

RESOLUTION NO. R-2023- 0418

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2021-01932
(CONTROL NO. 1977-00048)
a Development Order Amendment
APPLICATION OF Chick Fil A Inc.
BY Interplan LLC, AGENT
(Chick-fil-A at Western Plaza)

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/DOA-2021-01932 the Application of Chick Fil A Inc., by Interplan LLC, Agent, for a Development Order Amendment to reconfigure the Site Plan and add building square footage on the 32.86 acres; and, a Development Order Amendment to reconfigure the Site Plan; add square footage and drive-through lanes for a Type 1 Restaurant on 0.97 acres was presented to the Board of County Commissioners at a public hearing conducted on September 28, 2023;

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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/DOA-2021-01932, the Application of Chick Fil A Inc., by Interplan LLC, Agent, for a Development Order Amendment to reconfigure the Site Plan; and add square footage and drive-through lanes for a Type 1 Restaurant on 0.97 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 September 28, 2023, subject to

the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Sachs moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Mayor	-	Aye
Commissioner Maria Sachs, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	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 September 28, 2023.

Filed with the Clerk of the Board of County Commissioners on October 17th, 2023

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: CHICK -FIL-A PARCEL

A PARCEL OF LAND LYING IN TRACT 6, BLOCK 10 AND THE PLATTED RIGHT-OF-WAY LYING WEST OF AND ADJACENT TO SAID TRACT 6, PLAT OF PALM BEACH FARMS COMPANY PLAT NUMBER 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, IN SECTION 6, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF PARCEL 3, WESTWOODS, AS RECORDED IN PLAT BOOK 34, PAGES 131 THROUGH 134, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING THE INTERSECTION OF THE SOUTH LINE OF SAID TRACT 6 WITH THE EAST LINE OF THAT CERTAIN DRAINAGE EASEMENT DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 4248, PAGES 180 THROUGH 182 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; RUN THENCE S89°22'39"W ALONG THE SOUTH LINE OF SAID TRACT 6 AND ITS WESTERLY EXTENSION, A DISTANCE OF 111.92 FEET TO THE WEST LINE OF THAT CERTAIN DRAINAGE EASEMENT DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 5702, PAGES 72 AND 73 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (SAID DRAINAGE EASEMENT RUNNING ON A NORTH-SOUTH DIRECTION AND LYING EAST AND IMMEDIATELY ADJACENT TO STATE ROAD NUMBER 7); THENCE N01°52'19"E ALONG SAID WEST LINE AND THE EAST RIGHT-OF-WAY LINE OF SAID STATE ROAD NUMBER 7, A DISTANCE OF 112.98 FEET; THENCE CONTINUE THE FOLLOWING THREE (3) COURSES ALONG SAID EAST RIGHT-OF-WAY LINE; (1) N01°52'19"E A DISTANCE OF 229.27 FEET; (2) N00°58'13"E A DISTANCE OF 28.53 FEET FOR A POINT OF BEGINNING; (3) N00°58'13"E A DISTANCE OF 198.50 FEET; THENCE S89°01'47"E A DISTANCE OF 27.99 FEET; THENCE N00°58'13"E A DISTANCE OF 26.47 FEET; THENCE S88°32'09"E A DISTANCE OF 165.01 FEET; THENCE S25°22'17"E A DISTANCE OF 11.28 FEET; THENCE S00°58'13"W A DISTANCE OF 203.43 FEET; THENCE N89°01'47"W A DISTANCE OF 138.00 FEET; THENCE S00°58'13"W A DISTANCE OF 10.00 FEET; THENCE N89°01'47"W A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

NOW KNOWN AS:

A PORTION OF LOT 1, WESTERN PLAZA P.U.D., AS RECORDED IN PLAT BOOK 115, PAGES 102, 103, 104 AND 105, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SOUTHWEST CORNER OF LOT 1, WESTERN PLAZA M.U.P.D., AS RECORDED IN PLAT BOOK 115, PAGES 102, 103, 104 AND 105, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN THENCE N01°32'40"E, ALONG THE EAST RIGHT-OF-WAY LINE OF STATE ROAD 7, A DISTANCE OF 342.25 FEET; THENCE N00°38'34"E, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 28.53 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE N00°38'34"E A DISTANCE OF 198.50 FEET; THENCE S89°21'26"E A DISTANCE OF 27.99 FEET; THENCE N00°38'34"E A DISTANCE OF 26.47 FEET; THENCE S88°51'48"E A DISTANCE OF 165.01 FEET; THENCE S25°41'56"E A DISTANCE OF 11.28 FEET; THENCE S00°38'34"W A DISTANCE OF 203.43 FEET; THENCE N89°21'26"W A DISTANCE OF 138.00 FEET; THENCE S00°38'34"W A DISTANCE OF 10.00 FEET; THENCE N89°21'26"W A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 42,273 SQUARE FEET OR 0.9705 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

