

RESOLUTION NO. R-2015- 0528

RESOLUTION APPROVING ZONING APPLICATION SV/DOA/CA-2014-02087  
(CONTROL NO. 2012-00646)  
a Class A Conditional Use  
APPLICATION OF Atlantic Commons Associates LLLP  
BY Atlantic Commons Associates, LLLP, AGENT  
(Atlantic Commons Commercial)

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 SV/DOA/CA-2014-02087 was presented to the Board of County Commissioners at a public hearing conducted on April 23, 2015;

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 Class A Conditional 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 SV/DOA/CA-2014-02087, the petition of Atlantic Commons Associates LLLP, by Atlantic Commons Associates, LLLP, Agent, for a Class A Conditional Use to allow a Type I Restaurant with drive through, 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 April 23, 2015, subject to the Conditions of Approval described in EXHIBIT C-3, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on April 23, 2015.

Filed with the Clerk of the Board of County Commissioners on April 29th, 2015.

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

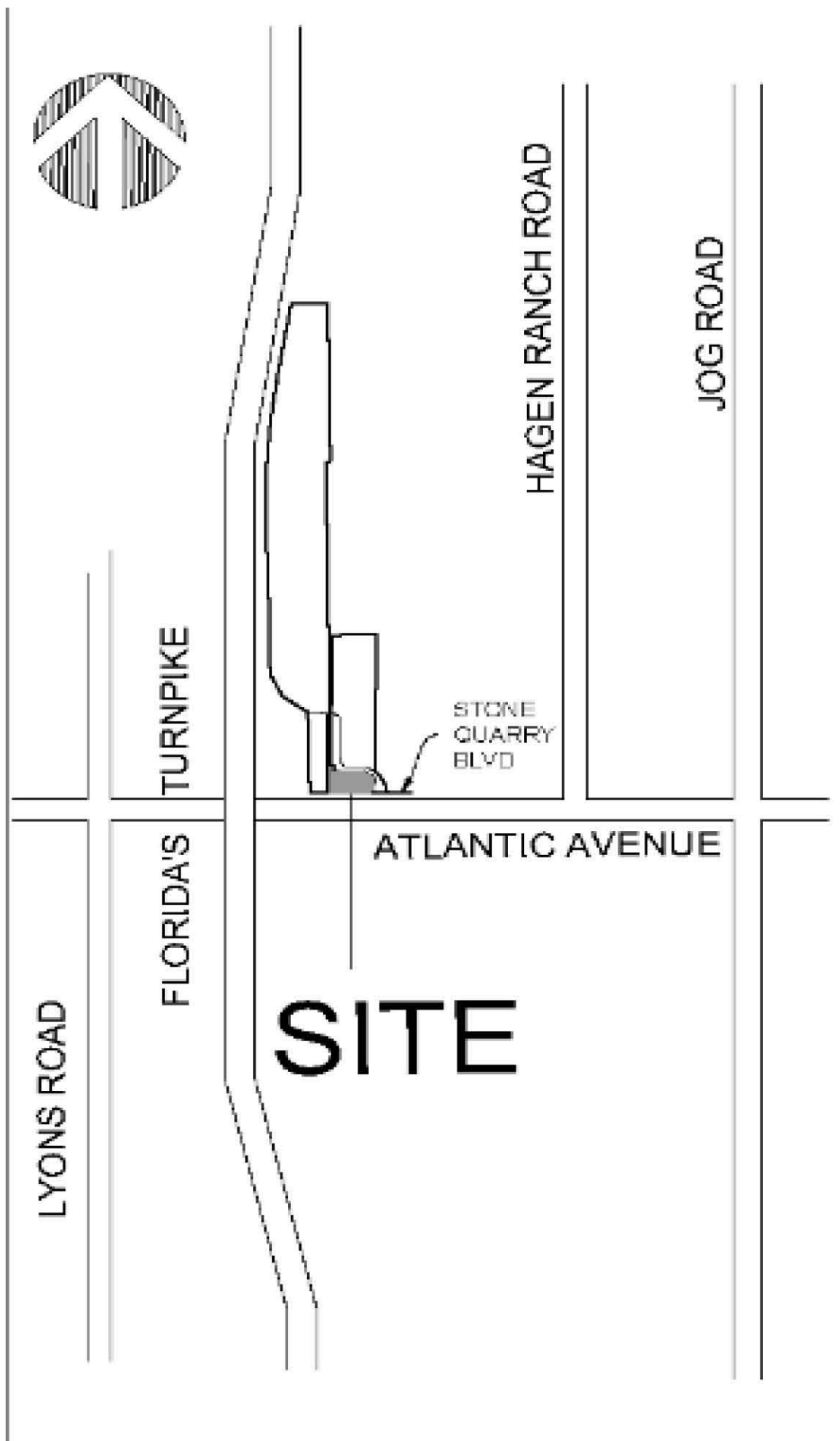
ATLANTIC COMMONS COMMERCIAL PARCEL

LEGAL DESCRIPTION:

TRACT A AND TRACT F, ATLANTIC COMMONS – PLAT ONE, AS RECORDED IN PLAT BOOK 115, PAGES 135-137.

SAID LANDS ALL SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 4.988 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH





## CONDITIONS OF APPROVAL

### **Exhibit C-3 Conditional Use Class A**

#### **ALL PETITIONS**

1. The approved Preliminary Site Plan is dated February 27, 2015. 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**

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for Phase II shall be submitted for review and approval by the Zoning Division. 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 February 12, 2015. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

#### **LIGHTING**

1. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the subject site. (ONGOING: ZONING - Zoning)

#### **SIGNS**

1. Subject to approval of the Subdivision Variance (Application Number SV/DOA/CA-2014-02087), the Property Owner shall submit an application to modify any affected Conditions of Approval granted under Resolution Number ZR-2004-031 (Control No. 2004-00525) and amend the Final Master Sign and Regulating Plans, prior to Final Approval by the Development Review Officer or by June 26th, 2015, whichever comes first, to:

- a. Reduce the allowed sign face area of the Entrance Sign to sixty (60) square feet; and,
- b. Add a note to the Entrance Sign detail that it shall be limited to residential use and civic uses only. There shall be no commercial signage on this sign. (DATE/DRO: ZONING - Zoning)

#### **USE LIMITATIONS**

1. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No vehicular parking is to be permitted in landscape areas, Right-of-Ways or interior drive aisles. (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.