

RESOLUTION NO. R-2024- 1267

RESOLUTION APPROVING ZONING APPLICATION SV/CA-2024-00590
(CONTROL NO. 2024-00043)
a Class A Conditional Use
APPLICATION OF O'Connor Property Management, LLC - William Q O'Connor,
The Salvation Army - James Seller
BY WGINC, AGENT
(Project Charlie)

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 SV/CA-2024-00590 was presented to the Board of County Commissioners at a public hearing conducted on September 17, 2024;

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 Class A Conditional 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.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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application SV/CA-2024-00590, the Application of O'Connor Property Management, LLC - William Q O'Connor, The Salvation Army - James Seller, by WGINC, Agent, for a Class A Conditional Use to allow a Heavy Repair and Maintenance on 3.42 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 September 17, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss 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 Maria Sachs, Mayor
Commissioner Maria G. Marino, Vice Mayor
Commissioner Gregg K. Weiss
Commissioner Michael A. Barnett
Commissioner Marci Woodward
Commissioner Sara Baxter
Commissioner Mack Bernard

- Aye
- Absent
- Aye
- Aye
- Aye
- Aye
- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on September 17, 2024.

Filed with the Clerk of the Board of County Commissioners on 09/17/2024.

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

BY: 
COUNTY ATTORNEY

JOSEPH ABRUZZO
CLERK & COMPTROLLER
BY: 
DEPUTY CLERK
FLORIDA


EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND IN THE REPLAT OF WESTOVER, RECORDED IN PLAT BOOK 18, PAGE 23, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING BOUNDED AS FOLLOWS:

ON THE NORTH BY THE SOUTHERLY LINE OF HAZARD STREET, ON THE SOUTH BY THE NORTHERLY LINE OF GOLF STREET, ON THE WEST BY THE EASTERLY LINE OF LEXINGTON AVENUE AND ON THE EAST BY A LINE PARALLEL WITH AND 53 FEET WEST OF (MEASURED AT RIGHT ANGLES TO) THE NORTH/SOUTH 1/4 SECTION LINE OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, ALL ARE SHOWN ON SAID REPLAT OF WESTOVER, WHICH PROPERTY IS ALSO DESCRIBED AS PROPERTY FRONTING ON THE EAST BY MILITARY TRAIL; ON THE NORTH BY HAZARD STREET; ON THE WEST BY LEXINGTON AVENUE AND ON THE SOUTH BY GOLF STREET.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH QUARTER CORNER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 01°30'22" WEST ALONG THE NORTH-SOUTH QUARTER SECTIONLINE OF SAID SECTION 36, A DISTANCE OF 1698.21 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH RIGHT-OF-WAY OF ORLEANS COURT, FORMERLY KNOWN AS HAZARD STREET, AS SHOWN ON THE PLAT OF WESTOVER, AS RECORDED IN PLAT BOOK 4, PAGE 72, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE NORTH 88°36'23" WEST ALONG SAID EASTERLY EXTENSION, A DISTANCE OF 53.00 FEET TOTHE POINT ON OF INTERSECTION OF SAID SOUTH RIGHT-OF-WAY OF ORLEANS COURT AND THE WEST RIGHT-OF-WAY OF STATE ROAD 809 (MILITARY TRAIL), AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93600-2602, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 01°30'22" WEST ALONG SAID WEST RIGHT-OF-WAY OF STATE ROAD 809, BEING 53.00 FEETWEST OF AND PARALLEL TO THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 36, A DISTANCE OF 254.45 FEET TO THE POINT OF INTERSECTION OF SAID WEST RIGHT-OF-WAY OF STATE ROAD 809 AND THE NORTH RIGHT-OF-WAY OF GOLF STREET, AS SHOWN ON THE AFOREMENTIONED PLAT OF WESTOVER; THENCE NORTH 88°36'23" WEST ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 587.43 FEET TO THEPOINT OF INTERSECTION OF SAID SOUTH RIGHT-OF-WAY OF GOLF STREET AND THE EAST RIGHT OF WAY OF LEXINGTON AVENUE, AS SHOWN ON THE AFOREMENTIONED PLAT OF WESTOVER; THENCE NORTH 01°28'27"EAST ALONG SAID EAST RIGHT-OF-WAY OF LEXINGTON AVENUE, A DISTANCE OF 254.45 FEET TO THE POINT OF INTERSECTION OF SAID EAST RIGHT-OF-WAY OF LEXINGTON AVENUE AND THE PREVIOUSLY DESCRIBED SOUTH RIGHT-OF-WAY OF ORLEANS COURT; THENCE SOUTH 88°36'23" EAST ALONG SAID SOUTHRIGHT-OF-WAY OF ORLEANS COURT, A DISTANCE OF 587.57 FEET TO THE POINT OF BEGINNING. POINT OF BEGINNING.

