

RESOLUTION APPROVING ZONING APPLICATION ABN/DOA/CA-2022-01020
(CONTROL NO. 1982-00129)
a Class A Conditional Use
APPLICATION OF Okee 704 LLC
BY Schmidt Nichols, AGENT
(Sykes PCD)

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 ABN/DOA/CA-2022-01020, submitted on behalf of Okee 704 LLC, by Schmidt Nichols, Agent, for a Development Order Abandonment to abandon a Hotel on 7.23 acres; a Development Order Amendment to reconfigure the Site Plan; delete square footage; add and delete uses and to modify Conditions of Approval on 7.23 acres; and a Class A Conditional Use to allow a Type 1 Restaurant with drive-through on 7.23 acres was presented to the Board of County Commissioners at a public hearing on July 19, 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 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 Zoning Application ABN/DOA/CA-2022-01020, the Application of Okee 704 LLC, by Schmidt Nichols, Agent, for a Class A Conditional Use to allow a Type 1 Restaurant with drive-through on 7.23 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 19, 2023, 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 Bernard 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 July 19, 2023.

Filed with the Clerk of the Board of County Commissioners on July 19th, 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

DESCRIPTION PARCEL 1:

A PORTION OF THAT PART OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LYING SOUTH OF OKEECHOBEE ROAD AND BEING THE SOUTHERLY 510' OF THE NORTHERLY 590' OF THE WESTERLY 620.38' OF THE EASTERLY 1260.38' THEREOF. LESS THE SOUTH 5 FEET OF THE NORTH 80 FEET OF THE WESTERLY 620.38 FEET OF THE EASTERLY 1260.38 FEET OF SECTION 27, TOWNSHIP 43 SOUTH, RANGE 42 EAST, AS CONVEYED IN RIGHT-OF-WAY DEED RECORDED IN O.R. 4080, PAGE 1969, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO KNOWN AS:

A PORTION OF TRACT "A", SYKES COMMERCIAL, M.U.P.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 131, PAGES 62 AND 63 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT "A"; THENCE S.01°29'35"W. ALONG THE EAST LINE OF SAID TRACT "A", A DISTANCE OF 215.99 FEET TO THE POINT OF BEGINNING; THENCE N.88°41'31"W., A DISTANCE OF 52.78; THENCE S.01°29'35"W., A DISTANCE OF 228.99 FEET; THENCE N.88°41'31"W., A DISTANCE OF 365.67 FEET; THENCE N.01°29'35"E., A DISTANCE OF 441.68 FEET TO A POINT ON THE SOUTH LINE OF A LIMITED ACCESS RIGHT-OF-WAY OF THE RONALD REAGAN TURNPIKE AS RECORDED IN DEED BOOK 1121, PAGE 622 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO A POINT ON THE NORTH LINE OF SAID TRACT "A", SYKES COMMERCIAL M.U.P.D.; THENCE ALONG SAID SOUTH LINE OF LIMITED ACCESS RIGHT-OF-WAY AND NORTH LINE OF SAID TRACT "A" FOR THE NEXT TWO (2) COURSES; 1) S.88°26'44"W., A DISTANCE OF 133.91 FEET; 2) N.88°41'31"W., A DISTANCE OF 68.19 FEET; THENCE S.01°29'35"W. ALONG THE WEST LINE OF SAID TRACT "A", A DISTANCE OF 499.98 FEET; THENCE S.88°41'31"E. ALONG THE SOUTH LINE OF SAID TRACT "A", A DISTANCE OF 620.36 FEET; THENCE N.01°29'35"E. ALONG THE EAST LINE OF SAID TRACT "A", A DISTANCE OF 293.99 FEET TO THE POINT OF BEGINNING. TOGETHER WITH THAT CERTAIN EASEMENT FOR INGRESS AND EGRESS CREATED BY GRANT IN WARRANTY DEED DATED JULY 10, 1978 FROM HARVEY E. SYKES, SR. AND MILDRED M. SYKES, HIS WIFE, TO RAMBLEWOOD PLAZA, A FLORIDA JOINT VENTURE, AS RECORDED IN O.R. BOOK 2890, PAGE 798, PUBLIC RECORDS OF PALM-BEACH COUNTY, FLORIDA.

SAID LAND SITUATE, LYING AND BEING IN, PALM BEACH COUNTY, FLORIDA, AND CONTAINING 140,692.5184 SQ. FT. OR 3.230 ACRES MORE OR LESS.

DESCRIPTION PARCEL 2:

A PORTION OF THAT PART OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LYING SOUTH OF OKEECHOBEE ROAD AND BEING THE SOUTHERLY 510' OF THE NORTHERLY 590' OF THE WESTERLY 620.38' OF THE EASTERLY 1260.38' THEREOF. LESS THE SOUTH 5 FEET OF THE NORTH 80 FEET OF THE WESTERLY 620.38 FEET OF THE EASTERLY 1260.38 FEET OF SECTION 27, TOWNSHIP 43 SOUTH, RANGE 42 EAST, AS CONVEYED IN RIGHT-OF-WAY DEED RECORDED IN O.R. 4080, PAGE 1969, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO KNOWN AS:

WATER MANAGEMENT TRACT-1, WATER MANAGEMENT TRACT-2 AND A PORTION OF TRACT "A", SYKES COMMERCIAL, M.U.P.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 131, PAGES 62 AND 63 OF THE PUBLIC

