

RESOLUTION NO. R-2022- 0760

RESOLUTION REVOKING A CLASS A CONDITIONAL USE  
ADOPTED BY RESOLUTION R-2020-00190  
(CONTROL NUMBER 2004-00457)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapters 125 and 163, Florida Statutes, is authorized and empowered to consider applications related 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, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA/CA-2018-01690, an application of Principal Development Group, LLC, for a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-through (Building B) in the Multiple Use Planned Development (MUPD) Zoning District and subject to Conditions of Approval, was presented to and adopted by the Board of County Commissioners at a public hearing on February 27, 2020 by R-2020-00190;

WHEREAS, Zoning Application ZV/ABN/DOA-2021-01954 was submitted on behalf of Principal Development Group, LLC, and Principal Commercial Group, LLC by WGI and AJP Consulting Services, LLC, Agents for a Type 2 Variance; two Development Order Amendments; and a Development Order Abandonment to abandon the Type 1 Restaurant within Building B previously granted by R-2020-01900;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

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 Development Order Abandonment;

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 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 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 Resolution R-2020-0190, which approved a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-through (Building B) on a parcel of land generally described as shown on the legal description in EXHIBIT A, is hereby revoked.

Commissioner Kerner 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 Robert S. Weinroth, Mayor	- Aye
Commissioner Gregg K. Weiss, Vice Mayor	- Aye

Commissioner Maria G. Marino  
Commissioner Dave Kerner  
Commissioner Maria Sachs  
Commissioner Melissa McKinlay  
Commissioner Mack Bernard

- Aye  
- Aye  
- Aye  
- Aye  
- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 28, 2022.

Filed with the Clerk of the Board of County Commissioners on August 2nd, 2022.

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

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

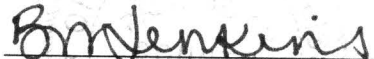
BY:   
DEPUTY CLERK

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.