

RESOLUTION NO. R-2014- 0108

RESOLUTION APPROVING ZONING APPLICATION DOA-2013-02359  
(CONTROL NO. 1983-00003)  
a Development Order Amendment  
APPLICATION OF J & B Management Co. of Palm Beaches, Inc - James Prosen  
BY Miller Land Planning, Inc, AGENT  
(Bingo Hall)

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, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied;

WHEREAS, Zoning Application DOA-2013-02359 was presented to the Board of County Commissioners at a public hearing conducted on January 30, 2014;

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 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code 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 BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Development Order Amendment; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code 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 DOA-2013-02359, the petition of J & B Management Co. of Palm Beaches, Inc - James Prosen, by Miller Land Planning, Inc, agent, for a Development Order Amendment (DOA) to reconfigure the Site Plan to allow the relocation of an existing driveway; modify the parking lot; and amend a Condition of Approval (Engineering) in the General Commercial (CG) Zoning District, on a parcel of land legally described 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 January 30, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Priscilla A. Taylor, Mayor	-	Aye
Commissioner Paulette Burdick, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 30, 2014.

Filed with the Clerk of the Board of County Commissioners on February 3rd, 2014

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

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:



COUNTY ATTORNEY

BY:



DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 423.67 FEET (ALL DISTANCES HEREIN ARE MEASURED ALONG BOUNDARY LINES),

LESS THE SOUTH 140 FEET THEREOF, OF THE EAST 1/2 OF THE N.E. 1/4 OF THE S.W. 1/4 OF SECTION 1;

LESS THE EAST 67 FEET THEREOF AND

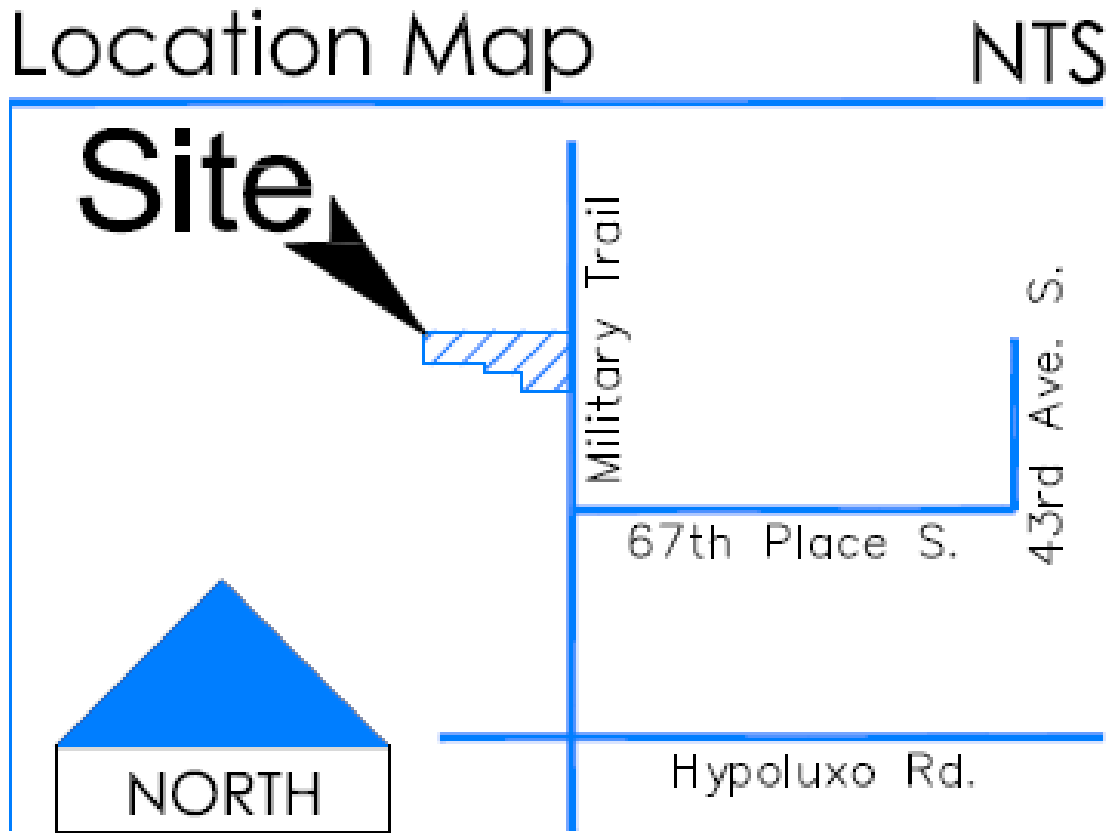
LESS THE SOUTH 182 FEET OF THE WEST 240 FEET AND

LESS THE SOUTH 142 FEET OF THE EAST 157 FEET OF THE WEST 397 FEET THEREOF; SUBJECT TO AN EASEMENT FOR ROAD AND UTILITY PURPOSES OVER THE SOUTH 20 FEET THEREOF, AND

