

RESOLUTION NO. R-2023-0822

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/W-2022-01515
(CONTROL NO. 2008-00259)
a Type 2 Waiver
APPLICATION OF Dack Beeline LLC
BY WGINC, AGENT
(Debris Dog)

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/DOA/W-2022-01515 submitted on behalf of Dack Beeline LLC by WGINC, Agent for a Development Order Amendment to reconfigure the site plan, to expand the use; and modify Conditions of Approval on 10.00 acres; and for a Type 2 Waiver to allow an alternative Type 3 Incompatibility Buffer to substitute a six foot wall with a six foot hedge and fence along the south; and a six foot along the hedge east, north and west property lines on 10.00 acres was presented to the Board of County Commissioners at a public hearing conducted on June 22, 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 Type 2 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/DOA/W-2022-01515, the Application of Dack Beeline LLC, by WGINC, Agent, for a Type 2 Waiver to allow an alternative Type 3 Incompatibility Buffer to substitute a six foot wall with a six foot hedge and fence along the south; and a six foot hedge along the east, north and west property lines on 10.00 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 June 22, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof, and the Type 2 Waiver requests described in Exhibit D, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

The motion was seconded by Commissioner Baxter 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	-	Absent
Commissioner Sara Baxter	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on June 22, 2023.

Filed with the Clerk of the Board of County Commissioners on June 22, 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

PARCEL 1

A TRACT OF LAND IN SECTION 10 TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NO 710, AS SAID RIGHT OF WAY LINE IS SHOWN ON MAP RECORDED IN ROAD PLAT BOOK 2, PAGES 149-

153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH THE EAST LINE OF SECTION

10, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, RUN NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 2252.78 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE NORTHWESTERLY ALONG THE SAME COURSE, A DISTANCE OF 226.99 FEET; THENCE NORTHEASTERLY, AT RIGHT ANGLES, A DISTANCE OF

877.04 FEET, MORE OR LESS, TO A POINT IN A LINE PARALLEL TO AND 40 FEET SOUTHERLY FROM (MEASURED AT RIGHT ANGLES TO) THE NORTH LINE OF SAID SECTION 10; THENCE NORTHERLY AT RIGHT ANGLES TO SAID PARALLEL LINE. A DISTANCE OF 40 FEET TO A POINT IN THE NORTH LINE OF SECTION 10; THENCE EASTERLY, ALONG SAID NORTH SECTION LINE, A DISTANCE OF 280.59 FEET; THENCE SOUTHERLY AT RIGHT ANGLES, A DISTANCE OF 40 FEET; THENCE SOUTHWESTERLY ALONG A LINE WHICH IS AT RIGHT ANGLES TO SAID NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 710, A DISTANCE OF 1041.98 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

PARCEL 2

A TRACT OF LAND IN SECTION 10 TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NO 710, AS SAID RIGHT OF WAY LINE IS SHOWN ON MAP RECORDED IN ROAD PLAT BOOK 2, PAGES 149-

153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH THE EAST LINE OF SECTION

10, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, RUN NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 2479.77 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE NORTHWESTERLY ALONG THE SAME COURSE, A DISTANCE OF 281.07 FEET; THENCE NORTHEASTERLY, AT RIGHT ANGLES, A DISTANCE OF

672.80 FEET FEET, MORE OR LESS, TO A POINT IN A LINE PARALLEL TO AND 40 FEET SOUTHERLY FROM (MEASURED AT RIGHT ANGLES TO) THE NORTH LINE OF SAID SECTION 10; THENCE NORTHERLY AT RIGHT ANGLES TO SAID PARALLEL LINE. A DISTANCE OF 40 FEET TO A POINT IN THE NORTH LINE OF SECTION 10; THENCE EASTERLY, ALONG SAID NORTH SECTION LINE, A DISTANCE OF 347.44 FEET; THENCE SOUTHERLY AT RIGHT ANGLES, A DISTANCE OF 40 FEET; THENCE SOUTHWESTERLY ALONG A LINE WHICH IS AT RIGHT ANGLES TO SAID NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 710, A DISTANCE OF 877.04 FEET TO THE POINT OF BEGINNING.

