

RESOLUTION NO. R-2020- 1415

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2019-01971  
(CONTROL NO. 2003-00087)  
a Class A Conditional Use  
APPLICATION OF Lake Worth Commercial Association, Inc., Palms West Professional  
Plaza, LLC, 7 Eleven Inc  
BY WGINC, AGENT  
(Lake Worth & Nassau MUPD)

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, have been satisfied;

WHEREAS, Zoning Application DOA/CA-2019-01971 was presented to the Board of County Commissioners at a public hearing conducted on September 24, 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-2019-01971, the Application of Lake Worth Commercial Association, Inc., Palms West Professional Plaza, LLC, 7 Eleven Inc, by WGINC, Agent, for a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-through, 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 September 24, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McKinlay 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	-	Absent
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on September 24, 2020.

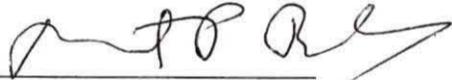
Filed with the Clerk of the Board of County Commissioners on October 6th, 2020.

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:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL OF LAND LAYING IN TRACT A, PARADISE SQUARE PROFESSIONAL PLAZA M.P.U.D., AS RECORDED IN PLAT BOOK 104, PAGES 157 AND 158, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

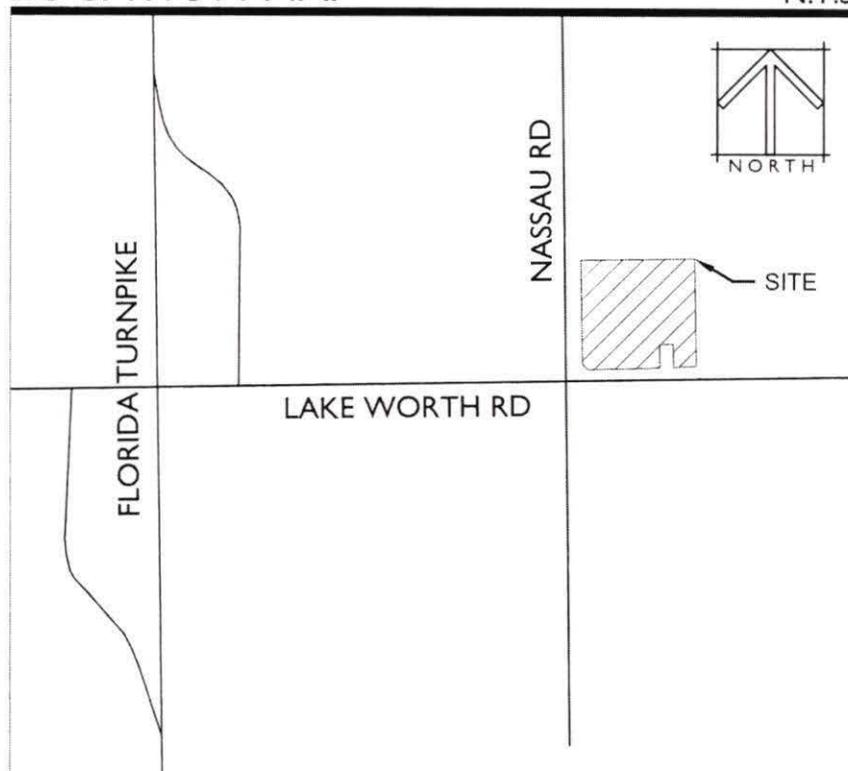
COMMENCING AT THE NORTHEAST CORNER OF SAID PLAT; THENCE RUN SOUTH 00°00'00" WEST, ALONG THE EAST LINE OF SAID PLAT, A DISTANCE OF 95.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°00'00" WEST; ALONG SAID EAST LINE A DISTANCE OF 499.00 FEET TO A POINT IN THE NORTH RIGHT OF WAY LINE OF LAKE WORTH ROAD SAID POINT LAYING ON A 5,789.58' RADIUS CURVE CONCAVE TO THE SOUTH HAVING A RADIAL BEARING OF SOUTH 00°57'20" EAST; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°37'00", A DISTANCE OF 62.31 FEET TO A POINT OF TANGENCY; THENCE SOUTH 88°25'40" WEST A DISTANCE OF 62.71 FEET; THENCE NORTH 00°00'00" EAST, DEPARTING SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 125.98 FEET; THENCE NORTH 89°57'13" WEST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 128.10 FEET TO A POINT IN SAID NORTH RIGHT OF WAY LINE OF LAKE WORTH ROAD; THENCE SOUTH 88°25'40" WEST ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 62.26 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 5,669.58 FEET; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°51'25"; A DISTANCE OF 84.81 FEET; THENCE NORTH 00°00'00" EAST, DEPARTING SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 302.56 FEET; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 13.41 FEET; THENCE SOUTH 47°16'29" WEST, A DISTANCE OF 21.19 FEET; TO A POINT ON A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 15.00 FEET AND A RADIAL BEARING OF SOUTH 47°16'31" WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 43°04'32" A DISTANCE OF 11.28 FEET TO A POINT OF TANGENCY; THENCE NORTH 85°48'03" WEST, A DISTANCE OF 59.52 FEET; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 13.83 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 210.24 FEET TO A POINT ON THE SOUTH LINE OF THE WATER MANAGEMENT TRACT AS SHOWN ON SAID PARADISE SQUARE PROFESSIONAL PLAZA M.P.U.D. PLAT; THENCE SOUTH 90°00'00" EAST, ALONG SAID SOUTH LINE A DISTANCE OF 459.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.335 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

LOCATION MAP

N.T.S.



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Class A Conditional Use (Type 1 Restaurant with a Drive-through)**

##### **ALL PETITIONS**

1. The approved Preliminary Site Plan is dated July 27, 2020. 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)

##### **LANDSCAPE - INTERIOR**

1. Special planting treatment shall be provided around all exposed exterior sides of the dumpster enclosure, other than the open end. Planting shall consist of the following:

a. Shrub or hedge material shall be installed and maintained at a height equal to the walled enclosure; and,

b. The planting material shall not overlap the required Right-of-Way Buffer landscape, nor the required planting for the divider median. (BLDGPM: 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.