

RESOLUTION NO. R-2014- 1642

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2014-00649
(CONTROL NO. 2003-00025)
a Requested Use
APPLICATION OF Turnpike Realty Inc
BY Jon E Schmidt & Associates, AGENT
(Turnpike/Exit 93 MUPD)

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, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied;

WHEREAS, Zoning Application DOA/R-2014-00649 was presented to the Board of County Commissioners at a public hearing conducted on October 23, 2014;

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 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code 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 BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Requested Use; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code 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/R-2014-00649, the petition of Turnpike Realty Inc, by Jon E Schmidt & Associates, agent, for a Requested Use to allow a Type I Restaurant, on a parcel of land legally described 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 23, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

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

Commissioner Priscilla A. Taylor, Mayor	- Aye
Commissioner Paulette Burdick, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Shelley Vana	- Absent
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Jess R. Santamaria	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 23, 2014.

Filed with the Clerk of the Board of County Commissioners on October 24th, 2014

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

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF PARCEL "A" OF "EXIT 93 LLC M.U.P.D." ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 104, PAGES 160, 161, 162, AND 163 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF PARCEL "B" OF AFORESAID PLAT; THENCE SOUTH 89°22'27" WEST FOR 137.47 FEET TO THE WEST LINE OF SAID PARCEL "A"; THENCE SOUTH 00°37'24" EAST ALONG THE WEST LINE OF SAID PARCEL "A" FOR 227.34 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "A"; THENCE NORTH 89°22'27" EAST ALONG THE SOUTH LINE OF SAID PARCEL "A" FOR 137.59 FEET TO A SOUTHEAST CORNER OF SAID PARCEL "A"; THENCE NORTH 00°39'11" WEST ALONG AN EAST LINE OF SAID PARCEL "A" ALSO BEING THE WEST LINE OF SAID PARCEL "B" FOR 227.34 FEET TO THE POINT OF BEGINNING.

CONTAINING 31,266 SQUARE FEET, 0.7178 ACRES.

EXHIBIT B

VICINITY SKETCH

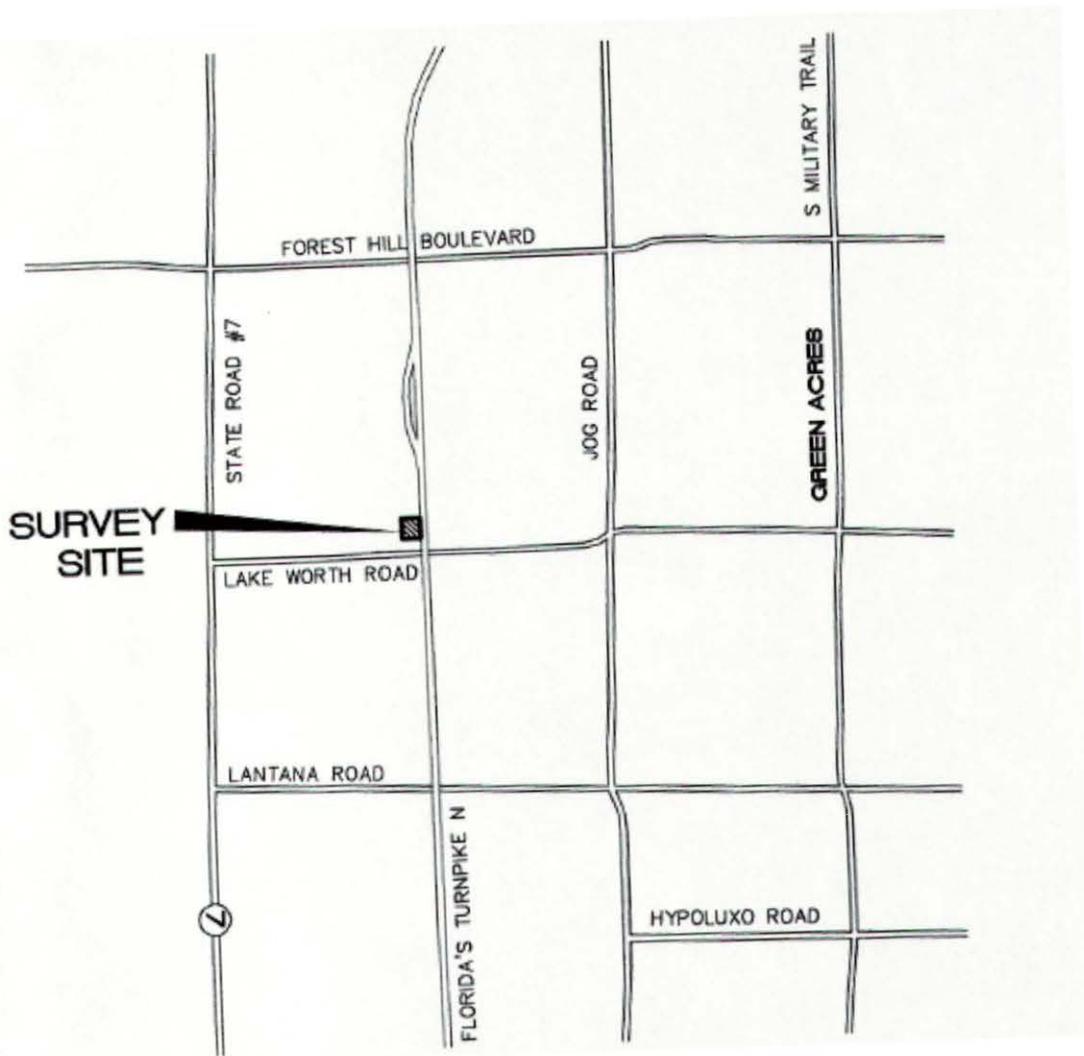


EXHIBIT C-2

CONDITIONS OF APPROVAL

Requested Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated August 19, 2014. 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 or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

2. At time of Building Permit Approval, the Architectural Elevations for the proposed Type I Restaurant Building shall be revised and submitted for review and approval by the Building Department. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated November 17, 2005. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (BLDG PERMIT: BUILDING DIVISION - Zoning)

LANDSCAPE - INTERIOR-FOUNDATION PLANTING ALONG THE NORTH SIDE OF THE TYPE I RESTAURANT BUILDING

1. Prior to Final approval by the Development Review Officer (DRO), the Site Plan shall be revised to indicate the following:

- a. a minimum of eight (8) feet wide foundation planting along the north side of the Type I Restaurant Building; and
- b. the length shall be no less than forty (40) percent of the total length of the north side of the Type I Restaurant Building. (DRO: LANDSCAPE - 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: ZONING - Zoning)

2. Failure to comply with any of the Voluntary Commitments 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 Voluntary Commitments; 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 Voluntary Commitment of Approval. (ONGOING: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.