

RESOLUTION NO. R-2022- 1409

RESOLUTION REVOKING RESOLUTIONS R-2011-0796 and R-2011-0797
(CONTROL NUMBER 1995-00022)

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/R-2010-03025, an application of Arrigo Enterprises Inc, by Greenberg Traurig, PA, Agent, for Requested Uses to allow a Type 1 Restaurant and a Hotel in the MUPD Zoning District, was approved by the Board of County Commissioners at a public hearing on May 26, 2011, by Resolutions R-2011-0796 and R-2011-0797;

WHEREAS, Zoning Application ABN/DOA-2022-00507, submitted on behalf of MG WPB LLC, by Dunay, Miskel and Backman, LLP, Agent, for a Development Order Abandonment to a Type 1 Restaurant and a Hotel; and a Development Order Amendment to reconfigure the site plan, add square footage, modify/delete conditions of approval, and modify phasing was presented to the Board of County Commissioners at a public hearing conducted on November 28, 2022;

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 Resolutions R-2011-0796 and R-2011-0797, which approved Requested Uses to allow a Type 1 Restaurant and a Hotel in the MUPD Zoning District on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, are hereby revoked.

Commissioner Bernard moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Mayor

- Aye

Commissioner Maria Sachs, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Marci Woodward	- Aye
Commissioner Sara Baxter	- Aye
Commissioner Mack Bernard	- Aye


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

Filed with the Clerk of the Board of County Commissioners on December 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

All of the Plat of AUTONATION OF PALM BEACH, according to the plat thereof, recorded in Plat Book 83, Page 92, Public Records of Palm Beach County, Florida, LESS AND EXCEPT THEREFROM that portion of said plat conveyed to the State of Florida Department of Transportation by that certain Special Warranty Deed dated September 26, 2002, recorded November 18, 2002, in Official Records Book 14405, page 1617, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH the reservation of the right of ingress and egress contained in that certain deed recorded in Official Records Book 2279, Page 1407, Public Records of Palm Beach County, Florida.

AND

"Parcel 1"

The East one-half of the West one-half of Tract 1, Block 4, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the plat thereof, recorded in Plat Book 2, page 45, of the Public Records of Palm Beach County, Florida.

AND

"Parcel 2"

The East one-half of Tract 27, less the North 38 feet thereof, Block 1, THE PALM BEACH FARMS CO. PLAT NO. 9, according to the plat thereof, recorded in Plat Book 5, page 58, of the Public Records of Palm Beach County, Florida.

AND

That certain 30-foot-wide road right-of-way lying North of Parcel 1 hereof bounded on the West by the southerly extension of the West boundary line of said Parcel 2, bounded on the East by the northerly extension of the East boundary line of Parcel 1, and bounded on the North by the South boundary line of Parcel 2 hereof; said road right-of-way as shown on the plat of THE PALM BEACH FARMS CO. PLAT NO. 9, according to the plat thereof, recorded in Plat Book 5, page 58, of the Public Records of Palm Beach County, Florida; together with the North 15 feet of the said 30-foot-wide road right-of-way lying South of and abutting the East 68.67 feet of said Parcel 2, bounded on the West by the northerly extension of the East boundary line of said Parcel 1, and bounded on the East by the West boundary line of the plat of AUTONATION OF PALM BEACH, according to the plat thereof recorded in Plat Book 83, page 92, of the Public Records of Palm Beach County, Florida.