

RESOLUTION NO. R-2023- 0549

RESOLUTION REVOKING RESOLUTION R-2021-0555  
(CONTROL NUMBER 2013-00296)  
AFFIRMING THE ABANDONMENT OF ZONING APPLICATION ABN/DOA/CA-2022-  
01397

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 ZV/PDD/CA-2020-00788, the application of Haley Farms LLC, Dears Farm LLC, Palm Tree Farms LLC, Divosta Homes, by JMorton Planning & Landscape Architecture, Agent, for a Class A Conditional Use to allow a Type 1 Restaurant with drive-through, and subject to Conditions of Approval, was approved by the Board of County Commissioners at a public hearing on April 21, 2021 by Resolution R-2021-055;

WHEREAS, Zoning Application ABN/DOA/CA-2022-01397, submitted on behalf of Elan Polo Gardens LLC, Cardiovascular Centers of America, The Ferber Company, by JMorton Planning and Landscape Architecture, Agent, for a Development Order Abandonment to abandon a Type 1 Restaurant with drive-trough on 25.04 acres; a Development Order Amendment to reconfigure the site plan and change uses on 25.04 acres; and a Class A Conditional Use to allow a Hospital on 25.04 acres, was presented to the Board of County Commissioners at a public hearing conducted on April 27, 2023;

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-2021-0555, a Class A Conditional Use to allow a Type 1 Restaurant with drive-through, is hereby revoked.

Commissioner Marino moved for the approval of the Resolution.

The motion was seconded by Commissioner Sachs 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 Michael A. Barnett	- 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 April 27, 2023.

Filed with the Clerk of the Board of County Commissioners on April 27, 2023.

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 TRACTS 13 AND 14, BLOCK 28, OF THE PALMS BEACH FARMS CO. PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PAM BEACH COUNTY, FLORIDA.

PARCEL A

TRACT 4 AND THE EAST 40 FEET OF TRACT 5, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPT THEREFROM THAT PORTION OF SUBJECT PROPERTY TAKEN BY PALM BEACH COUNTY AS DESCRIBED IN THAT STIPULATED ORDER OF TAKING RECORDED MARCH 7, 1990 IN OFFICIAL RECORDS BOOK 6377, PAGE 854, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT:

PARCEL I

A PORTION OF TRACTS 4 AND 5, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 4; THENCE N.00°56'30"W. ALONG THE WEST LINE OF SAID TRACT 4, A DISTANCE OF 4.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.00°56'30"W. ALONG SAID WEST LINE, A DISTANCE OF 569.86 FEET; THENCE N.89°02'30"E. ALONG THE SOUTH LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6459, PAGE 1957 OF SAID PUBLIC RECORDS, A DISTANCE OF 43.18 FEET; THENCE S.00°33'30"W., A DISTANCE OF 254.91 FEET; THENCE S.02°17'54"W., A DISTANCE OF 72.90 FEET; THENCE S.14°42'20"W., A DISTANCE OF 73.49 FEET; THENCE S.03°15'02"W., A DISTANCE OF 171.96 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 5; THENCE S.89°03'30"W. ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 40.00 FEET; THENCE N.00°56'30"W. ALONG A LINE 40.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 296.11 FEET; THENCE N.02°17'54"E., A DISTANCE OF 28.12 FEET; THENCE N.00°33'30"E., A DISTANCE OF 54.52 FEET; THENCE N.02°11'32"W., A DISTANCE OF 125.03 FEET; THENCE N.00°33'30"E., A DISTANCE OF 70.97 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6459, PAGE 1957 OF SAID PUBLIC RECORDS; THENCE N.89°02'30"E. ALONG SAID SOUTH LINE, A DISTANCE OF 37.85 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 5; THENCE S.00°56'30"E. ALONG SAID EAST LINE, A DISTANCE OF 574.64 FEET TO THE POINT OF BEGINNING.

PARCEL II

A PORTION OF TRACT 5, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 5; THENCE S.00°56'30"E. ALONG THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 85.36 FEET; THENCE S.89°02'30"W. ALONG THE SOUTH LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6459, PAGE 1957 OF SAID PUBLIC RECORDS, A DISTANCE OF 37.85 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°02'30"W. ALONG SAID SOUTH LINE, A DISTANCE OF 2.15 FEET; THENCE S.00°56'30"E. ALONG A LINE 40.00 FEET WEST OF (AS MEASURED AT

RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 278.52 FEET; THENCE N.02°17'54"E., A DISTANCE OF 28.12 FEET; THENCE N.00°33'30"E., A DISTANCE OF 54.52 FEET; THENCE N.02°11'32"W., A DISTANCE OF 125.03 FEET; THENCE N.00°33'30"E. A DISTANCE OF 70.97 FEET TO THE POINT OF BEGINNING.

