

RESOLUTION NO. R-2016- 1832

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R-2016-00660
(CONTROL NO. 1998-00089)
a Requested Use

APPLICATION OF 2860 Ranch House Road LLC, Scotts Gas LLC, Ranch House Prop Inc, CHS Properties Inc, Legal Leasing Corporation, Flagler System Mgmt Inc
BY Jon E Schmidt & Associates, AGENT
(CHS Properties MUPD)

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

WHEREAS, Zoning Application ZV/DOA/R-2016-00660 was presented to the Board of County Commissioners at a public hearing conducted on December 7, 2016;

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 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 Process) for a Requested 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.A.1.K.3.b (Action by BCC) 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/R-2016-00660, the Application of 2860 Ranch House Road LLC, Scotts Gas LLC, Ranch House Prop Inc, CHS Properties Inc, Legal Leasing Corporation, Flagler System Mgmt Inc, by Jon E Schmidt & Associates, Agent, for a Requested Use to allow Auto Paint and Body, 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 December 7, 2016, subject to the Conditions of

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

Commissioner Berger 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 Paulette Burdick, Mayor	Aye	-
Commissioner Melissa McKinlay, Vice Mayor	Absent	-
Commissioner Hal R. Valeche	Aye	-
Commissioner Dave Kerner		-
Commissioner Steven L. Abrams	Aye	-
Commissioner Mary Lou Berger	Aye	-
Commissioner Mack Bernard	Aye	-

The Mayor thereupon declared that the resolution was duly passed and adopted on December 7, 2016.

Filed with the Clerk of the Board of County Commissioners on December 19th, 2016

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: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION North Portion of Pod a AND b:

PARCEL 1

A PARCEL OF LAND BEING A PORTION OF PARCEL 1, AS SHOWN ON THE PLAT OF CHS PROPERTIES

MUPD, AS RECORDED IN PLAT BOOK 104, PAGES 174 THROUGH 178, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL 1; SAID POINT BEING THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF CONGRESS AVENUE AND THE NORTHERLY RIGHT OF WAY LINE OF RANCH HOUSE ROAD AS RECORDED IN OFFICIAL RECORD BOOK 10653, PAGE 1055 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE, NORTH 03°04'00" EAST, ALONG SAID WEST LINE OF PARCEL 1 AND THE EAST RIGHT OF WAY LINE OF CONGRESS AVENUE, A DISTANCE OF 234.68 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF AUSTRALIAN AVENUE, AS RECORDED IN OFFICIAL RECORD BOOK 10653, PAGE 1055 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE, NORTH 15°06'35" EAST, ALONG SAID WEST LINE OF PARCEL 1 AND SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 133.20 FEET TO A POINT ON A CURVE, CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 790.00 FEET AND WHOSE CENTER BEARS SOUTH 70°14'33" EAST; THENCE, NORTHEASTERLY, ALONG SAID WEST LINE OF PARCEL 1 AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 28°29'17", A DISTANCE OF 392.79 FEET TO THE END OF SAID CURVE; THENCE, SOUTH 36°03'03" EAST, ALONG THE NORTHERLY LINE OF SAID PARCEL 1, A DISTANCE OF 358.19 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUE SOUTH 36°03'03" EAST, ALONG THE NORTHERLY LINE OF SAID PARCEL 1, A DISTANCE OF 65.13 FEET; THENCE, NORTH 87°33'00" WEST, A DISTANCE OF 75.13 FEET; THENCE, NORTH 36°36'04" EAST, A DISTANCE OF 61.59 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,914.94 SQUARE FEET OR 0.044 ACRES MORE OR LESS.

PARCEL 2

A PARCEL OF LAND BEING A PORTION OF PARCEL 1, AS SHOWN ON THE PLAT OF CHS PROPERTIES MUPD, AS RECORDED IN PLAT BOOK 104, PAGES 174 THROUGH 178, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL 1; SAID POINT BEING THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF CONGRESS AVENUE AND THE NORTHERLY RIGHT OF WAY LINE OF RANCH HOUSE ROAD AS RECORDED IN OFFICIAL RECORD BOOK 10653, PAGE 1055 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE, NORTH 03°04'00" EAST, ALONG SAID WEST LINE OF PARCEL 1 AND THE EAST RIGHT OF WAY LINE OF CONGRESS AVENUE, A DISTANCE OF 234.68 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF AUSTRALIAN AVENUE, AS RECORDED IN OFFICIAL RECORD BOOK 10653, PAGE 1055 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE, NORTH 15°06'35" EAST, ALONG SAID WEST LINE OF PARCEL 1 AND SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 133.20 FEET TO A POINT ON A CURVE, CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 790.00 FEET AND WHOSE CENTER BEARS SOUTH 70°14'33" EAST; THENCE, NORTHEASTERLY, ALONG SAID WEST LINE OF PARCEL 1 AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 28°29'17", A DISTANCE OF 392.79 FEET TO THE END OF SAID CURVE; THENCE, SOUTH 36°03'03" EAST, ALONG THE NORTHERLY LINE OF SAID PARCEL 1, A DISTANCE OF 423.32 FEET TO THE POINT OF BEGINNING;

