

RESOLUTION NO. R-2024- 0194

RESOLUTION APPROVING THE REVOCATION OF
RESOLUTIONS R-2019-0386 and R-2019-0387
(CONTROL NUMBER 1981-00190)

An application of Palm Beach Investment Property, LLC
By Urban Design Studio, Agent
(Palm Beach Park of Commerce)

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, Application SV/DOA/CA-2018-01218, the Application of the Palm Beach Investment Property, LLC, by Urban Design Kilday Studios, Agent, for a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-through (Building B) and for a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-through (Building C) was presented to the Board of County Commissioners at a public hearing on March 25, 2019, and adopted by Resolution R-2019-0386 and R-2019-387, respectively;

WHEREAS, Zoning Application ABN/DOA-2023-01497, the Application of Palm Beach Investment Property LLC, by Urban Design Studio, Agent, for a Development Order Abandonment to abandon Class A approvals for two Type 1 Restaurants with drive-through approved by Resolution R-2019-0386 and Resolution R-2019-0387 on 9.54 acres; a Development Order Amendment to modify the Master Plan to re-designate 7.55 acres of a General Commercial Pod to a Light Industrial Pod and to modify Conditions of Approval on 1,322.19 acres; and, a Development Order Amendment to modify the previously approved Class A for a Retail Gas and Fuel Sales with a Convenience Store to reduce land area by 7.55 acres to 1.99 acres, to configure the Site Plan, and to modify Conditions of Approval was presented to the Board of County Commissioners at a public hearing conducted on February 22, 2024;

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 here by incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.8 (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,

1. The foregoing recitals are true and correct and are incorporated herein.

2. Resolution R-2019-0386, approving a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-through (Building B), and R-2019-387 approving a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-through (Building C), on a parcel of land as shown on the legal description in Exhibit A, attached hereto and made apart hereof, are hereby revoked.

Commissioner Weiss 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 Maria Sachs, Mayor	-	Aye
Commissioner Maria G. Marino, Vice Mayor	-	Aye
Commissioner Gregg K. Weiss	-	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 February 22, 2024.

Filed with the Clerk of the Board of County Commissioners on February 22, 2024

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

LOTS 5C, 6C, 7C AND 8C, PALM BEACH PARK OF COMMERCE, A PIPD, PLAT NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 56, PAGES 172 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,