

RESOLUTION NO. R-2018- 0342

RESOLUTION APPROVING ZONING APPLICATION ZV/CAW-2016-02018
(CONTROL NO. 2015-00140)
a Type II Waiver
APPLICATION OF Poltze Inc.
BY Dunay, Miskel and Backman, LLP, AGENT
(Poltze Vehicle Sales Lot)

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/CAW-2016-02018 was presented to the Board of County Commissioners at a public hearing conducted on March 22, 2018;

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 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.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/CAW-2016-02018, the Application of Poltze Inc., by Dunay, Miskel and Backman, LLP, Agent, for a Type 2 Waiver to allow a structure to not be located at the corner meeting the build-to lines; to reduce the Minimum Primary Frontage Building Placement; increase the Maximum Secondary Frontage Building Placement; to reduce the Minimum Building Frontage Percentage; to eliminate the Pedestrian Circulation Zone, Planting Amenity Zone, and Usable Open Space; and, eliminate Slip Street Frontage, 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 March 22, 2018, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on March 22, 2018.

Filed with the Clerk of the Board of County Commissioners on April 3rd, 2018.

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

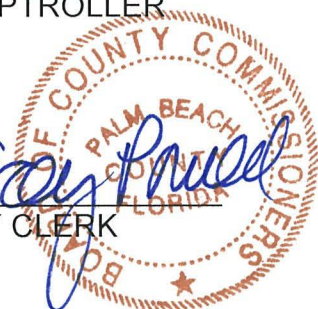


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN LOT 2, BLOCK 3, SECTION 12, PALM BEACH PLANTATIONS SUBDIVISION AS RECORDED IN PLAT BOOK 10, PAGE 20, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 2, RUN WESTERLY ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 53.02 FEET, TO THE WESTERLY RIGHT OF WAY LINE OF MILITARY TRAIL (AS NOW ESTABLISHED) AND THE POINT OF BEGINNING. THENCE CONTINUE WESTERLY ALONG SAID NORTH LINE OF LOT 2, 105.14 FEET; THENCE RUN SOUTHERLY, MAKING AN ANGLE OF 90°00'35", MEASURED EAST TO SOUTH, 138.02 FEET, TO A POINT 5.0 FEET NORTH OF THE NORTHERLY RIGHT OF WAY LINE OF SUNSET RANCH ROAD (AS NOW ESTABLISHED, 50 FOOT R/W), THENCE EASTERLY, PARALLEL WITH SAID NORTHERLY RIGHT OF WAY, MAKING AN ANGLE OF 90°00'00", MEASURED FROM NORTH TO EAST, 111.71 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID MILITARY TRAIL; THENCE NORTH ALONG SAID WESTERLY RIGHT OF WAY, MAKING AN ANGLE OF 87°16'30", MEASURED FROM WEST TO NORTH, 138.20 FEET, TO THE POINT OF BEGINNING.

TOGETHER WITH THE EAST 111.71 FEET TO THAT CERTAIN 5 FOOT DRAINAGE EASEMENT LYING NORTH OF SUNSET RANCH ROAD AS SET FORTH ON THE PLAT OF UNIT ONE, SUNSET RANCH MOBILE HOME SITES RECORDED IN PLAT BOOK 26, PAGE 192, WHICH 5 FEET IS SUBJECT TO THE EASEMENT SET FORTH IN PLAT BOOK 26, PAGE 192, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 0.36 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

