

RESOLUTION NO. R-2014- 0559

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2013-01335
(CONTROL NO. 1973-00220)
a Requested Use
APPLICATION OF McDonalds USA, LLC
BY Land Design South, Inc., AGENT
(Nassau Square - McDonald's)

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-2013-01335 was presented to the Board of County Commissioners at a public hearing conducted on April 24, 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-2013-01335, the petition of McDonalds USA, LLC, by Land Design South, Inc., agent, for a Requested Use to allow a Type I Restaurant with drive-through lanes in 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 shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on April 24, 2014.

Commissioner Vana moved for the approval of the Resolution.

The motion was seconded by Commissioner Burdick 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	- Aye
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 April 24, 2014.

Filed with the Clerk of the Board of County Commissioners on April 25th, 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", PLAT OF NASSAU SQUARE, according to the Plat thereof, as recorded in Plat Book 50 at Pages 134 and 135 of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Parcel "D" of said PLAT OF NASSAU SQUARE, said corner being the intersection of the North Right-of-Way line of Lake Worth Road (State Road No. 802) as shown on said plat, and the West Right-of-Way line of Nassau Road; thence North 89°58'41" West along the South line of said Parcel "D", Parcel "C" and Parcel "A" of said PLAT OF NASSAU SQUARE and 791.24 feet; thence North 00°10'06" West departing said South line and North Right-of-Way line for 29.57 feet to the Point of Beginning of the hereinafter described parcel of land; thence continue North 00°10'06" West for 113.43 feet; thence South 69°55'00" East for 19.72 feet; thence North 00°06'13" West for 33.98 feet; thence North 89°53'47" East for 205.17 feet; thence South 68°53'14" East for 65.26 feet; thence South 00°01'54" East for 118.20 feet; thence North 89°51'35" West for 284.24 feet to the Point of Beginning.

EXHIBIT B
VICINITY SKETCH