SAID LANDS CONTAIN 149,488 SQUARE FEET OR 3.432 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

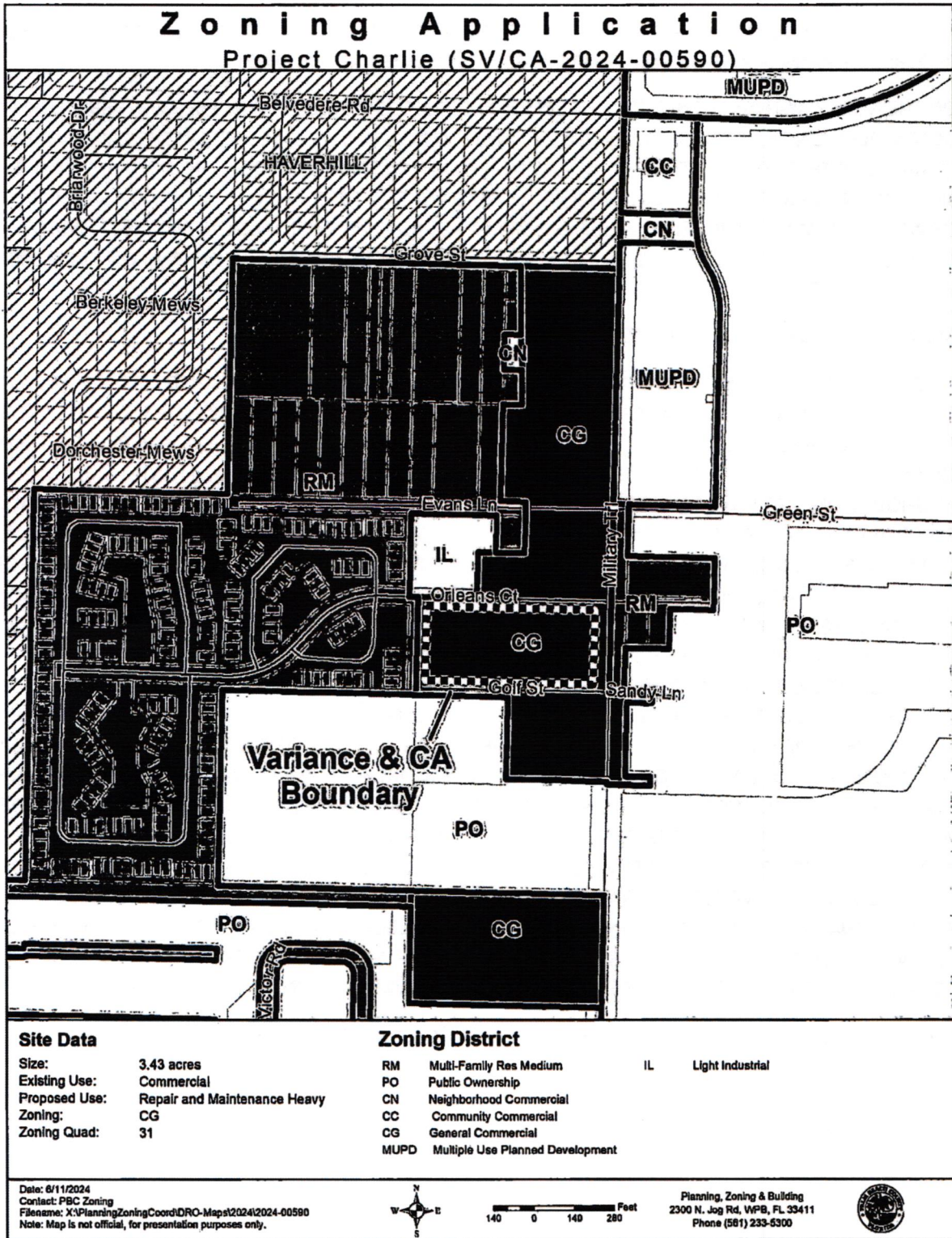


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated June 13, 2024. 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)

ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2026, or as amended. 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)

2. Prior to the approval of the Final Site Plan by the Development Review Officer, the Property Owner shall revise the Right-in/Right-out driveway on Military Trail to be shown as Right-out only, as per the driveway approval by the FDOT, as well as submission of a revised traffic impact study report reflecting the above changes to the driveway. (DRO: MONITORING - Engineering)

3. Prior to the issuance of the first building permit, the Property Owner shall provide to Florida Department of Transportation (FDOT) by deed, a 25-foot corner clip (chord of a 25 foot radius) at the intersections of Orleans Court and Military Trail and Golf Road and Military Trail. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. County Engineer, additional right of way for Expanded Intersections and corner clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPM: MONITORING - Engineering)

4. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Section of the Roadway Production Division by warranty deed additional right-of-way for a 25-foot corner clip (chord of a 25 foot radius) at the intersections of Orleans Court and Lexington Avenue and Golf Street and Lexington Avenue. This additional right of way shall be free of all encumbrances and encroachments, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way 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)

5. Property Owner shall construct a minimum 5 foot wide concrete sidewalk along the south side of Orleans Court from Lexington Avenue to Military Trail. The existing landscaping shall remain. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional

required right-of-way. The sidewalk shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Engineering)

6. The Property Owner shall construct one speed hump and associated striping and signage on Orleans Court between Lexington Avenue and Military Trail, as approved by the County Engineer. Any and all costs associated with the construction shall be paid by the Property Owner.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

c. The Property Owner shall maintain the speed hump, associated striping and signage in perpetuity. Should the County remove the speed hump and/or striping as part of a County project, the Property Owner shall replace the speed hump and striping with no expense to the County. (ONGOING: ENGINEERING - Engineering)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE ABUTTING LEXINGTON AVE

1. In addition to the requirements for a R-O-W buffer along Lexington Ave the buffer shall be upgraded to include one canopy tree for each for each 20 linear feet of the property line. (BLDGPM/DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER

1. The landscape plan shall incorporate the preservation of existing trees unless necessary to be removed for access to the site. (BLDGPM/DRO: ZONING - Zoning)

SIGNS

1. The Site shall have no more than two (2) Ground Mounted Signs on site. (BLDGPM/DRO: 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: 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.