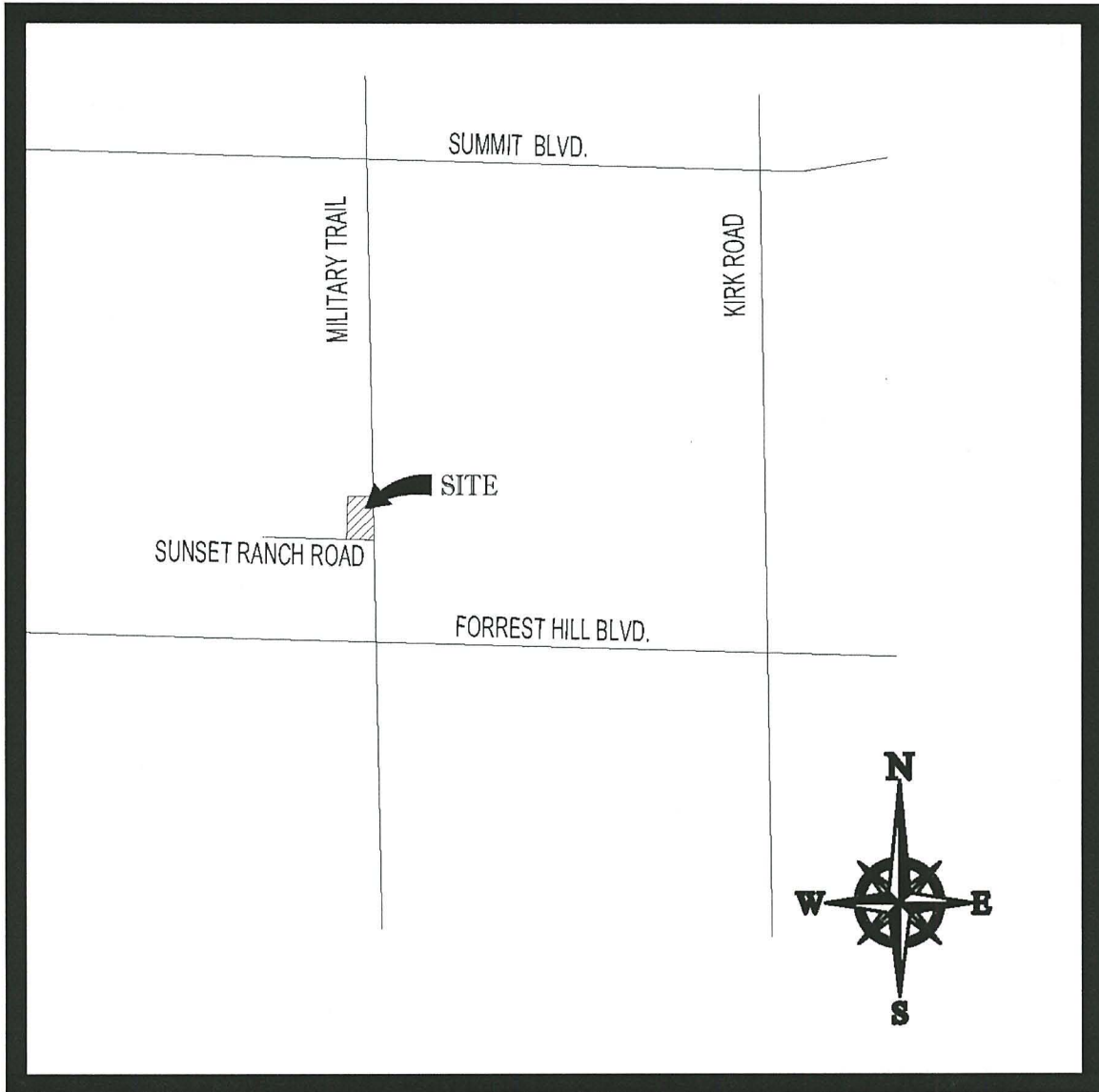


EXHIBIT C

CONDITIONS OF APPROVAL

Type II Waiver

ALL PETITIONS

1. The approved Preliminary Site Plan is dated January 15, 2018. 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)

LANDSCAPE - INTERIOR

1. Prior to Final Approval by the Development Review Officer, the Final Site Plan shall be revised to show foundation planting area a minimum width of five feet along a minimum 50% of the western façade of the Modular Sales Center. (DRO: ZONING - Zoning)

2. Prior to Final Approval by the Development Review Officer, the Final Site Plan shall be revised to indicate foundation planting along 100% of the eastern façade of the Modular Sales Center. The planting area shall be a minimum 5 feet width and may be reduced to accommodate pedestrian walkways and entrances to the building. The foundation planting shall include:

