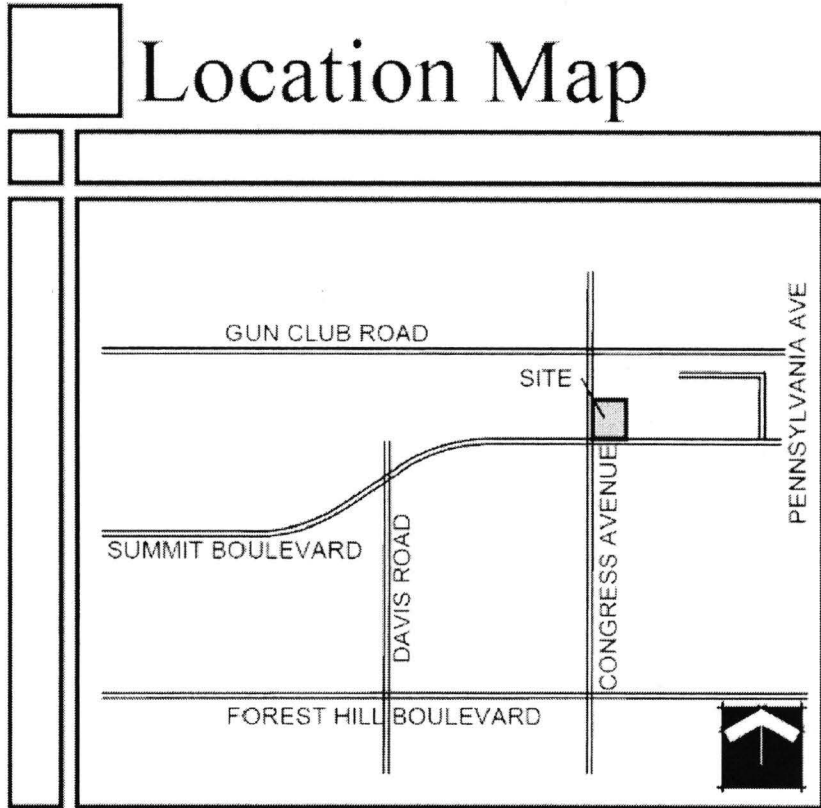


EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. The approved Site Plan is dated June 10, 2019. 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)

SITE DESIGN

1. The parking spaces adjacent to the vehicular use area along the north side of the Convenience Store and Type 1 Restaurant building shall be designated for employees only. (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.