THENCE, SOUTH 87°33'00" EAST, ALONG THE NORTHERLY LINE OF SAID PARCEL 1, A DISTANCE OF 610.30 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF EAST GRACE DRIVE, AS SHOWN ON THE PLAT OF MORRISON HOMES, AS RECORDED IN PLAT BOOK 21, PAGE 189 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE, SOUTH 03°26'12" WEST, ALONG THE EAST LINE OF SAID PARCEL 1 AND THE WEST RIGHT OF WAY LINE OF EAST GRACE DRIVE, A DISTANCE OF 370.79 FEET; THENCE, SOUTH 47°56'36" WEST, ALONG THE NORTH LINE OF TRACT "R-1", AS SHOWN ON THE AFORESAID PLAT OF CHS PROPERTIES MUPD, A DISTANCE OF 35.05 FEET; THENCE, NORTH 87°33'00" WEST, ALONG SAID NORTH LINE OF TRACT "R-1", A DISTANCE OF 672.21 FEET TO A POINT ON THE BOUNDARY OF SAID PARCEL 1; THENCE, NORTH 02°27'00" EAST, ALONG SAID BOUNDARY OF PARCEL 1, A DISTANCE OF 182.30 FEET; THENCE, NORTH 87°33'00" WEST, ALONG SAID BOUNDARY OF PARCEL 1, A DISTANCE OF 161.39 FEET; THENCE, NORTH 23°51'46" EAST, A DISTANCE OF 63.00 FEET; THENCE, NORTH 53°06'03" EAST, A DISTANCE OF 167.32 FEET; THENCE, NORTH 31°04'52" EAST, A DISTANCE OF 48.00 FEET; THENCE, NORTH 36°36'04" EAST, A DISTANCE OF 7.41 FEET; THENCE, SOUTH 87°33'00" EAST, A DISTANCE OF 75.13 FEET TO THE POINT OF BEGINNING.

CONTAINING 292,868.98 SQUARE FEET OR 6.723 ACRES MORE OR LESS.

PARCEL 3

ALL OF TRACT "A", CHS PROPERTIES, MUPD, AS RECORDED IN PLAT BOOK 104, PAGES 174-178, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. CONTAINING 15,177.49 SQUARE FEET OR 0.348 ACRES MORE OR LESS.

PARCEL 4

A PARCEL OF LAND BEING A PORTION OF PARCEL 1, AS SHOWN ON THE PLAT OF CHS PROPERTIES MUPD, AS RECORDED IN PLAT BOOK 104, PAGES 174 THROUGH 178, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL 1; SAID POINT BEING THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF CONGRESS AVENUE AND THE NORTHERLY RIGHT OF WAY LINE OF RANCH HOUSE ROAD AS RECORDED IN OFFICIAL RECORD BOOK 10653, PAGE 1055 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE NORTH 03°-04'-00'' EAST, ALONG SAID WEST LINE OF PARCEL 1 AND THE EAST RIGHT OF WAY LINE OF CONGRESS AVENUE, A DISTANCE OF 234.68 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF AUSTRALIAN AVENUE AS RECORDED IN OFFICIAL RECORD BOOK 10653, PAGE 1055 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE NORTH 15°-06'-35'' EAST ALONG SAID WEST LINE OF PARCEL 1 AND SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 133.20 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 790.00 FEET AND WHOSE CENTER BEARS SOUTH 70°-14'33'' EAST;

THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 4°-05'-00'', A DISTANCE OF 56.30 FEET TO THE POINT OF BEGINNING;

THENCE, CONTINUE NORTHEASTERLY, ALONG THE ARC OF THE PREVIOUSLY DESCRIBED CURVE THROUGH A CENTRAL ANGLE OF 24°-24'-17'', A DISTANCE OF 336.49 FEET TO THE END OF SAID CURVE;

THENCE SOUTH 36°-03'-03'' EAST, ALONG THE BOUNDARY OF SAID PARCEL 1, A DISTANCE OF 358.19 FEET;

THENCE, SOUTH 36°-36'-04'' WEST, A DISTANCE OF 69.00 FEET;

THENCE, SOUTH 31°-04'-52'' WEST, A DISTANCE OF 48.00 FEET;

THENCE, SOUTH 53°-06'-03'' WEST, A DISTANCE OF 118.05 FEET;

THENCE, NORTH 45°-49'-58'' WEST, A DISTANCE OF 129.81 FEET;