RECORDS OF PALM BEACH COUNTY FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT "A"; THENCE S.01°29'35"W., A DISTANCE OF 215.99 FEET; THENCE N.88°41'31"W., A DISTANCE OF 52.78 FEET; THENCE S.01°29'35"W., A DISTANCE OF 228.99 FEET; THENCE N.88°41'31"W., A DISTANCE OF 365.67 FEET; THENCE N.01°29'35"E., A DISTANCE OF 441.68 FEET TO A POINT ON THE SOUTH LINE OF A LIMITED ACCESS RIGHT-OF-WAY OF THE RONALD REAGAN TURNPIKE AS RECORDED IN DEED BOOK 1121, PAGE 622 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO A POINT ON THE NORTH LINE OF SAID TRACT "A", SYKES COMMERCIAL M.U.P.D.; THENCE ALONG SAID NORTH LINE OF TRACT "A" FOR THE NEXT TWO (2) COURSES; 1) N.88°26'44"E., A DISTANCE OF 66.33 FEET; 2) S.88°41'31"E., A DISTANCE OF 352.21 FEET TO THE POINT OF BEGINNING.

SAID LAND SITUATE, LYING AND BEING IN, PALM BEACH COUNTY, FLORIDA, AND CONTAINING 174,018.6320 SQ. FT. OR 3.995 ACRES MORE OR LESS.

TOTAL CONTAINING 7.225 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

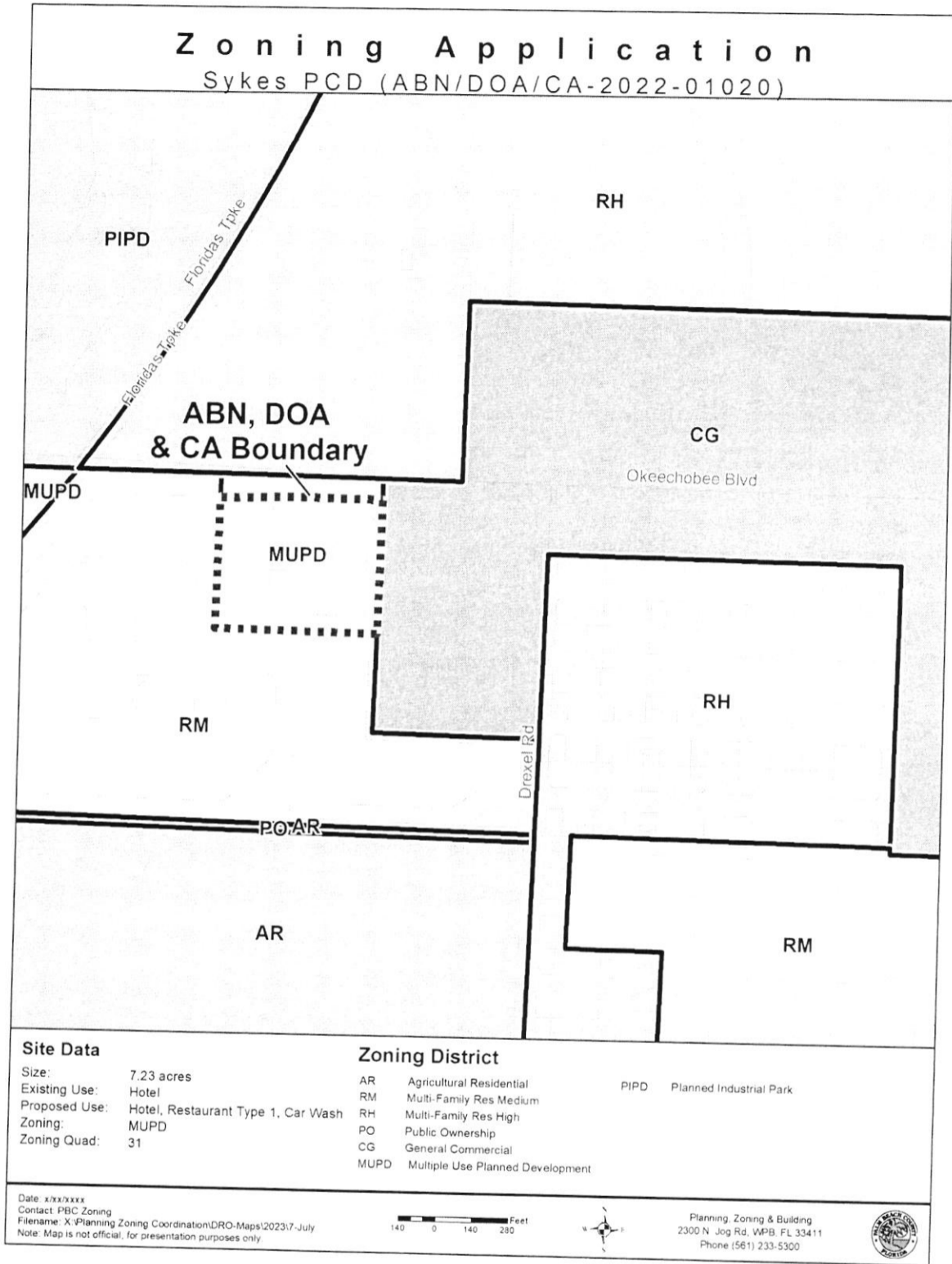


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. The approved Preliminary Site Plan is dated May 11, 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)

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.