

RESOLUTION NO. ZR-2008-063
RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R-2007-02022
(CONTROL NO. 1982-00129)
TYPE II VARIANCE (CONCURRENT)
APPLICATION OF WEST PALM HOSPITALITY LLC
BY DAVID L. CARPENTER & ASSOC., AGENT
(SYKES COMMERCIAL)

WHEREAS, the Palm Beach County Zoning Commission, pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) is authorized and empowered to consider, approve, approve with conditions or deny a Type II Variance; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application ZV/DOA/R-2007-02022 was presented to the Zoning Commission at a public hearing conducted on December 5, 2008; and

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, this approval shall only become effective upon the adoption of a resolution approving Zoning Application ZV/DOA/R-2007-02022 by the Board of County Commissioners; and

WHEREAS, the Zoning Commission has considered the findings in the staff report and the following findings of fact:

1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same Zoning District;
2. The special circumstances and conditions do not result from the actions of the applicant and the approval of this variance will not grant any special privilege to the applicant;
3. Granting the variance does not confer upon the applicant any special privilege denied by the comprehensive plan and this code to other parcels of land, buildings or structures in the same zoning district;
4. Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship;
5. This variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure;
6. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this code; and
7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

WHEREAS, Article 2.A.1.K.3.a (Action by ZC) of the Palm Beach County Unified Land Development Code requires that the action of the Zoning Commission be adopted

by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/DOA/R-2007-02022, the application of West Palm Hospitality LLC, by David L. Carpenter & Assoc., agent, for a Type II Variance to allow 24-hour operation, on a parcel of land legally described 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 5, 2008, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Hyman moved for the approval of the Resolution.

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

William Anderson, Chair	- Aye
Sherry Hyman, Vice Chair	- Aye
Allan Kaplan	- Aye
Al Zucaro	- Aye
Sheri Scarborough	- Aye
Joanne Davis	- Aye
Alex Brumfield III	- Aye

The Chair thereupon declared that this resolution shall not become effective until the approval of Zoning Application DOA/R2007-2022.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:


CHAIR

EXHIBIT A
LEGAL DESCRIPTION

27-43-42, TH PT OF N 1/2 OF NE1/4 LYG S OF OKEECHOBEE RD.BEING SLY 510
FT OF NLY 590 FTOF WLY 620.38 FT OF ELY.1260.38 FT

VICINITY SKETCH



EXHIBIT C

CONDITIONS OF APPROVAL

VARIANCE-DEVELOPMENT ORDER

1.The Development Order for this variance shall be tied to the Time Limitations of the Development Order for application ZV/DOA/R2007-2022. (ONGOING: MONITORING - Zoning)

VARIANCE

2.The variance for 24-hour operation is only applicable to the hotel use. (ONGOING: CODE ENF - Zoning)

COMPLIANCE

1.In granting this approval, the Zoning Commission 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 Zoning Commission 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; 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 ULDC 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; 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 Conditional Use, Type II Variance, 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.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)

EXHIBIT D

REQUEST

APPLICATION NO.	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
ZV/DOA/R-2007-02022	3.D.3.A.2.a Commercial Hours of Operation	6:00 a.m. to 11:00 p.m.	24 hours	24 hours
SITUS ADDRESS:	Vacant			
OWNER NAME & ADDRESS:	155 SW Peacock Blvd Port Saint Lucie FL 34986			
PCN:	00-42-43-27-00-000-1060			
ZONING DISTRICT:	MUPD			
BCC DISTRICT:	02			
PROJECT MANAGER:	Ora Owensby, Site Planner II			
LAND USE:	CH/8	S/T/R: 27-43-42		
CONTROL #:	1982-00129			
LOT AREA:	7.22 acres +/-			
APPLICANT REQUEST:	to allow 24-hour operation adjacent to residential			