

RESOLUTION NO. R-2020-0332

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2019-00737
(CONTROL NO. 1981-00115)
a Class A Conditional Use
APPLICATION OF TJAC Palmetto Park, LLC
BY Perry & Taylor PA, AGENT
(US Cigar Exchange)

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 pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067, Supplement 26 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA/CA-2019-00737 was presented to the Board of County Commissioners at a public hearing conducted on March 26, 2020;

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 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Class A Conditional Use;

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, 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 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/CA-2019-00737, the Application of TJAC Palmetto Park, LLC, by Perry & Taylor PA, Agent, for a Class A Conditional Use to allow a Cocktail Lounge, 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 March 26, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	- Aye
Commissioner Robert S. Weinroth, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on March 26, 2020.

Filed with the Clerk of the Board of County Commissioners on March 31, 2020.

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: /s/ Scott Stone
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 28, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING A PORTION OF TRACT 21, BOCA DEL MAR NO.6, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, PAGES 142 AND 143, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 47 SOUTH, RANGE 42 EAST; THENCE WITH A BEARING OF SOUTH 89°50'07" WEST ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 67.00 FEET TO A POINT; THENCE WITH A BEARING OF SOUTH 01°03'02" EAST, A DISTANCE OF 134.08 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING WITH A BEARING OF SOUTH 01°03'02" EAST ALONG THE PLATTED WEST RIGHT OF WAY LINE OF POWERLINE ROAD, SAID LINE LYING 67.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SECTION 28, A DISTANCE OF 550.00 FEET TO A POINT; THENCE WITH A BEARING OF SOUTH 88°56'58" WEST, A DISTANCE OF 455.71 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 46°03'02" WEST, A DISTANCE OF 267.35 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 01°03'02" WEST, A DISTANCE OF 420.00 FEET TO A POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL NO. 48, THENCE WITH A BEARING OF NORTH 89°50'07" EAST ALONG THE SOUTH RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL NO. 48, SAID LINE LYING 85.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SECTION 28, A DISTANCE OF 252.25 FEET TO A POINT; THENCE WITH A BEARING OF SOUTH 83°03'15" EAST ALONG THE SOUTH RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL NO. 48, A DISTANCE OF 396.39 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

LESS THAT CERTAIN PARCEL OF LAND MORE PARTICULARLY DESCRIBED IN THE STIPULATED ORDER OF TAKING RECORDED OCTOBER 2, 1991 IN OFFICIAL RECORDS BOOK 6976, PAGE 387 AND IN STIPULATED FINAL JUDGMENT RECORDED JUNE 1, 1993 IN OFFICIAL RECORDS BOOK 7732, PAGE 1017, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS CONTAINING 356,983 SQUARE FEET OR 8.1952 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

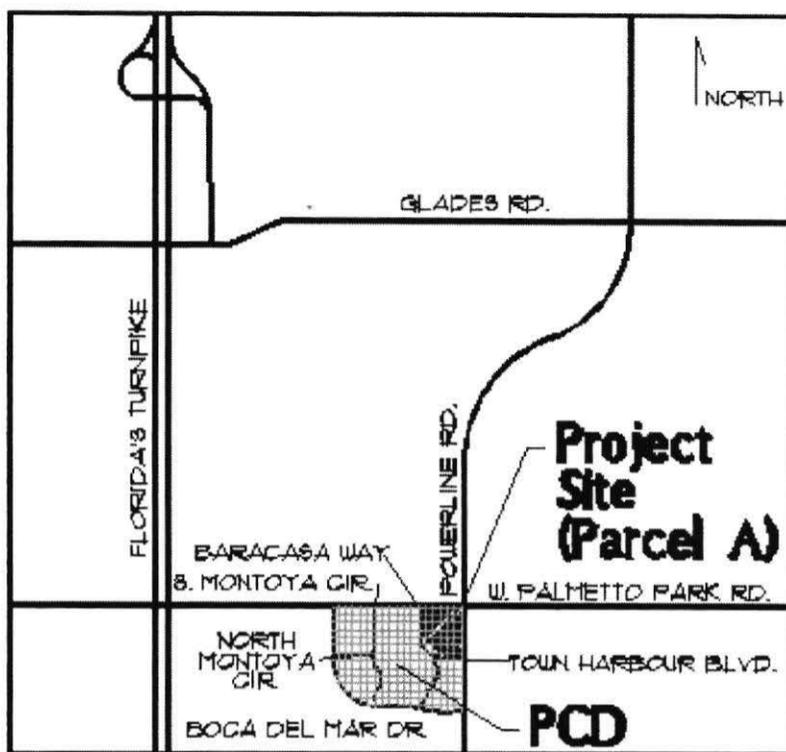


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use (Parcel A - Cocktail Lounge)

ALL PETITIONS

1. The approved Preliminary Site Plan is dated November 12, 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. (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.