

RESOLUTION NO. R-2024- 1502

RESOLUTION REVOKING RESOLUTION R-2021-961
(CONTROL NUMBER 2001-00005)
AFFIRMING THE ABANDONMENT
OF ZONING APPLICATION ABN/DOA/CAW-2024-00891

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

WHEREAS, Zoning Application ZV/PDD/DOA/CA-2020-02096 the application of Morningstar Nursery., Hypoluxo Village Owner, LLC, by Toothaker.org and JMorton Planning & Landscape Architecture, Agent for a Class A Conditional Use to allow a Type 1 Restaurant with Drive-through was presented to the Board of County Commissioners at a public hearing on July 22, 2021;

WHEREAS, Resolution R-2021-961 was adopted by the Board of County Commissioners on July 22, 2021;

WHEREAS, Zoning Application ABN/DOA/CA/W-2024-00891 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, and the recommendations of the various County Review Agencies;

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 Abandonment;

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

1. The foregoing recitals are true and correct and are incorporated herein
2. Resolution R-2021-961, approving Zoning Application ZV/PDD/DOA/CA-20210-02096, the application of Morningstar Nursery., Hypoluxo Village Owner, LLC, by Toothaker.org and JMorton Planning & Landscape Architecture, Agent, for a Class A Conditional Use to allow a Type 1 Restaurant with drive-through (Building F), on a parcel of land generally described as shown on the legal description in Exhibit A, attached hereto and made a part hereof, is hereby revoked.

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
Commissioner Sara Baxter
Commissioner Mack Bernard

- Aye
- Aye
- 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

PARCEL 1

THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER, LESS AND EXCEPT RIGHT-OF-WAY FOR STATE ROAD 809 (MILITARY TRAIL) AND ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 6074, PAGE 1822, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY AND THE NORTH 40 FEET, AND THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER, LESS THE NORTH 30 FEET, SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 2

THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE EAST 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE RIGHT-OF-WAY FOR MILITARY TRAIL AND LESS AND EXCEPT THE RIGHT-OF-WAY FOR HYPOLUXO ROAD.

PARCEL 3

THE WEST 370 FEET OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT RIGHT-OF-WAY FOR HYPOLUXO ROAD.

AREA OF PROPERTY SURVEYED IS 31.98 ACRES, MORE OR LESS.