

RESOLUTION NO. R-2020- 0189

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2018-01690
(CONTROL NO. 2004-00457)
a Class A Conditional Use
APPLICATION OF Principal Development Group, LLC
BY Wantman Group, Inc. and AJP Consulting Services, LLC, AGENT
(Terra Nova 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 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067, Supplement 25, have been satisfied;

WHEREAS, Zoning Application DOA/CA-2018-01690 was presented to the Board of County Commissioners at a public hearing conducted on February 27, 2020;

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 DOA/CA-2018-01690, the Application of Principal Development Group, LLC, by Wantman Group, Inc. and AJP Consulting Services, LLC, Agent, for a Class A Conditional Use to allow a Type 1 Restaurant with Drive-through (Building A), 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 February 27, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

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

The Mayor thereupon declared that the resolution was duly passed and adopted on February 27, 2020.

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

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: [Signature]
COUNTY ATTORNEY

BY: [Signature]
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 "FLORIDA" at the bottom, separated by a star. The center of the seal contains the text "DEPUTY CLERK" and "SHARON R. BOCK" in a stylized font.

EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF THE PLAT OF SUBDIVISION OF S.E 1/4 AND W. 1/2 OF SECTION 16 TOWNSHIP 46S RANGE 42E, AS RECORDED PLAT BOOK 1, PAGE 158 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 16; THENCE S89°22'44"W ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 335.15 FEET; THENCE N00°17'18"E, A DISTANCE OF 78.54 FEET TO A POINT OF INTERSECTION WITH THE EXISTING NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC BOULEVARD), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93030-2510; THENCE CONTINUE N00°17'18"E, A DISTANCE OF 17.44 FEET TO A POINT OF INTERSECTION WITH THE PROPOSED NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC BOULEVARD), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93030-2510, AND THE POINT OF BEGINNING; THENCE N.89°16'46"W. ALONG SAID PROPOSED RIGHT-OF-WAY LINE, A DISTANCE OF 100.20 FEET; THENCE S.89°22'44"W. ALONG SAID PROPOSED RIGHT-OF-WAY LINE, A DISTANCE OF 578.68 FEET; THENCE N.00°05'39"W., A DISTANCE OF 393.35 FEET; THENCE N.89°54'26"E., A DISTANCE OF 26.02 FEET; THENCE N.00°05'34"W., A DISTANCE OF 522.20 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.69°25'52"E., A RADIAL DISTANCE OF 484.69 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07°21'00", A DISTANCE OF 62.18 FEET; THENCE N.88°57'37"E., A DISTANCE OF 948.25 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD, AS RECORDED IN OFFICAL RECORD BOOK 13275, PAGE 1342 OF SAID PUBLIC RECORDS; THENCE S.00°14'48"W. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 386.48 FEET; THENCE S.89°20'02"W., A DISTANCE OF 314.65 FEET; THENCE S.00°17'18"W., A DISTANCE OF 594.32 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

ALSO KNOWN AS:

A PORTION OF THE PLAT OF TRACTS 105 THROUGH 107 AND TRACTS 117 THROUGH 119 OF SUBDIVISION OF S.E 1/4 AND W. 1/2 OF SECTION 16 TOWNSHIP 46S RANGE 42E, AS RECORDED PLAT BOOK 1, PAGE 158 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT W, CHEVRON 51345, AS RECORDED IN PLAT BOOK 122, PAGES 62 AND 63 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.89°16'46"W. ALONG THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC AVENUE), AS RECORDED IN OFFICIAL RECORD BOOK 21624, PAGE 22 OF SAID PUBLIC RECORDS, A DISTANCE OF 100.20 FEET; THENCE S.89°22'44"W. ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 578.68 FEET TO THE SOUTHEAST CORNER OF VILLAGGIO ISLES PARCEL D REPLAT, AS RECORDED IN PLAT BOOK 119, PAGES 111 THROUGH 114 OF SAID PUBLIC RECORDS; THENCE N.00°05'39"W. ALONG THE EAST LINE OF SAID VILLAGGIO ISLES PARCEL D REPLAT, AND THE EAST LINE OF VILLAGGIO ISLES PARCEL E REPLAT, AS RECORDED IN PLAT BOOK 120, PAGES 198 THROUGH 201 OF SAID PUBLIC RECORDS, A DISTANCE OF 393.35 FEET; THENCE N.89°54'26"E. ALONG THE EAST LINE OF SAID VILLAGGIO ISLES PARCEL E REPLAT, A DISTANCE OF 26.02 FEET; THENCE N.00°05'34"W. ALONG THE EAST LINE OF SAID VILLAGGIO ISLES PARCEL E REPLAT, AND THE EAST LINE OF VILLAGGIO ISLES PUD REPLAT, AS RECORDED IN PLAT BOOK 117, PAGES 102 THROUGH 109 OF SAID PUBLIC RECORDS, A DISTANCE OF 522.20 FEET TO THE POINT OF NON-TANGENCY WITH

CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.69°25'52"E., A RADIAL DISTANCE OF 484.69 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF THE SOUTH LINE OF SAID VILLAGGIO ISLES PUD REPLAT, THROUGH A CENTRAL ANGLE OF 07°21'00", A DISTANCE OF 62.18 FEET TO A POINT OF NON-TANGENCY; THENCE N.88°57'37"E. ALONG THE SOUTH LINE OF SAID VILLAGGIO ISLES PUD REPLAT, AND THE SOUTH LINE OF VILLAGGIO ISLES PARCEL A-1 REPLAT, AS RECORDED IN PLAT BOOK 118, PAGES 181 AND 182 OF SAID PUBLIC RECORDS, A DISTANCE OF 948.25 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 12186, PAGE 1205 OF SAID PUBLIC RECORDS; THENCE S.00°14'48"W. ALONG SAID RIGHT-OF-WAY LINE, AS RECORDED IN OFFICIAL RECORD BOOK 12186, PAGE 1205 OF SAID PUBLIC RECORDS, A DISTANCE OF 386.48 FEET TO THE NORTHEAST CORNER OF REDGRAVE PLAT, AS RECORDED IN PLAT BOOK 121, PAGES 156 AND 157 OF SAID PUBLIC RECORDS; THENCE S.89°20'02"W. ALONG THE NORTH LINE OF SAID REDGRAVE PLAT, A DISTANCE OF 314.65 FEET TO THE NORTHWEST CORNER OF SAID REDGRAVE PLAT; THENCE S.00°17'18"W. ALONG THE WEST LINE OF SAID REDGRAVE PLAT AND SAID CHEVRON 51345, A DISTANCE OF 594.32 FEET TO THE POINT OF BEGINNING

SAID LANDS SITUATE IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.
CONTAINING 769,864 SQUARE FEET/17.6736 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use - TYPE 1 RESTAURANT WITH A DRIVE-THROUGH (BUILDING A)

ALL PETITIONS

1. The approved Preliminary Site Plan is dated December 23, 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 or the Zoning Commission. (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.