#### PARCEL B

A PORTION OF TRACT A, OF FIELDS AT GULFSTREAM POLO PUD - PLAT ONE, AS RECORDED IN PLAT BOOK 183, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ALSO BEING A PORTION OF TRACT 13 AND 14, BLOCK 28, THE PALM BEACH FARMS COMPANY PLAT NO.3, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 13; THENCE N.89°03'30"E. ALONG THE NORTH LINE THEREOF, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.89°03'30"E. ALONG THE NORTH LINE OF SAID TRACTS 13 AND 14, A DISTANCE OF 1,219.64 FEET TO THE NORTHEAST CORNER OF SAID TRACT 14; THENCE S.00°56'30"E ALONG THE EAST LINE OF SAID TRACT 14, A DISTANCE OF 110.00 FEET; THENCE S.89°03'30"W ALONG A LINE 110.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 13 AND 14, A DISTANCE OF 1,319.64 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 13; THENCE N.00°56'30"W. ALONG SAID WEST LINE, A DISTANCE OF 60.00 FEET; THENCE N.89°03'30"E ALONG A LINE 50.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 13, A DISTANCE OF 100.00 FEET; THENCE N.00°56'30"W. ALONG A LINE 100.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF SAID TRACT 13, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

#### PARCEL C

A PORTION OF TRACT A, OF FIELDS AT GULFSTREAM POLO PUD - PLAT ONE, AS RECORDED IN PLAT BOOK 183, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ALSO BEING A PORTION OF TRACT 13 AND 14, BLOCK 28, THE PALM BEACH FARMS COMPANY PLAT NO.3, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 13; THENCE S.00°56'30"E. ALONG THE WEST LINE THEREOF, A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING; THENCE N.89°03'30"E. ALONG A LINE 110.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 13 AND 14, A DISTANCE OF 797.03 FEET; THENCE S.00°31'39"E., A DISTANCE OF 514.76 FEET; THENCE S.89°03'30"W., A DISTANCE OF 749.20 FEET; THENCE S.42°11'26"W., A DISTANCE OF 43.78 FEET; THENCE N.04°40'47"W., A DISTANCE OF 217.35 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 13; THENCE N.00°56'30"W. ALONG SAID WEST LINE, A DISTANCE OF 329.82 FEET THE POINT OF BEGINNING.

#### ALSO DESCRIBED AS:

A PORTION OF PARCEL A, FIELDS AT GULFSTREAM POLO PUD - PLAT ONE, AS RECORDED IN PLAT BOOK 123, PAGES 80 THROUGH 95, TOGETHER WITH A PORTION OF TRACTS 4 AND 5, BLOCK 28, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL A; THENCE S.00°56'30"E. ALONG THE EAST LINE THEREOF, A DISTANCE OF 546.74 FEET; THENCE DEPARTING SAID EAST LINE, S.89°03'30"W., A DISTANCE OF 1,275.60 FEET; THENCE N.47°56'30"W., A DISTANCE OF 52.25 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID PARCEL A; THENCE ALONG THE WEST LINE OF SAID PARCEL A, THE FOLLOWING FOUR (4) COURSES AND DISTANCES; N.04°40'47"W., A DISTANCE OF 89.49 FEET; THENCE N.00°56'30"W., A DISTANCE OF 389.82 FEET; THENCE N.89°03'30"E., A DISTANCE OF 100.00 FEET; THENCE N.00°56'30"W., A DISTANCE OF



50.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL A; THENCE S.89°03'30"W., A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 4, BLOCK 28; THENCE N.00°56'30"W. ALONG THE WEST LINE THEREOF, A DISTANCE OF 4.79 FEET; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF POLO ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 28941, PAGE 7 OF SAID PUBLIC RECORDS, THE FOLLOWING FIVE (5) COURSES AND DISTANCES; N.03°15'02"E., A DISTANCE OF 171.96 FEET; THENCE N.14°42'20"E., A DISTANCE OF 73.49 FEET; THENCE N.02°17'54"E., A DISTANCE OF 72.90 FEET; THENCE N.00°33'30"E., A DISTANCE OF 254.91 FEET; THENCE S.89°02'30"W., A DISTANCE OF 43.19 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 4, BLOCK 28; THENCE N.00°56'30"W. ALONG SAID WEST LINE, A DISTANCE OF 29.25 FEET; THENCE N.89°03'30"E. ALONG THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-12 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, A DISTANCE OF 659.82 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 4, BLOCK 26; THENCE S.00°56'30"E. ALONG SAID EAST LINE, A DISTANCE OF 603.90 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID PARCEL A; THENCE N.89°03'30"E. ALONG SAID NORTH LINE, A DISTANCE OF 659.82 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF TRACT 5, BLOCK 28, PALM BEACH FARMS PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PAM BEACH COUNTY, FLORIDA.

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 5, BLOCK 28; THENCE S.00°56'30"E. ALONG THE EAST LINE THEREOF, A DISTANCE OF 52.14 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.00°56'30"E. ALONG SAID EAST LINE, A DISTANCE OF 33.22 FEET; THENCE S.89°02'30"W., A DISTANCE OF 40.00 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE EAST 40.00 FEET OF SAID TRACT 5, BLOCK 28; THENCE N.00°56'30"W. ALONG SAID WEST LINE, A DISTANCE OF 33.23 FEET; THENCE N.89°03'30"E. ALONG THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-12 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING

SAID LANDS LYING IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST.

PALM BEACH COUNTY, FLORIDA.

CONTAINING 1,123,577 SQUARE FEET/25.7938 ACRES MORE OR LESS.