ALL LESS RIGHT-OF-WAY RECORDED IN ORIGINAL RECORD BOOK 854, PG. 792 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA

SAID LANDS SITUATE IN PALM BEACH COUNTY FLORIDA AND CONTAINS 9.995
ACRES

EXHIBIT B
VICINITY SKETCH

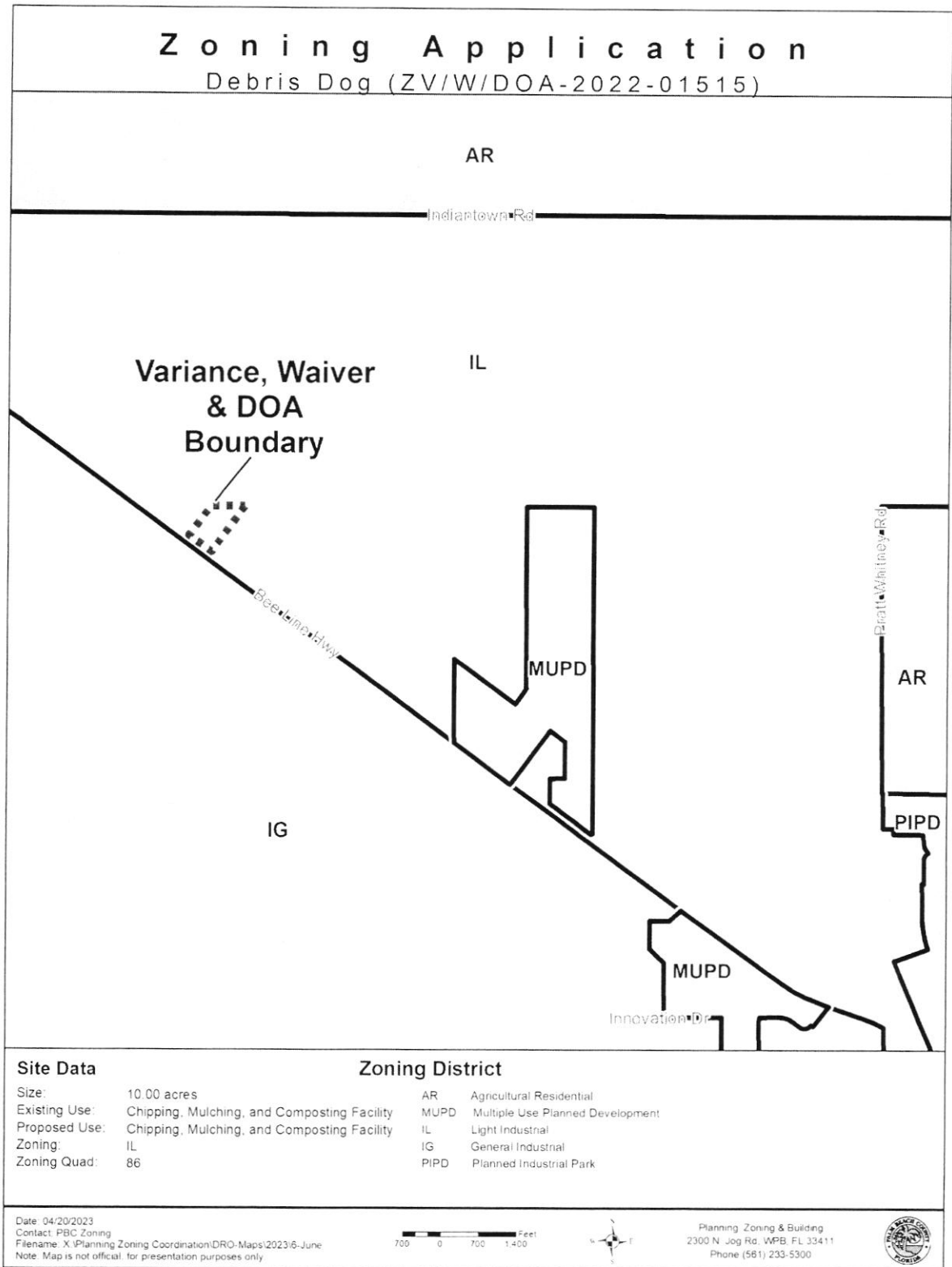


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Waiver

ALL PETITIONS

1. The approved Preliminary Site Plan is dated May 19, 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.

EXHIBIT D

TYPE 2 WAIVER Summary

Waiver	ULDC Article	Required	Proposed	Waiver
W1	Table 7.C.2.C. Note 4	6' High Opaque Wall along the southern boundary	6' High Hedge	To substitute the 6' high wall with 6' high vinyl coated chain link fence and 6' high hedge in the Type 3 Incompatibility Buffer along the southern boundary.
W2	Table 7.C.2.C. Note 4	6' High Opaque Wall along the western boundary.	6' High Hedge	To substitute the 6' High Wall with 6' High Hedge in the Type 3 Incompatibility Buffer along the western boundary.
W3	Table 7.C.2.C. Note 4	6' High Opaque Wall along the eastern boundary.	6' High Hedge	To substitute the 6' High Wall with 6' High Hedge in the Type 3 Incompatibility Buffer along the eastern boundary.
W4	Table 7.C.2.C. Note 4	6' High Opaque Wall along the northern boundary.	6' High Hedge	To substitute the 6' High Wall with 6' High Hedge in the Type 3 Incompatibility Buffer along the northern boundary.