

RESOLUTION NO. R-2011-0428

RESOLUTION APPROVING ZONING APPLICATION PDD/DOA/R-2010-01719  
(CONTROL NO. 1977-00048)  
an Official Zoning Map Amendment to a Planned Development District  
APPLICATION OF Chick-fil-A, Inc  
BY Corporate Property Services, AGENT  
(Western Plaza)

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; and

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; and

WHEREAS, Zoning Application PDD/DOA/R-2010-01719 was presented to the Board of County Commissioners at a public hearing conducted on March 31, 2011; and

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; and

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; and

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; and

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.1.B.

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 PDD/DOA/R-2010-01719, the application of Chick-fil-A, Inc, by Corporate Property Services, agent, for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the General Commercial/Special Exception (CG/SE) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch in EXHIBIT B, attached hereto and made a part hereof, was approved on March 31, 2011.

Commissioner Aaronson moved for the approval of the Resolution.

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

Commissioner Karen T. Marcus, Chair	-	Aye
Commissioner Shelley Vana, Vice Chair	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on March 31, 2011.

Filed with the Clerk of the Board of County Commissioners on April 4th, 2011.

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

LEGAL DESCRIPTION

**WESTERN PLAZA – ENTIRE CENTER**

PARCEL 1

A PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 44 SOUTH, RANGE 42 EAST, TRACTS 21 AND 22, BLOCK 8 AND TRACT 5 AND 6, BLOCK 10, THE PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, ON PAGES 45 THROUGH 54, SAID PARCEL OF LAND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID TRACT 6, BLOCK 10 (SAID SOUTH LINE OF TRACT 6 ALSO BEING A NORTH LINE OF WESTWOODS, P.U.D. RECORDED IN PLAT BOOK 34 ON PAGES 131 THROUGH 134) WITH A LINE 40 FEET EAST OF AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE WEST LINE OF SAID TRACT 6; THENCE NORTH 89 DEGREES 22'39" EAST (ALL BEARINGS CITED HEREIN ARE RELATED TO THE ASSUMED MERIDIAN USED FOR THE PLAT OF WESTWOODS) ALONG THE SOUTH LINE OF SAID TRACT 6 AND THE NORTH LINE OF WESTWOODS, P.U.D., A DISTANCE OF 720.00 FEET; THENCE NORTH 02 DEGREES 58'25" EAST ALONG THAT PORTION OF THE WEST LINE OF SAID WESTWOODS, P.U.D. LYING WEST OF LOTS 40 THROUGH 49, A DISTANCE OF 1660.22 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THOSE LANDS DESCRIBED IN THE QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 2831 ON PAGE 1927 (SAID SOUTH LINE BEING A LINE 130 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE CENTERLINE OF THE OF THE WEST PALM BEACH CANAL. THE CENTERLINE OF THE WEST PALM BEACH CANAL IS THE SAME AS THAT WHICH IS SHOWN ON THE RIGHT-OF-WAY AND TOPO MAP FOR THE WEST PALM BEACH CANAL, DRAWING NUMBER W.P.B.-3, SHEET 9 OF 19, PREPARED JUNE 1956 AND REVISED MARCH 29, 1961 BY THE CENTRAL AND SOUTHERN FLORIDA CONTROL DISTRICT); NORTH 88 DEGREES 29'34" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 749.99 FEET TO THE INTERSECTION WITH THE EAST LINE OF THOSE LANDS DESCRIBED IN QUIT CLAIM DEED RECORDED IN OFFICIAL RECORD BOOK 2819 ON PAGE 1155 (SAID EAST LINE BEING A LINE 40 FEET EAST OF AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE WEST TRACT LINES AFOREMENTIONED TRACTS 21 AND 22, BLOCK 8 AND TRACT 6, BLOCK 10); THENCE SOUTH 01 DEGREES 53'41" WEST ALONG SAID EAST LINE, A DISTANCE OF 1186.02 FEET; THENCE SOUTH 01 DEGREES 57'46" WEST CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 500.46 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL OF THAT CERTAIN ABANDONED 50 FOOT PALM BEACH FARMS CO., ROAD RIGHT-OF-WAY LYING BETWEEN BLOCKS 8 AND 10 AND CONTAINED WITHIN THE ABOVE DESCRIBED PARCEL OF LAND, SAID RIGHT-OF-WAY WAS ABANDONED UNDER RESOLUTION NO. R-78-209 AND IS RECORDED IN OFFICIAL RECORDS BOOK 2831 ON PAGES 1619 AND 1620.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD AND TO A TEMPORARY EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2831 ON PAGES 1924 THROUGH 1926.

TOGETHER WITH PARCEL 2:

THE WEST 40.00 FEET OF TRACT 21, LYING SOUTH OF WEST PALM BEACH CANAL AND WEST 40.00 FEET OF TRACT 22, ALL IN BLOCK 8, AND THE WEST 40.00 FEET OF TRACT 6, BLOCK 10, ALL OF THE ABOVE SHOWN ON THE PLAT OF PALM BEACH FARMS CO., PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45 TO 54.

