

RESOLUTION NO. R-2022- 1247

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2022-00117
(CONTROL NO. 1973-00039)
a Class A Conditional Use
APPLICATION OF Atlantic Avenue Realty Associates, LLC, Vesnodevi Donut Corp. -
Hitesh Patel
BY Insite Studio, AGENT
(Dunkin Donuts at Oriole 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 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 as amended, have been satisfied;

WHEREAS, Zoning Application DOA/CA-2022-00117, submitted on behalf of Atlantic Avenue Realty Associates, LLC, Vesnodevi Donut Corp. - Hitesh Patel, by Insite Studio, Agent, for a Development Order Amendment to reconfigure the Site Plan; to add and delete use; delete square footage; and, modify Conditions of Approval and a Class A Conditional Use to allow a Type 1 Restaurant with Drive-through, was presented to the Board of County Commissioners at a public hearing conducted on October 27, 2022;

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-2022-00117, the Application of Atlantic Avenue Realty Associates, LLC, Vesnodevi Donut Corp. - Hitesh Patel, by Insite Studio, Agent, for a Class A Conditional Use to allow a Type 1 Restaurant with Drive-through on 0.83 acres, 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 October 27, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss 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 Robert S. Weinroth, Mayor	-	Aye
Commissioner Gregg K. Weiss, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Dave Kerner	-	Absent
Commissioner Maria Sachs	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 27, 2022.

Filed with the Clerk of the Board of County Commissioners on October 28th, 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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK




EXHIBIT A

LEGAL DESCRIPTION

(Overall MUPD):

PARCEL C-1 OF "VILLAGES OF ORIOLE SHOPS", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 35, AT PAGES 9 AND 10, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE SOUTH 200.00 FEET OF THE EAST 218.00 FEET THEREOF, AND LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL 124 AS ACQUIRED BY PALM BEACH COUNTY, FLORIDA IN THAT ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 12313, PAGE 1550 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. PARCEL 124:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF PARCEL C-1 OF THE PLAT OF "VILLAGES OF ORIOLE SHOPS", RECORDED IN PLAT BOOK 35, PAGE 10, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF SAID PARCEL C-1; THENCE ALONG THE WEST BOUNDARY OF SAID PARCEL C-1, NORTH 00 DEGREES 14'48" EAST FOR 357.08 FEET; THENCE DEPARTING SAID BOUNDARY, SOUTH 01 DEGREES 45'12" EAST FOR 53.90 FEET; THENCE SOUTH 00 DEGREES 14'48" WEST FOR 303.17 FEET TO THE SOUTH BOUNDARY OF SAID PARCEL C-1; THENCE ALONG SAID SOUTHERLY BOUNDARY, SOUTH 89 DEGREES 18'02" WEST FOR 1.88 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

ALL OF "VILLAGES OF ORIOLE SHOPS PLAT NO. TWO", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 43, AT PAGE 104 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 1,108,818 SQUARE FEET (25.455 ACRES), MORE OR LESS.

(Outparcel B):

THE WEST 160.47 FEET OF THE EAST 563.11 FEET OF THE SOUTH 226.06 FEET OF PARCEL C-1, VILLAGES OF ORIOLE SHOPS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGES 9 AND 10, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID PARCEL C-1, VILLAGES OF ORIOLE SHOPS, SAID SOUTHEAST CORNER LYING AND BEING ON THE NORTH RIGHT-OF-WAY LINE OF ATLANTIC AVENUE, ALSO KNOWN AS STATE ROAD #806; THENCE SOUTH 89 DEGREES 18'10" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, ALSO BEING THE SOUTH LINE OF PARCEL C-1, FOR 402.72 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE NORTH 00 DEGREES 14' 48" EAST, ALONG A LINE PARALLEL WITH AND 402.66 FEET WEST OF, AS MEASURED AT RIGHT ANGLES WITH, THE EAST LINE OF SAID PARCEL C-1, FOR 226.09 FEET; THENCE SOUTH 89 DEGREES 18' 10" WEST, ALONG A LINE PARALLEL WITH AND 226.06 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES WITH SAID NORTH RIGHT-OF-WAY LINE OF ATLANTIC AVE, FOR 160.47 FEET; THENCE SOUTH 00 DEGREES 14' 48" WEST, ALONG A LINE PARALLEL WITH AND 563.11 FEET WEST OF, AS MEASURED AT RIGHT ANGLES WITH, SAID EAST LINE OF PARCEL C-1, FOR 226.09 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF ATLANTIC AVE, ALSO BEING THE SOUTH LINE OF SAID PARCEL C-1; THENCE NORTH 89 DEGREES 18' 10" EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH LINE OF PARCEL C-1, FOR 160.47 FEET TO THE POINT OF BEGINNING.

LANDS SHOWN HEREON CONTAINING 36,275 SQUARE FEET, OR 0.833 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

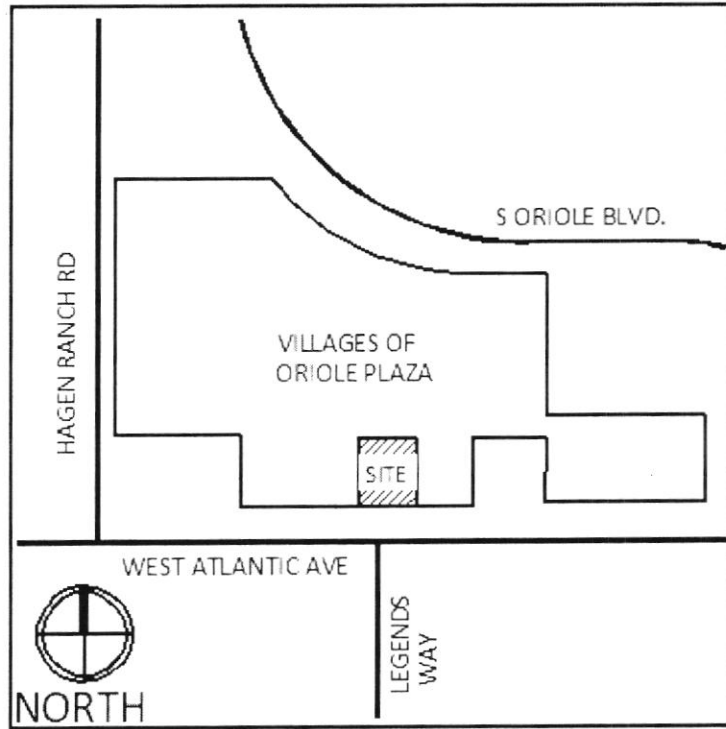


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use

ALL PETITIONS

1. The approved Site Plan is dated August 11, 2022. 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)

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.