

RESOLUTION NO. R-2015- 1354

RESOLUTION APPROVING ZONING APPLICATION ZV/DOAR-2015-00326
(CONTROL NO. 1986-00150)
a Requested Use
APPLICATION OF Lakeside Dev Corp
BY Urban Design Kilday Studios, AGENT
(Lakeside Centre)

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) (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/DOAR-2015-00326 was presented to the Board of County Commissioners at a public hearing conducted on September 24, 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 ULDC 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 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, 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 ULDC 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 ZV/DOAR-2015-00326, the application of Lakeside Dev Corp, by Urban Design Kilday Studios, Agent, for a Requested Use to allow a Type I Restaurant within Building J , 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 September 24, 2015, 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 McKinlay and, upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared that the resolution was duly passed and adopted on September 24, 2015.

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

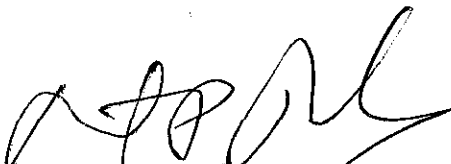
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

PARCEL 1:

A TRACT OF LAND LYING IN THE PALM BEACH COUNTY, FLORIDA BEING PORTIONS OF TRACTS 67, 68, 69, 70, 71, 93, 94, 95 AND 96 OF BLOCK 76 OF THE PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF BOCA RATON WEST ROAD (S.R. 808) AND THE WESTERLY RIGHT-OF-WAY LINE OF THE FLORIDA STATE TURNPIKE (SAID POINT BEING 40.00 FEET FROM THE CENTERLINE OF S.R. 808);

THENCE RUN DUE WEST WITH AN ASSUMED BEARING, ALONG SAID SOUTHERLY LINE 60.00 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SHELL PIT ROAD (ALSO KNOWN AS BOCA RIO ROAD)(A 60 FOOT ROAD RIGHT-OF-WAY);

THENCE S00 DEGREE 43'00"E, ALONG SAID WESTERLY LINE 235.00 FEET;

THENCE S90 DEGREE 00'00"W, 20.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID SHELL PIT ROAD (BOCA RIO ROAD) AND THE POINT OF BEGINNING;

THENCE S00 DEGREE 43'00"E, ALONG SAID WESTERLY LINE, 840.09 FEET;

THENCE N90 DEGREE 00'00"W 330.00 FEET;

THENCE N00 DEGREE 00'00"W 100.00 FEET;

THENCE N90 DEGREE 00'00"W 98.10 FEET TO THE POINT OF INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 65.00 FEET;

THENCE FROM A TANGENT BEARING N43 DEGREE 48'47"W, RUN NORTHWESTERLY ALONG SAID CURVE 26.74 FEET THROUGH A CENTRAL ANGLE OF 23E34'01";

THENCE DUE NORTH 85.00 FEET;

THENCE S90 DEGREE 00'00"W 185.00 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 145.00 FEET;

THENCE RUN SOUTHWESTERLY ALONG SAID CURVE 213.82 FEET, THROUGH A CENTRAL ANGLE OF 84 DEGREE 29'28" TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 20.00 FEET;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 95 DEGREE 30'32" A DISTANCE OF 33.34 FEET;

THENCE N90 DEGREE 00'00"E 59.42 FEET;

THENCE S00 DEGREE 00'00"E 47.00 FEET;

THENCE S90 DEGREE 00'00"W 2.29 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 200.00 FEET;

THENCE RUN NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90 DEGREE 00'00" A DISTANCE OF 314.16 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 420.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07 DEGREE 07'18" A DISTANCE OF 52.20 FEET;

THENCE N82 DEGREE 52'42"E RADIAL TO THE PREVIOUS CURVE, 53.19 FEET;

THENCE N64 DEGREE 30'43"E, 95.00 FEET;

THENCE N25 DEGREE 29'17"W, 40.00 FEET;

THENCE N00 DEGREE 43'00"W, 106.72 FEET;

THENCE S89 DEGREE 17'00"W, 77.90 FEET;

THENCE N30 DEGREE 10'50"W, 22.04 FEET;

THENCE S59 DEGREE 49'10"W, 98.00 FEET TO THE POINT OF INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 420.00 FEET;

THENCE FROM A TANGENT BEARING OF N30 DEGREE 10'50"W, RUN NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 59 DEGREE 08'05" A DISTANCE OF 433.48 FEET;

THENCE N00 DEGREE 00'00"E 390.01 FEET;

THENCE N45 DEGREE 00'00"E 35.36 FEET TO A POINT OF INTERSECTION WITH THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF BOCA RATON WEST ROAD, SAID POINT BEING 80.00 FEET SOUTH OF THE EXISTING CENTERLINE OF SAID ROAD;

THENCE RUN ALONG SAID RIGHT-OF-WAY LINE: N90 DEGREE 00'00"E 405.25 FEET;

THENCE S86 DEGREE 11'09"E 165.37 FEET;

