

RESOLUTION NO. R-2024- 0837

RESOLUTION APPROVING ZONING APPLICATION DOA-2023-00520
(CONTROL NO. 2003-00079)
a Development Order Amendment
APPLICATION OF Hatzlacha-WP Holdings, LLC
BY WGINC, AJP Consulting Services, LLC, AGENT
(Windsor Place MXPd)

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, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA-2023-00520, the Application of Hatzlacha-WP Holdings, LLC, by WGINC, AJP Consulting Services, LLC, Agent, for a Development Order Amendment to modify the overall Master Plan and Site Plan for the Commercial Pod to add a building, reduce square footage, reconfigure the site layout, and modify uses and Conditions of Approval; and a Development Order Amendment to modify the Class A Conditional Use Type I Restaurant with drive-through to reduce square footage, relocate to a single building, and modify Conditions of Approval on 40.0 acres was presented to the Board of County Commissioners at a public hearing conducted on July 17, 2024;

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 Development Order Amendment;

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 that:

1. The foregoing recitals are true and correct and are incorporated herein
2. Zoning Application DOA-2023-00520, the Application of Hatzlacha-WP Holdings, LLC, by WGINC, AJP Consulting Services, LLC, Agent, for a Development Order Amendment to modify the Class A Conditional Use Type I Restaurant with drive-through to reduce square footage, relocate to a single building, and modify Conditions of Approval on 40.0 acres, 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 July 17, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino moved for the approval of the Resolution.

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

Commissioner Maria Sachs, Mayor	- Aye
Commissioner Maria G. Marino, Vice Mayor	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Michael A. Barnett	- Absent
Commissioner Marci Woodward	- Aye
Commissioner Sara Baxter	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 17, 2024.

Filed with the Clerk of the Board of County Commissioners on July 24, 2024.

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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION: WINDSOR PLACE MXPDP

A PARCEL OF LAND LYING IN BLOCK 43, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LEXINGTON 1 OF SHERBROOKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 32, PAGES 195 THROUGH 198, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE, NORTH 89° 26' 07" EAST, ALONG THE SOUTH LINE OF SAID PLAT OF LEXINGTON 1 OF SHERBROOKE, A DISTANCE OF 2610.00 FEET; THENCE, SOUTH 00° 33' 53" EAST, DEPARTING SAID SOUTH LINE, A DISTANCE OF 725.61 FEET, FOR A POINT OF BEGINNING; THENCE, CONTINUE SOUTH 00° 33' 53" EAST, A DISTANCE OF 530.50 FEET; THENCE, SOUTH 03° 12' 41" WEST, A DISTANCE OF 250.54 FEET; THENCE, SOUTH 00° 33' 53" EAST, A DISTANCE OF 300.00 FEET; THENCE, SOUTH 44° 26' 07" WEST, A DISTANCE OF 56.57 FEET; THENCE, SOUTH 89° 26' 07" WEST, A DISTANCE OF 289.00 FEET; THENCE SOUTH 88° 10' 30" WEST, A DISTANCE OF 250.06 FEET; THENCE, SOUTH 89° 26' 07" WEST, A DISTANCE OF 1144.50 FEET; THENCE, NORTH 00° 33' 53" WEST, A DISTANCE OF 570.00 FEET; THENCE, NORTH 52° 30' 57" EAST, A DISTANCE OF 925.60 FEET; THENCE, NORTH 89° 26' 07" EAST, A DISTANCE OF 1000.00 FEET TO THE POINT OF BEGINNING.

ALSO KNOWN AS

A PARCEL OF LAND LYING IN BLOCK 43, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA;

SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT PRM 12, TOWNE PARK TRACT F, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 98, PAGES 95 THROUGH 101 OF SAID PUBLIC RECORDS; THENCE ON A GRID BEARING SOUTH 00° 58' 10" EAST, A DISTANCE OF 530.50 FEET; THENCE SOUTH 02° 48' 24" WEST, A DISTANCE OF 250.54 FEET; THENCE SOUTH 00° 58' 10" EAST, A DISTANCE OF 300.00 FEET, THE PREVIOUS THREE COURSES AND DISTANCES ARE ALONG THE WEST RIGHT-OF-WAY OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 9745, PAGE 1416 OF SAID PUBLIC RECORDS; THENCE SOUTH 44° 01' 50" WEST, A DISTANCE OF 56.57 FEET; THENCE SOUTH 89° 01' 50" WEST, A DISTANCE OF 289.00 FEET; THENCE SOUTH 87° 46' 13" WEST, A DISTANCE OF 250.06 FEET; THENCE SOUTH 89° 01' 50" WEST, A DISTANCE OF 1144.50 FEET, THE PREVIOUS FOUR COURSES AND DISTANCES ARE ALONG THE NORTH RIGHT-OF-WAY OF HYPOLUXO ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 10031, PAGE 692 OF SAID PUBLIC RECORDS TO PRM 15 OF SAID TOWNE PARK TRACT F; THENCE NORTH 00° 58' 10" WEST ALONG A BOUNDARY LINE OF SAID TOWNE PARK TRACT F, A DISTANCE OF 570.00 FEET TO PRM 14 OF SAID TOWNE PARK TRACT F; THENCE NORTH 52° 06' 40" EAST ALONG A BOUNDARY LINE OF SAID TOWNE PARK TRACT F, A DISTANCE OF 925.60 FEET TO PRM 13 OF SAID TOWNE PARK TRACT F; THENCE NORTH 89° 01' 50" EAST ALONG A BOUNDARY LINE OF SAID TOWNE PARK TRACT F, A DISTANCE OF 1000.00 FEET TO PRM 12 OF TOWNE PARK TRACT F TO THE POINT OF BEGINNING.

