

RESOLUTION NO. R-2022-0768

RESOLUTION REVOKING RESOLUTION R-2005-1123  
(CONTROL NUMBER 1994-00013)  
AFFIRMING THE ABANDONMENT  
OF ZONING APPLICATION DOA/R-2004-00293

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapters 125 and 163, Florida Statutes, is authorized and empowered to consider applications related 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 as amended, have been satisfied;

WHEREAS, Zoning Application DOA/R-2004-00293, an application of Chimu, Inc., for a Requested Use to allow a Financial Institution with drive-through and subject to Conditions of Approval, was presented to and adopted by the Board of County Commissioners at a public hearing on June 15, 2005 by Resolution R-2005-1123;

WHEREAS, Zoning Application ABN/ZV/W/DOA/CA-2021-02151, was submitted on behalf of Chimu, Inc. and PreLuc, LLC, by Urban Design Studio Agents for a Type 2 Variance; a Type 2 Waiver, two Development Order Amendments, three Class A Conditional Uses and a Development Order Abandonment to abandon a Financial Institution with drive-through previously granted by Resolution R-2005-1123;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

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 Development Order Abandonment;

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 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 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 Resolution R-2005-1123, approving Zoning Application DOA/R-2004-00293 for a Requested Use to allow a Financial Institution with drive-through is hereby revoked.

Commissioner Kerner 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 Robert S. Weinroth, Mayor	- Aye
Commissioner Gregg K. Weiss, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Maria Sachs	- Aye

EXHIBIT A

LEGAL DESCRIPTION

THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THEREFROM THE LAND CONVEYED BY RIGHT-OF-WAY DEED IN FAVOR OF THE COUNTY OF PALM BEACH, IN THE STATE OF FLORIDA, RECORDED OCTOBER 12, 1959 IN OFFICIAL RECORDS BOOK 415, PAGE 181, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND LESS AND EXCEPT THEREFROM THE LAND DESCRIBED AS PARCEL NO. 1 OF EXHIBIT A TO STIPULATED FINAL JUDGMENT, RECORDED DECEMBER 5, 1990 IN OFFICIAL RECORDS BOOK 6661, PAGE 1785, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

ALSO DESCRIBED AS

A PORTION OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 137, CONCEPT HOMES OF LANTANA PHASE 9-B, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 45, PAGES 81-82 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S89°09'20"E ALONG THE SOUTH LINE OF LOTS 129 THROUGH 137 AS SHOWN ON SAID PLAT, A DISTANCE OF 663.54 FEET TO THE SOUTHEAST CORNER OF SAID LOT 129; THENCE S00°13'52"E ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SAID SOUTHWEST 1/4 OF SECTION 1, A DISTANCE OF 572.13 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF HYPOLUXO ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 6661, PAGE 1785 OF SAID PUBLIC RECORDS; THENCE N89°45'29"W ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 72.98 FEET; THENCE N88°50'23"W CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 565.85 FEET; THENCE N44°35'02"W CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 34.93 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF ADONIS DRIVE, AS RECORDED IN PLAT BOOK 44, PAGES 165 AND 166 OF SAID PUBLIC RECORDS; THENCE N00°16'07"W ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 545.27 FEET TO THE POINT OF BEGINNING.

CONTAINING 378,651 SQUARE FEET/8.6926 ACRES MORE OR LESS.

LANDS SITUATE IN SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.