

RESOLUTION NO. R-2024- 1501

RESOLUTION APPROVING ZONING APPLICATION ZV/ABN/CA-2024-00490
(CONTROL NO. 1984-00053)
a Class A Conditional Use
APPLICATION OF 600 N. 4th St. Associates, L.P.
BY Urban Design Studio, AGENT
(Pollo Campero Restaurant)

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 ZV/ABN/CA-2024-00490 was presented to the Board of County Commissioners at a public hearing conducted on October 24, 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 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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application ZV/ABN/CA-2024-00490, the Application of 600 N. 4th St. Associates, L.P., by Urban Design Studio, Agent, for a Class A Conditional Use to allow a Type 1 Restaurant with drive-through on 0.74 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 October 24, 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 Woodward 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	-Aye
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 October 24, 2024.

Filed with the Clerk of the Board of County Commissioners on October 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

BY: 
COUNTY ATTORNEY

JOSEPH ABRUZZO,
CLERK & COMPTROLLER
BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF OKEECHOBEE ROAD AND THE EASTERLY RIGHT-OF-WAY LINE OF HAVERHILL ROAD AND RUN THENCE NORTH 1°55'56" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF HAVERHILL ROAD 200 FEET TO AN IRON PIPE; THENCE SOUTH 88°57'24" EAST 200 FEET TO AN IRON PIPE; THENCE SOUTH 1°55'56" WEST 200 FEET TO AN IRON PIPE ON THE NORTHERLY RIGHT-OF-WAY LINE OKEECHOBEE ROAD; THENCE NORTH 88°57'24" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF OKEECHOBEE ROAD 200 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 1°55'56" EAST ALONG THE WEST LINE OF SAID SECTION 24, A DISTANCE OF 81.00 FEET; THENCE SOUTH 88°57'24" EAST, A DISTANCE OF 50.00 FEET TO THE INTERSECTION OF THE EXISTING NORTHERLY RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD AND THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF HAVERHILL ROAD, SAID INTERSECTION BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE FROM THE POINT OF BEGINNING NORTH 1°55'56" EAST ALONG SAID EASTERLY RIGHT-OF-WAY OF HAVERHILL ROAD, A DISTANCE OF 200.00 FEET; THENCE SOUTH 88°57'24" EAST, A DISTANCE OF 14.00 FEET; THENCE SOUTH 1°55'56" WEST, A DISTANCE OF 164.61 FEET; THENCE SOUTH 43°30'44" EAST, A DISTANCE OF 35.63 FEET; THENCE SOUTH 88°57'24" EAST, A DISTANCE OF 160.61 FEET; THENCE SOUTH 1°55'56" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 88°57'24" WEST, A DISTANCE OF 200.00 TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT PARCEL 100 UNDER THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 6652, PAGE 157, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 100: THAT PART OF THE SW 1/4 OF THE SW 1/4 OF THE SW 1/4 OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST IN PALM BEACH COUNTY, FLORIDA, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE FOUND BRASS DISC IN THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SECTION 24, THENCE S 01° 30'33" W ALONG THE WESTERLY SECTION LINE FOR SAID SECTION 24 A DISTANCE OF 2646.00 FEET TO THE BASELINE OF SURVEY FOR OKEECHOBEE BLVD. (S.R. 704); THENCE S 89° 22'26" E ALONG SAID BASELINE OF SURVEY A DISTANCE OF 90.99 FEET; THENCE N 00°37'34" E A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING; THENCE N 44°55'46" W A DISTANCE OF 35.63 FEET; THENCE N 01°30'33" E A DISTANCE OF 19.96 FEET; THENCE S 43°55'56" E A DISTANCE OF 44.78 FEET; THENCE S 89°22'26" E A DISTANCE OF 154.00 FEET; THENCE S 01°30'33" W A DISTANCE OF 13.00 FEET; THENCE N 89°22'26" W A DISTANCE OF 160.09 FEET TO THE POINT OF BEGINNING.