THENCE, NORTH 52°-25'-30'' WEST, A DISTANCE OF 107.81 FEET

THENCE, NORTH 65°-47'-26'' WEST, A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 95,210 SQUARE FEET, MORE OR LESS (2.186 ACRES MORE OR LESS)

TOTAL LAND AREA (PARCELS 1-4) = 9.30 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

Location Map

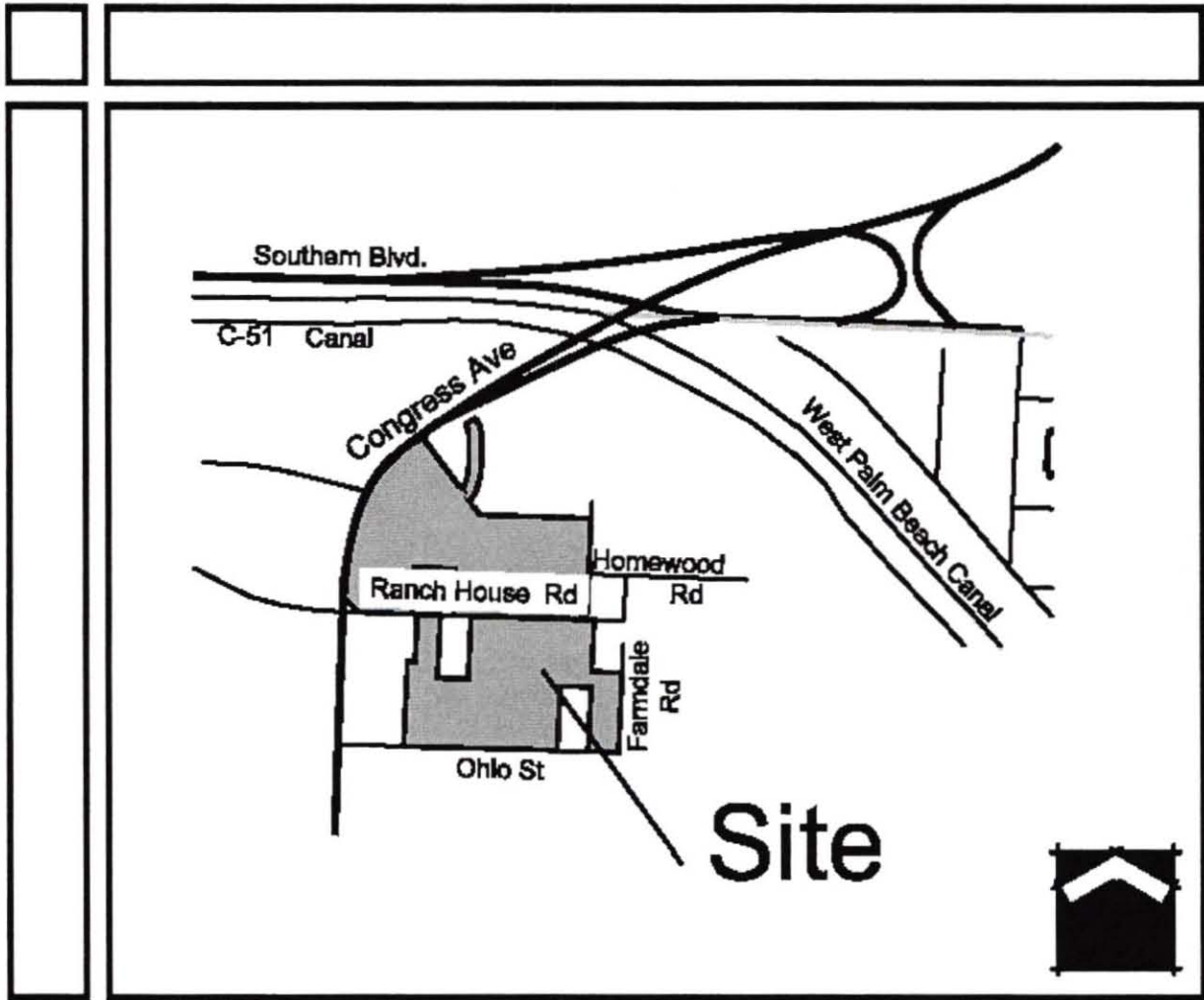


EXHIBIT C

CONDITIONS OF APPROVAL

Requested Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated September 15, 2016; the Preliminary Regulating Plans are dated August 29, 2016; and, the Preliminary Architectural Elevations are dated September 15, 2016. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses and 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)

ENGINEERING

1. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, the water management tract in conflict with the proposed development. (BLDGPM: MONITORING - Engineering)

2. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing or proposed structures. (BLDGPM: MONITORING - Engineering)

3. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Congress Avenue along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one through lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering)

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.