CONTAINING 1,742,477 SQUARE FEET/40.0018 ACRES, MORE OR LESS.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

EXHIBIT B

VICINITY SKETCH

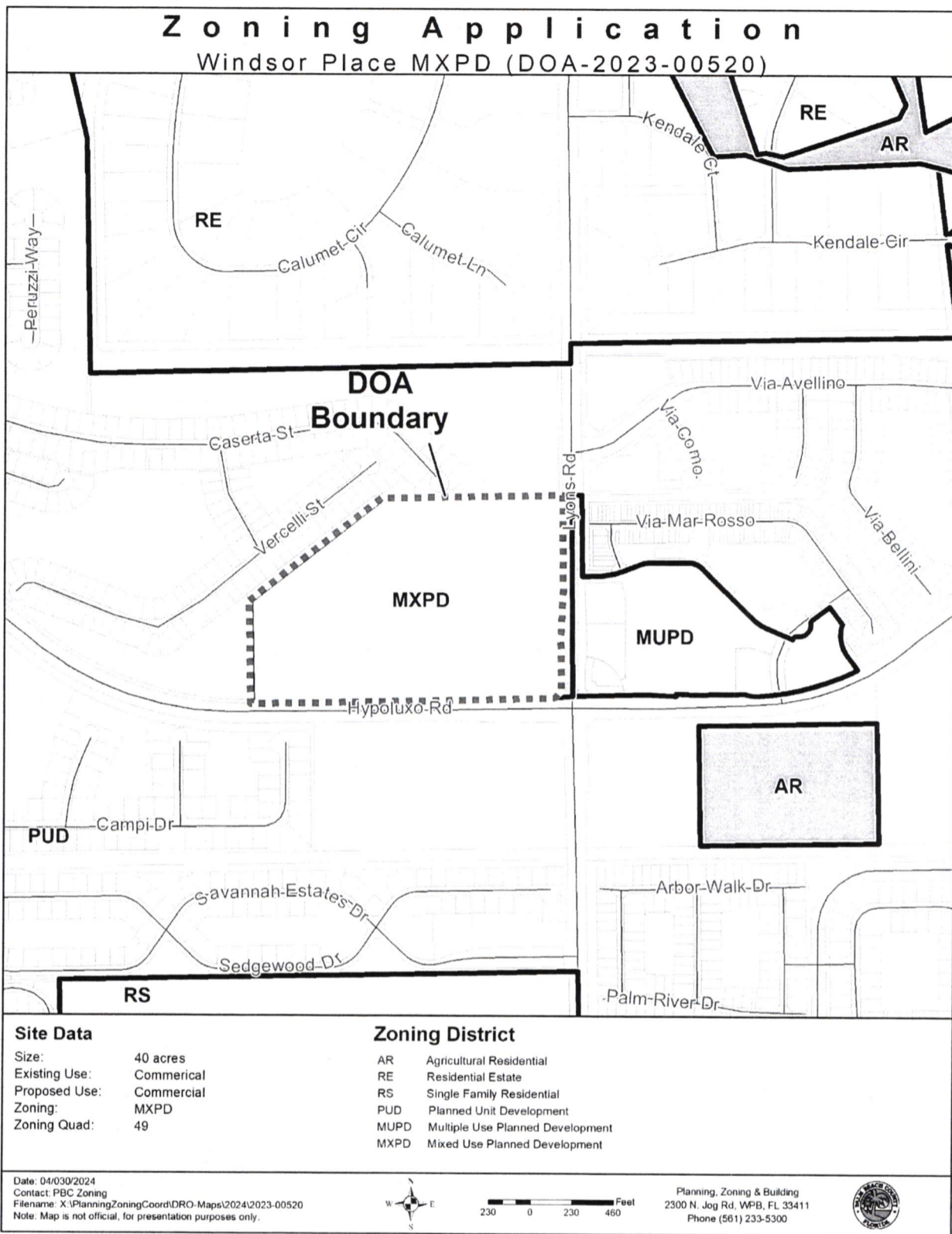


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2020-347, Control No.2003-00079, which currently states:

The approved Preliminary Site Plan is dated January 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.

Is hereby amended to read:

The approved Preliminary Site Plan is dated May 15, 2024. 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)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2020-0347 (Control 2003-00079), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners unless expressly modified. (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.