

RESOLUTION NO. R-2017- 0603

RESOLUTION APPROVING ZONING APPLICATION SV/W-2016-01231
(CONTROL NO. 2013-00200)
a Type II Waiver
APPLICATION OF Eddy Hernandez
BY Miller Land Planning, AGENT
(Palm Elite Car Wash)

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 SV/W-2016-01231 was presented to the Board of County Commissioners at a public hearing conducted on April 27, 2017;

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 Type II Waiver;

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 SV/W-2016-01231, the Application of Eddy Hernandez, by Miller Land Planning, Agent, for a Type II Waiver to allow the primary entrance to face the interior parking area; reduce the setback for outdoor uses to Non-PRA residential use; and increase the setback from the build-to-line, 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 April 27, 2017, 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 Bernard and, upon being put to a vote, the vote was as follows:

Commissioner Paulette Burdick, Mayor	- Aye
Commissioner Melissa McKinlay, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Dave Kerner	- Aye
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 April 27, 2017.

Filed with the Clerk of the Board of County Commissioners on May 11th, 2017.

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



The seal is circular with a double-line border. The outer ring contains the text "PALM BEACH COUNTY COMMISSIONERS" at the top and "BOCA RATON, FLORIDA" at the bottom, separated by a star. The center of the seal contains the text "PALM BEACH COUNTY" and "FLORIDA" with a star below it.

EXHIBIT A

LEGAL DESCRIPTION

BEGINNING AT THE SECTION CENTER OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, WHICH IS AN IRON PIPE IN THE MILITARY TRAIL 2678.23 FEET SOUTH OF THE NORTH QUARTER CORNER OF SECTION 25, AND 2664.35 FEET WEST OF THE EAST QUARTER CORNER OF SAID SECTION; THENCE EASTERLY ALONG THE QUARTER SECTION LINE, A DISTANCE OF 30 FEET TO THE NORTHWEST CORNER OF THIS TRACT AND THE POINT OF BEGINNING, THENCE EAST ALONG THE QUARTER SECTION LINE A DISTANCE OF 275.50 FEET TO A POINT; THENCE SOUTH PARALLEL TO THE QUARTER SECTION LINE, A DISTANCE OF 224.06 FEET TO A POINT IN THE CENTER OF A 20 FOOT ROAD EASEMENT; THENCE WESTERLY A DISTANCE OF 275.5 FEET TO A POINT; THENCE NORTHERLY PARALLEL TO THE QUARTER SECTION LINE A DISTANCE OF 224.06 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 0.93 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

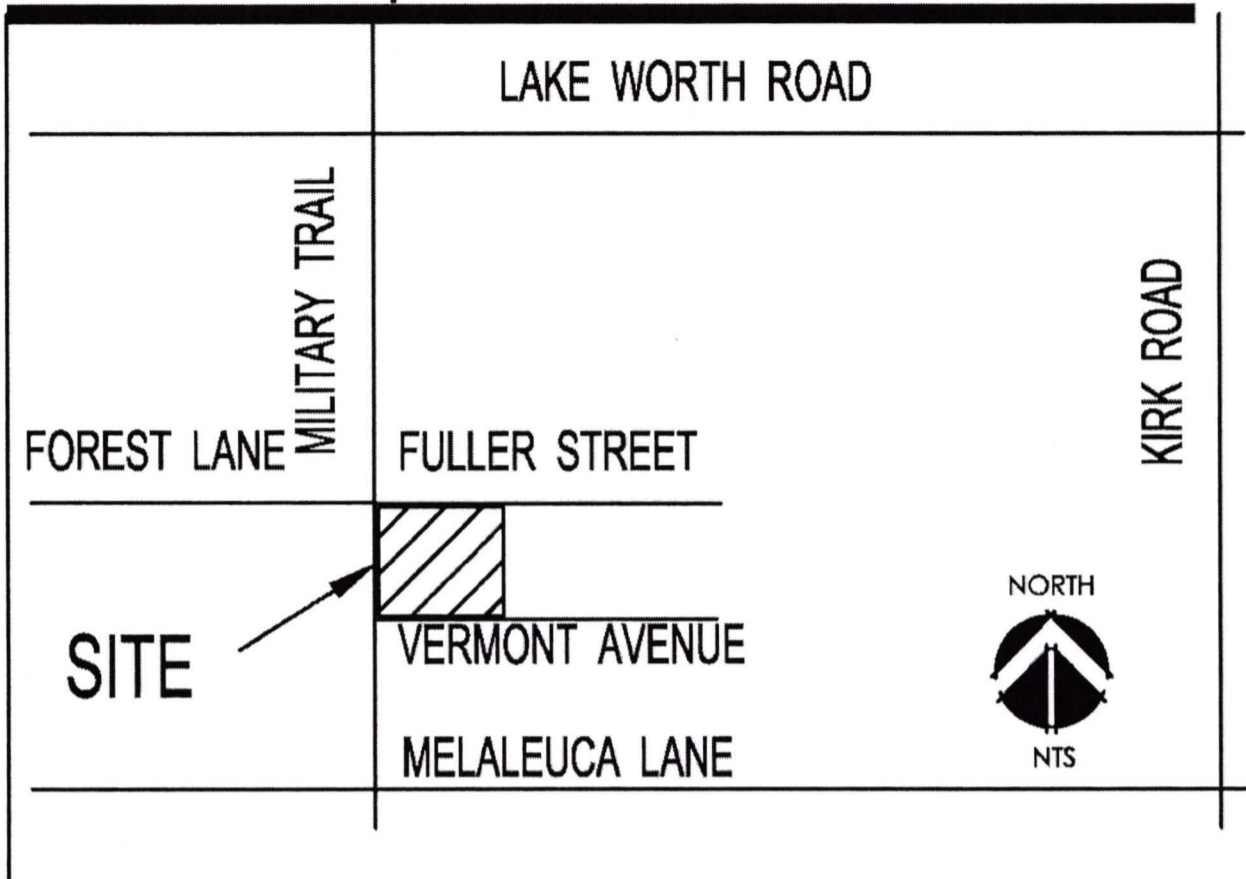


EXHIBIT C

CONDITIONS OF APPROVAL

Type II Waiver

ALL PETITIONS

1. Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Site and Regulating Plans are dated March 13, 2017. All 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, unless the proposed changes are required to meet Conditions of Approval. (ONGOING: ZONING - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2018. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

LANDSCAPE - PERIMETER

1. In addition to the ULDC requirement, the Type II Incompatibility Buffer along the property's east property line shall:

a. include a two (2) foot berm with an eight (8) foot panel wall at the top of the berm;
b. the wall may be removed from the site in the event the property to the east is redeveloped with a commercial use; and,
c. a chainlink fence shall be installed on the north and south ends between the wall and the property line. A gate shall be provided on the south end to allow for landscape maintenance. (ONGOING: ZONING - Zoning)

USE LIMITATIONS

1. Outdoor speaker or public address systems shall not be permitted on the property. (ONGOING: ZONING - Zoning)

2. This Waiver is approved for the Car Wash. Any change to the use(s) shall require reconsideration of the Waiver by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

3. The Car Wash use shall be limited to the hours of operation of 7:00 AM to 7:00 PM. (ONGOING: ZONING - Zoning)

COMPLIANCE

1. 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)

2. 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)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.