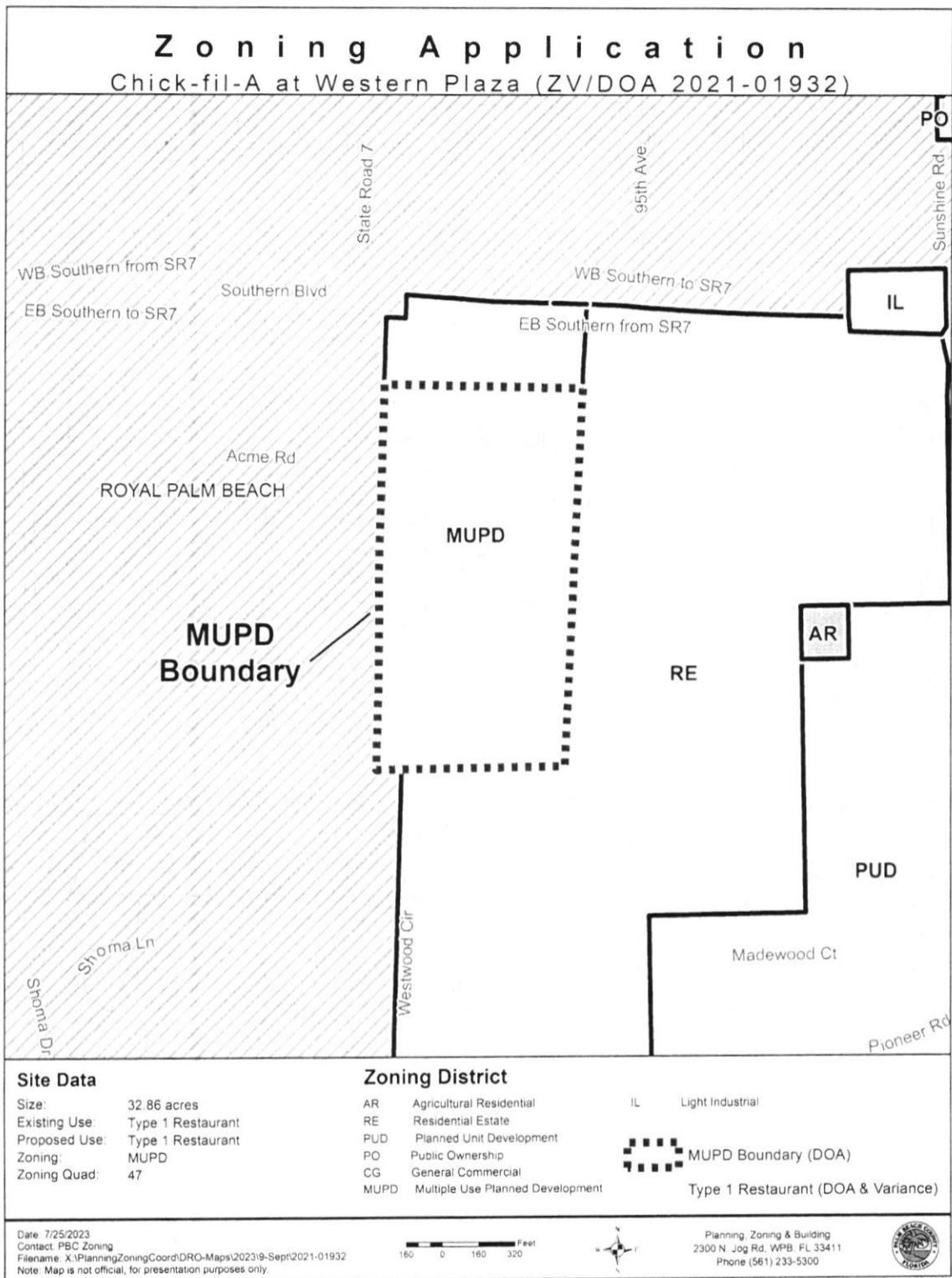


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2011-430, Control No.1977-00048, which currently states:

The approved site plan is dated December 13, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Site Plan is dated July 14, 2023. 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-2011-0430 (Control 1977-00048), 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 or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the Type I Restaurant shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC and generally consistent with the elevations submitted by Interplan, LLC dated July 21, 2010. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2011-430, Control No.1977-00048)

DRO

1. Previous DRO Condition 1 of Resolution R-2011-430, Control No.1977-00048, which currently states:

Prior to approval by the Development Review Officer, the applicant shall revise the site plan to extend the drive aisle abutting the Type I Restaurant (Chick-fil-a) to the southern most ingress/egress driveway. ()

Is hereby deleted: As the site plan has been revised.

USE LIMITATIONS

1. Hours of deliveries for the Type I Restaurant (Chick-fil-A) (Application PDD/DOA/R 2010-1719) shall be limited from 7:00 a.m. to 8:00 p.m. daily. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2011-430, Control No.1977-00048)

2. Outdoor speaker or public address systems, which are audible from any property line, shall not be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2011-430, Control No.1977-00048)

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.