- a. one canopy tree per 20 linear feet of the length of the foundation planting area;
- b. one shrub or groundcover per 10 square feet of foundation planting area. (DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER

3. LANDSCAPING ALONG THE EASTERN PROPERTY LINE (ABUTTING SOUTH MILITARY TRAIL) Prior to Final Approval by the Development Review Officer, the Final Site Plan shall be revised to increase the Street Wall landscape strip by 2.5 feet for a total landscape strip width of 12.5 feet. A maximum 5 feet easement overlap shall be permitted along the South Military Trail frontage to allow for a minimum 7.5 feet free and clear for planting for trees. Landscaping along the east property line shall be upgraded to include:

- a. a minimum 12.5 foot wide landscape buffer strip along the property line between the south façade of the Modular Sales Center and the Sunset Ranch Road Right-of-Way. No width reduction shall be permitted;
- b. a minimum one canopy tree per 25 linear feet;
- c. one palm or pine per 30 linear feet;
- d. one row of shrubs and groundcover – one per two linear feet;
- e. one row of large shrubs - one per four linear feet;
- f. the bollards along the South Military Trail frontage may be integrated into the hedge or shrub material;
- g. the access driveway may shift to the west the distance required to comply with a. through f. of this Condition; and,
- h. Prior to Final Approval by the Development Review Officer, the Military Trail Buffer details on the Final Regulating Plan shall be amended to show the revised landscape strip width along the South Military Trail frontage consistent with the Final Site Plan and this Condition of Approval. (DRO: ZONING - Zoning)

4. LANDSCAPING ALONG THE SOUTHERN PROPERTY LINE (ABUTTING SUNSET RANCH ROAD) Prior to the issuance of any Building Permits, Final Landscape Plans shall be submitted to the Landscape Section for review and approval. In addition to Code requirements, the landscaping along the south property line shall be upgraded to include:

- a. one additional row of shrubs; minimum 36-inch height, one per four linear feet. (BLDGPM: BUILDING DIVISION - Zoning)

SITE DESIGN

1. Prior to Final Approval by the Development Review Officer, the Final Site Plan shall be revised to indicate that loading or unloading of vehicles in the Sunset Ranch Road or Military Trail Right-of-Ways is prohibited. (DRO: ZONING - Zoning)

USE LIMITATIONS

1. This Waiver is approved for the Light Vehicle Sales and Rental use. Any change to the use(s) shall require reconsideration of the Waiver by the Board of County Commissioners. (ONGOING: CODE ENF - 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: 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.

EXHIBIT D

REQUEST

WAIVER II VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
3.B.16.F PRA Block Building PDRs	50% Minimum building Frontage	29% Building Frontage	-21% Building Frontage
3.B.16.F PRA Block Building PDRs	20 ft. minimum, 25 ft. maximum Primary Frontage setback	10 ft. Primary Frontage setback	-10 ft. Primary Frontage setback
3.B.16.F PRA Block Building PDRs	Secondary Frontage setback: 10 ft. minimum; 20 ft. maximum	96.09-ft. Secondary Frontage setback	79.01-ft. increased Secondary Frontage setback
3.B.16.F.4.a.1 Slip Street Frontage	Slip Street frontage	No Slip Street frontage	to waive Slip Street frontage
3.B.16.F.6.a Building Placement	Where a parcel is located at the intersection of two streets, at least one building shall be placed at the corner meeting the build- to-lines for both streets.	Building on a corner parcel not placed at the corner	To allow building on corner lot not placed at corner meeting build-to- lines.
3.B.16.F.7.b.1 Planting/Amenity Zone	5 ft. minimum width	0 ft.	Elimination of Planting/Amenity Zone
3.B.16.F.7.b.2 Pedestrian Circulation Zone	8 ft. minimum width along slip street and primary frontages, and 5 ft. for secondary frontages	No Pedestrian Circulation Zone along primary or secondary frontages	Elimination of Pedestrian Circulation Zone
3.B.16.F.8 Civic and Usable Open Space	5% minimum Usable Open Space	0% Usable Open Space	Elimination of Usable Open Space