DESCRIBED PARCEL CONTAINS 0.744 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

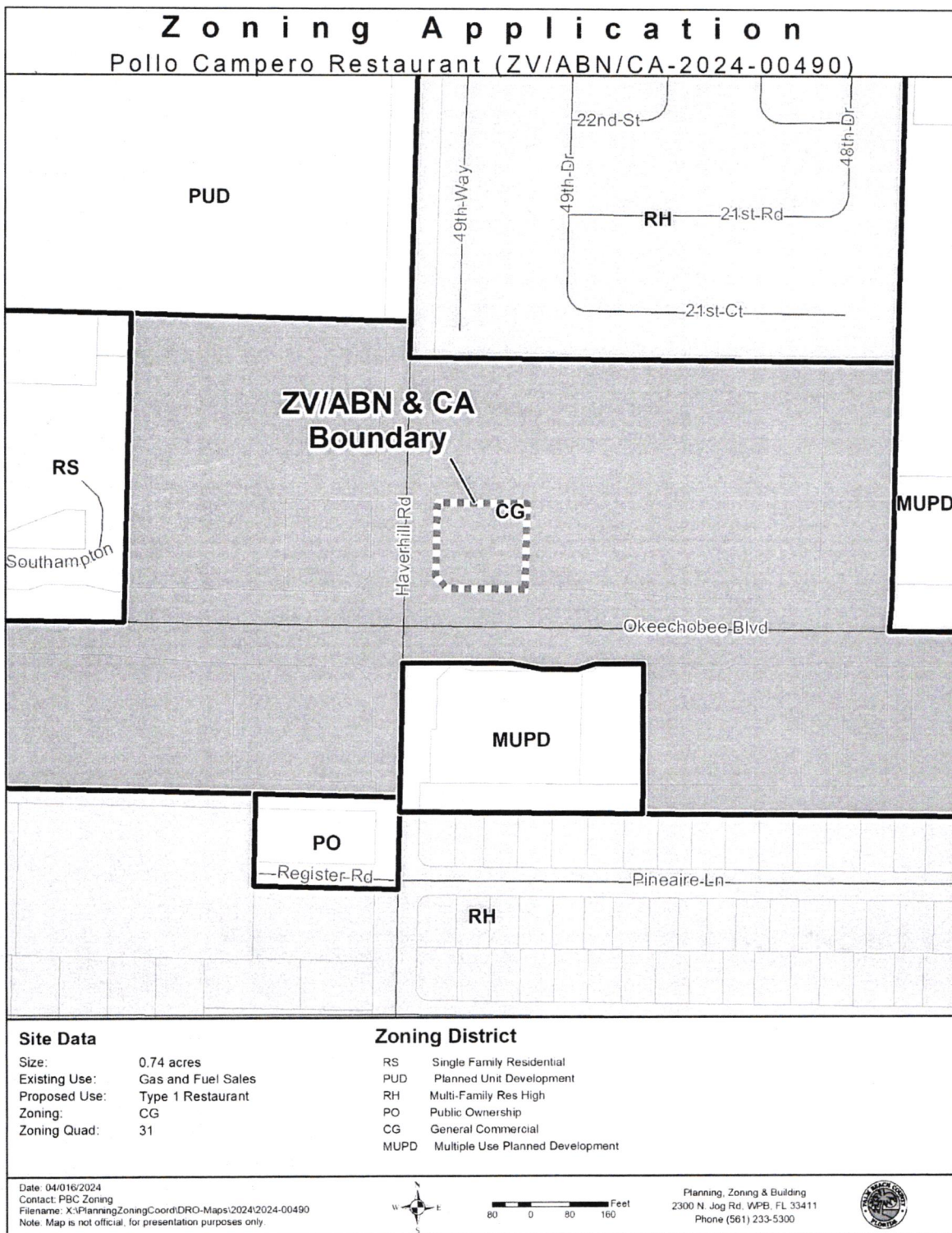


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use on 0.74 acres

ALL PETITIONS

1. The approved Preliminary Site Plan is dated September 19, 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)

ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2026, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall provide to the Florida Department of Transportation (FDOT) a road right of way deed and all associated documents as required by FDOT for the 40 foot corner clip, at the south west corner of the property. All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit. Right of way conveyance shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed, and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean-up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPMT: MONITORING - Engineering)

3. Prior to the issuance of the first building permit, the Property Owner shall record by separate instrument a 10 foot non-exclusive utility easement along the property's frontage. (BLDGPMT: MONITORING - Engineering)

PLANNING

1. Prior to final approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, the Property Owner shall submit a recorded vehicular and pedestrian cross access easement agreement for the location(s) depicted on the final approved site plans. (DRO: PLANNING - Planning)

2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site Plan to add the Official records book and page number for the recorded vehicular and pedestrian cross access easement. (DRO: PLANNING - Planning)

3. Prior to the release of the Certificate of Occupancy, the Property Owner shall grade, construct, and pave the access point for the cross access easement to the property line so that it is usable for both vehicular and pedestrian cross access from the adjacent property at the location(s) shown on the Site Plan. (CO: MONITORING - Planning)

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.