THENCE N90 DEGREE 00'00"E 127.76 FEET;

THENCE N00 DEGREE 00'00"W 11.00 FEET;

THENCE N90 DEGREE 00'00"E 43.00 FEET;

THENCE S00 DEGREE 00'00"E 0.18 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 205.06 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 41 DEGREE 33'43" A DISTANCE OF 148.75 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 115.00 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 42 DEGREE 16'40" A DISTANCE OF 84.86 FEET, THE POINT OF TANGENCY OF SAID CURVE;

THENCE S00 DEGREE 43'00"E A DISTANCE OF 43.54 FEET;

THENCE N89 DEGREE 17'00"E A DISTANCE OF 186.52 FEET;

THENCE S00 DEGREE 43'00"E A DISTANCE OF 104.10 FEET;

THENCE N89 DEGREE 17'00"E A DISTANCE OF 175.00 FEET;

THENCE N00 DEGREE 43'00"W A DISTANCE OF 153.59 FEET;

THENCE N89 DEGREE 17'00"E A DISTANCE OF 80.02 FEET;

THENCE N00 DEGREE 43'00"W A DISTANCE OF 7.50 FEET;

THENCE N90 DEGREE 00'00"E A DISTANCE OF 180.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 878,393 SQUARE FEET (20.165 ACRES), MORE OR LESS.

TOGETHER WITH:

PARCEL 2:

A TRACT OF LAND LYING IN THE PALM BEACH COUNTY, FLORIDA BEING PORTIONS OF TRACTS 67, 68, AND 69 OF BLOCK 76 OF THE PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF BOCA RATON WEST ROAD (S.R. 808) AND THE WESTERLY RIGHT-OF-WAY LINE OF THE FLORIDA STATE TURNPIKE (SAID POINT BEING 40.00 FEET FROM THE CENTERLINE OF S.R. 808);

THENCE RUN DUE WEST WITH AN ASSUMED BEARING ALONG SAID SOUTHERLY LINE 60.00 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SHELL PIT ROAD (ALSO KNOWN AS BOCA RIO ROAD)(A 60 FOOT ROAD RIGHT-OF-WAY);

THENCE S00 DEGREE 43'00"E, ALONG SAID WESTERLY LINE 235.00 FEET;

THENCE S90 DEGREE 00'00"W A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL:

RUN THENCE N00 DEGREE 43'00"W A DISTANCE OF 184.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BOCA RATON WEST ROAD, SAID POINT BEING 91.00 FEET SOUTH OF THE EXISTING CENTERLINE OF SAID ROAD;

THENCE RUN ALONG SAID RIGHT-OF-WAY LINE, N88 DEGREE 05'30"W A DISTANCE OF 330.32 FEET;

THENCE N90 DEGREE 00'00"W, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, 28.34 FEET;

THENCE LEAVING SAID RIGHT-OF-WAY LINE RUN S00 DEGREE 00'00"E A DISTANCE OF 0.18 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 205.06 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 41 DEGREE 33'40", A DISTANCE OF 148.75 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 115.00 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 42 DEGREE 16'40" A DISTANCE OF 84.86 FEET TO THE POINT OF TANGENCY OF SAID CURVE;

THENCE S00 DEGREE 43'00"E, A DISTANCE OF 43.54 FEET;

THENCE N89 DEGREE 17'00"E, A DISTANCE OF 186.52 FEET;

THENCE S00 DEGREE 43'00"E, A DISTANCE OF 104.10 FEET;

THENCE N89 DEGREE 17'00"E, A DISTANCE OF 175.00 FEET;

THENCE N00 DEGREE 43'00"W, A DISTANCE OF 153.59 FEET;

THENCE N89 DEGREE 17'00"E, A DISTANCE OF 80.02 FEET;

THENCE N00 DEGREE 43'00"W, A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 114,775 SQUARE FEET (2.635 ACRES), MORE OR LESS.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING A CALCULATED NET AREA OF 993,605 SQUARE FEET (22.810 ACRES), MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

EXHIBIT B

**PALM BEACH COUNTY
VICINITY SKETCH / ZONING**

LOCATION MAP

The location map shows a grid of roads. Boca Rio Road is a vertical road on the left. Florida Turnpike is a vertical road in the center. Glades Road is a horizontal road at the top. Interstate 95 is a vertical road on the right. A box labeled 'SITE LOCATION' is positioned between Boca Rio Road and Florida Turnpike, and below Glades Road. A north arrow is located in the bottom left corner of the map area, with 'N.T.S.' written below it.



	<p>Control No.: <u>1986-150</u></p> <p>Zoning Quad Page: <u>53</u></p> <p>Date: <u>February 18, 2015</u></p>	 North
---	--	---

EXHIBIT C

CONDITIONS OF APPROVAL

Requested Use

Type I Restaurant - Building J

ARCHITECTURAL REVIEW-ARCHITECTURAL REVIEW BUILDING J

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Type I Restaurant Building J 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 June 22, 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)

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 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: ZONING - Zoning)

DISCLOSURE

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