SUBJECT TO EXISTING EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

TOGETHER WITH PARCEL 3:

COMMENCING AT THE INTERSECTION OF SOUTH LINE OF TRACT 6, BLOCK 10, THE PALM BEACH FARMS CO.; PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, ON PAGES 45 THROUGH 54; (SAID SOUTH LINE OF TRACT 6 ALSO BEING A NORTH LINE OF WESTWOODS, P.U.D., RECORDED IN PLAT BOOK 34 ON PAGES 131 THROUGH 134) WITH A LINE 40.00 FEET EAST OF AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE WEST LINE OF SAID TRACT 6; THENCE SOUTH 89 DEGREES 22'39" WEST (ALL BEARINGS CITED HEREIN ARE RELATED TO THE ASSUMED MERIDIAN USED FOR THE PLAT OF WESTWOODS, P.U.D.) ALONG THE PROJECTION OF THE SOUTH LINE OF SAID TRACT 6 AND SAID NORTH LINE OF WESTWOODS, P.U.D.; A DISTANCE OF 40.04 FEET TO THE POINT OF BEGINNING.

THENCE CONTINUE SOUTH 89 DEGREES 22'39" WEST, A DISTANCE OF 71.87 FEET TO THE EAST FACE OF THE EAST GUARD RAIL OF STATE ROAD NO. 7, THENCE ALONG SAID GUARD RAIL THE FOLLOWING THREE COURSES AND DISTANCES: NORTH 01 DEGREES 52'19" EAST, A DISTANCE OF 342.25 FEET, THENCE NORTH 00 DEGREES 58'13" EAST, A DISTANCE OF 298.90 FEET, THENCE NORTH 00 DEGREES 12'26" WEST, A DISTANCE OF 210.99 FEET TO INTERSECT THE WEST LINE SAID SECTION 6; THENCE NORTH 01 DEGREES 53'41" EAST. ALONG THE WEST LINE OF SAID SECTION 6, A DISTANCE OF 838.59 FEET TO INTERSECT THE SOUTHERLY RIGHT-OF-WAY LINE OF THE C-51 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 2831, PAGE 1927; THENCE SOUTH 88 DEGREES 29'34" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 85.10 FEET TO INTERSECT THE WEST LINE OF TRACTS 21 AND 22, BLOCK 8; AND TRACT 6, BLOCK 10, THE PALM BEACH FARMS CO., PLAT NO. 3; THENCE SOUTH 01 DEGREES 53'41" WEST ALONG SAID WEST TRACT LINES, A DISTANCE OF 1185.73 FEET; THENCE SOUTH 01 DEGREES 57'46" WEST ALONG SAID WEST LINE OF TRACT 6 A DISTANCE OF 502.24 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EXISTING EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

TOGETHER WITH PARCEL 4:

A PARCEL OF LAND LYING IN TRACTS 21 AND 22, BLOCK 8 AND TRACTS 5 AND 6, BLOCK 10, THE PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, ON PAGES 45 THROUGH 54, SAID PARCEL OF LAND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID TRACT 6, BLOCK 10 (SAID SOUTH LINE OF TRACT 6 ALSO BEING A NORTH LINE OF WESTWOODS, P.U.D. RECORDED IN PLAT BOOK 34 ON PAGES 131 THROUGH 134 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA) WITH A LINE 40.00 FEET EAST OF AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE WEST LINE OF SAID TRACT 6; THENCE NORTH 89 DEGREES 22'39" EAST (ALL BEARINGS CITED HEREIN ARE RELATED TO THE ASSUMED MERIDIAN USED FOR THE PLAT OF WESTWOODS) ALONG THE SOUTH LINE OF SAID TRACT 6 AND SAID NORTH LINE OF WESTWOODS, P.U.D., A DISTANCE OF 720.00 FEET; THENCE NORTH 02 DEGREES 58'25" EAST ALONG THAT PORTION OF THE WEST LINE OF SAID WESTWOODS, P.U.D. LYING WEST OF LOTS 40 THROUGH 49, A DISTANCE OF 1660.22 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THOSE LANDS DESCRIBED IN THE QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 2831 AN PAGE 1927 (SAID SOUTH LINE BEING A LINE 130.00 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE CENTERLINE OF THE WEST PALM BEACH CANAL. THE CENTERLINE OF THE WEST PALM BEACH CANAL IS THE SAME AS THAT

WHICH IS SHOWN ON THE RIGHT-OF-WAY AND TOPO MAP FOR THE WEST PALM BEACH CANAL, DRAWING NUMBER W.P.8.-3, SHEET 9 OF 19, PREPARED JUNE 1956 AND REVISED MARCH 29, 1961 BY THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT); THENCE NORTH 88 DEGREES 29'34" WEST ALONG THE SOUTH LINE, A DISTANCE OF 100.03 FEET; THENCE SOUTH 02 DEGREES 58'25" EAST ON A LINE 100.00 FEET WEST OF AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE WEST LINE OF SAID WESTWOODS, P.U.D., LYING WEST OF LOTS 40 THROUGH 49, A DISTANCE OF 1505.32 FEET; THENCE SOUTH 46 DEGREES 10'32" WEST, A DISTANCE OF 85.18 FEET; THENCE SOUTH 89 DEGREES 22'39" WEST, A DISTANCE OF 675.217 FEET TO THE EAST FACE OF THE EAST GUARDRAIL OF STATE ROAD NO. 7; THENCE SOUTH 01 DEGREES 52'19" WEST ALONG SAID EAST FACE OF GUARDRAIL, A DISTANCE OF 100.10 FEET; THENCE NORTH 89 DEGREES 22'39" EAST, A DISTANCE OF 111.91 FEET TO THE POINT OF BEGINNING.

CONTAINS 1,431,495 SQUARE FEET OR 32.863 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

# VICINITY SKETCH

