

RESOLUTION NO. ZR-2019- 035

RESOLUTION APPROVING ZONING APPLICATION ZV/ABN/DOA/CA-2019-00134
(CONTROL NO. 2004-00471)
TYPE 2 VARIANCE (*CONCURRENT*)
APPLICATION OF Chick-Fil-A, Inc., Boynton Beach Associates XVIII LLLP
BY Bowman Consulting Group, AGENT
(CHICK-FIL-A #4305 - CANYON TOWN CENTER)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC) Ordinance 2003-067, Supplement 25 is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application ZV/ABN/DOA/CA-2019-00134 was presented to the Zoning Commission at a public hearing conducted on December 6, 2019;

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Type 2 Variance;

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the ULDC 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, this approval shall only become effective upon the adoption of a resolution approving Zoning Application ZV/ABN/DOA/CA-2019-00134 by the Board of County Commissioners;

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 Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/ABN/DOA/CA-2019-00134, the Application of Chick-Fil-A, Inc., Boynton Beach Associates XVIII LLLP, by Bowman Consulting Group, Agent, for a Type 2 Variance to allow an additional freestanding building; reduce number of parking spaces; and, eliminate and reduce Foundation Planting, on a parcel of land generally described as shown on the legal description 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 December 6, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof and variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Brumfield moved for the approval of the Resolution.

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

Sheri Scarborough, Chair	- Absent
Sam Caliendo, Vice Chair	- Absent
Amir Kanel	- Yes
John Kern	- Yes
Philip L. Barlage	- Yes
Marcelle Griffith Burke	- Yes
Alex Brumfield III	- Yes
Mark Beatty Acting Chair	- Yes

Filed with the Palm Beach County Zoning Division on December 06, 2019.

This resolution shall not become effective unless or until the effective date of the resolution approving Zoning Application No. ZV/ABN/DOA/CA-2019-00134 by the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:



CHAIR

EXHIBIT A

LEGAL DESCRIPTION

ALL OF THE PLAT OF CANYON TOWN CENTER MUPD ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 200, PAGES 200 THROUGH 201 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 26.75 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

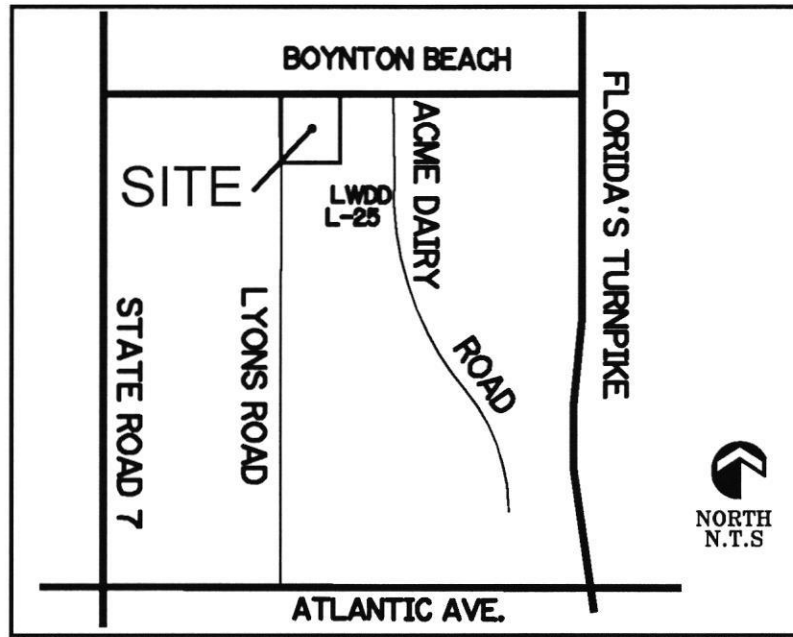


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

ALL PETITIONS

1. The approved Preliminary Master and Site Plans are dated October 28, 2019. 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)

2. This Variance is approved for the Type 1 Restaurant with a Drive-through. Any change to the use shall require reconsideration of the Variance by the Zoning Commission. (ONGOING: CODE ENF -Zoning)

LANDSCAPE - INTERIOR

1. Prior to final approval by the Development Review Officer, the Site Plan shall be amended to provide for a minimum five foot wide landscape planting area in the Divider Median to the east of the parking lot for Building A-1, in an area abutting the access way for Boynton Beach Boulevard, as follows:

a. The abutting brick pedestrian walkway may be modified provided that the minimum width meets minimum accessibility and/or other pedestrian access way standards;

b. The width of the planting area may be reduced for angled parking spaces, provided that the curbing for the end of each space is modified to allow for additional planting area;

c. The landscape planting area shall be planted to mirror the planting material installed along the west side of the parking lot for Building B-1, including but not limited to:

1) One small shrub per two linear feet to be maintained at a minimum height of three feet, and appropriate groundcover; and,

2) One Canopy Tree for each 30 linear feet. (DRO: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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; 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.

EXHIBIT D

REQUEST

TYPE 2 VARIANCE SUMMARY

#	ULDC Article	Required	Proposed	Variance
V.1	Table 3.E.3.B, Freestanding Buildings (CLO FLU designation)	Maximum 1 Freestanding Building	3* (buildings A-1, B- 1, and C-1)	(+1) One additional freestanding building requested for the CL/MUPD (A-1)
V.2	Art. 3.E.1.C.2.h.2.a, Minimum/Maximum Parking Standards [Related to Planned Development Districts - Performance Standards]	Minimum 868 parking spaces (1 space per 250 sq. ft.)	861 parking spaces	-7 parking spaces**
V.3	Table 7.C.3.B, Foundation Planting and Dimensional Requirements	10 ft. wide; 50% length of the front (south) and side facades (east and west); 30% length of rear façade (north).	0 ft. for north and east facades; 3.5 ft. width and 46.7% length for west facade; and, 2.5 ft. width and 46.2% length for south façade.	No Foundation Planting for north and east facades; -6.5 ft. width and - 3.3% length for west façade; -7.5 ft. width and - 3.8% length for south façade.