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL;

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 1; THENCE N00°11'37"W ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 FOR A DISTANCE OF OF 1,797.34 FEET; THENCE DEPARTING SAID EAST LINE S89°44'58"W FOR A DISTANCE OF 67.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL AND THE POINT OF BEGINNING; THENCE CONTINUING S89°44'58"W FOR A DISTANCE OF 254.06 FEET; THENCE N89°47'09"W FOR A DISTANCE OF 343.15 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 1; THENCE N00°13'53"W ALONG SAID WEST LINE FOR A DISTANCE OF 528.51 FEET TO A POINT THAT IS 421.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 1; THENCE N89°54'02"E PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 1 FOR A DISTANCE OF 597.56 FEET TO A POINT ON THE AFOREMENTIONED WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE S00°11'37"W ALONG SAID WEST RIGHT-OF-WAY LINE FOR A DISTANCE OF 529.71 FEET TO THE POINT OF BEGINNING.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. The approved Preliminary Site Plan is dated November 25, 2013. 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 or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1983-375 (Control No. 83-003), 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)

#### ENGINEERING

1. Hours of exiting and entering shall be cleared with the School Board so as not to conflict with school bus schedules. (ONGOING: MONITORING-Eng) (Previous Condition 4 of Resolution R-83-375, Control No. 83-003)

2. The Property Owner shall convey to Palm Beach County, within 90 days of approval, 67 feet from centerline for the ultimate right of way for Military Trail (approx. an additional 17 feet of right of way). (DATE: MONITORING-Eng) (Previous Condition 5 of Resolution R-83-375, Control No. 83-003) [Note: COMPLETED]

3. Previous Condition 6 of resolution R-83-375, Control No. 83-003, which currently states:

Developer shall only be permitted one entrance onto Military Trail at the property's north property line.

Is hereby amended to read:

The Property Owner shall only be permitted one entrance onto Military Trail at a location approved by the County Engineer. (ONGOING: MONITORING-Eng)

4. The Property Owner shall convey to the property owners to the west an access easement per the County Engineer's approval. (ONGOING: MONITORING-Eng) (Previous Condition 7 of Resolution R-83-375, Control No. 83-003) [Note: COMPLETED]

5. Property Owner shall construct at the project's entrance on Military Trail, concurrent with a paving and drainage permit from the office of the County Engineer:

- a) right turn lane, north approach
- b) left turn lane, south approach. (BLDG PERMIT: MONITORING-Eng) (Previous Condition 8 of Resolution R-83-375, Control No. 83-003) [Note: COMPLETED]

6. Property Owner shall contribute Eight Thousand Eight Hundred and Fifty Dollars (\$8,850.00) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid on a pro-rata basis at the time of issuance of the Building Permit(s). (BLDG PERMIT: MONITORING-Eng) (Previous Condition 9 of Resolution R-83-375, Control No. 83-003) [Note: COMPLETED]

#### LANDSCAPE - GENERAL

1. The developer may substitute a 4-foot high (at time of planting) continuous, fast-growing hedge along the eastern 250 feet of the north and south property boundaries instead of the 6-foot high solid wall. (ONGOING: LANDSCAPE Zoning) (Previous Condition 3 of Resolution R-83-375, Control No. 83-003) [Note: COMPLETED]

## SITE DESIGN

1.The exterior of the building shall be finished in stucco with a Spanish-style roof. In addition, the 6 foot high wall shall be finished and painted. (BLDG PERMIT: BLDG - Zoning) (Previous Condition 13 of Resolution R-83-375, Control No. 83-003) [Note: COMPLETED]

## USE LIMITATIONS

1.Previous Condition 10 of Resolution R-83-375, Control No. 83-003, which currently states:

The approval is limited to the uses specified in the application.

Is hereby deleted - [Reason: Change of use must be in Compliance with Code requirements]

2.No alcoholic beverage sale or consumption shall be permitted on the premise. (ONGOING: CODE ENF - Zoning) (Previous Condition 11 of Resolution R-83-375, Control No. 83-003)

3. The facility shall close at 11:00 P.M. each evening. (ONGOING: CODE ENF - Zoning) (Previous Condition 12 of Resolution R-83-375, Control No. 83-003)

## UTILITIES

1.Previous Condition 6 of resolution R-83-375, Control No. 83-003, which currently states:

The developer shall enter into a contract with the County Utilities Department for sewer service prior to site plan certification.

Is hereby deleted: [Reason - Property is already connected to the County water and sewer system).

2. Previous Condition 6 of resolution R-83-375, Control No. 83-003, which currently states:

The development shall be required to tie into the County's potable water supply system as soon as service is available and shall thereafter use the on-site well for irrigation purposes only.

Is hereby deleted: [Reason - Property is already connected to County water and sewer system).

## 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.