

RESOLUTION NO. ZR-2019- 015

RESOLUTION APPROVING ZONING APPLICATION ABN/ZV/CA-2018-00962
(CONTROL NO. 1982-00097)
TYPE II VARIANCE (*CONCURRENT*)
APPLICATION OF 7 Eleven Inc
BY Gunster, Yoakley & Stewart, PA, Keith and Associates, Inc, Agent,
(7-ELEVEN AT MARINA BLVD #34972)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, (ULDC), Ordinance 2003-067, Supplement 23, is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application ABN/ZV/CA-2018-00962 was presented to the Zoning Commission at a public hearing conducted on May 2, 2019;

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;

WHEREAS, the Zoning Commission 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 Variance;

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, this approval shall only become effective upon the adoption of a resolution approving Zoning Application ABN/ZV/CA-2018-00962 by the Board of County Commissioners;

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 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 ABN/ZV/CA-2018-00962, the Application of 7 Eleven Inc, by Gunster, Yoakley & Stewart, PA, Keith and Associates, Inc, Agent, for a Type 2 Variance to allow 24 Hours of Operation within 250 feet of a Residential Use, 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 May 2, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof and variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Caliendo moved for the approval of the

Resolution.

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

Sheri Scarborough, Chair	-	Yes
Sam Caliendo, Vice Chair	-	Yes
Amir Kanel	-	Yes
John Kern	-	Yes
Marcelle Griffith Burke	-	Yes
Alex Brumfield III	-	Yes
Mark Beatty	-	Yes
Robert Currie	-	Yes

Filed with the Palm Beach County Zoning Division on May 2, 2019.

This resolution shall not become effective unless or until the effective date of the resolution approving Zoning Application No. ABN/ZV/CA-2018-00962 by the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

A Parcel Of Land Lying And Being In The Northeast One-Quarter (Ne 1/4) Of Section 36, Township 47 South, Range 41 East, Palm Beach County, Florida, and Being More Particularly Described as Follows;

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 36, AS ESTABLISHED PER THE PALM BEACH ENGINEERING DEPARTMENT; THENCE SOUTH 01°16'04" EAST ALONG THE EASTERLY LINE OF SAID SECTION 36 A DISTANCE OF 1279.77 FEET; THENCE SOUTH 88°37'28" WEST A DISTANCE OF 146.72 FEET TO A POINT LYING ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE AS OF THIS DATE (JULY 1982) OF U.S. 441 (SR. NO. 7) SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 01°22'32" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 180.00 FEET; THENCE SOUTH 88°37'28" WEST; A DISTANCE OF 400.00 FEET TO A POINT LYING ON A LINE 400.00 FEET WEST, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WILD WESTERLY RIGHT-OF-WAY LINE; THENCE N 01°37'32" W ALONG SAID PARALLEL LINE A DISTANCE OF 180.00 FEET; THENCE NORTH 88°37'28" EAST A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT LAND DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY FOR STATE ROAD NO. 7 AS NOW LAID OUT AND IN USE AND CONVEYANCE BY RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 3935, PAGE 346, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING IN UNINCORPORATED PALM BEACH COUNTY, FLORIDA AND CONTAINING 61,741 SQUARE FEET OF 1.417 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

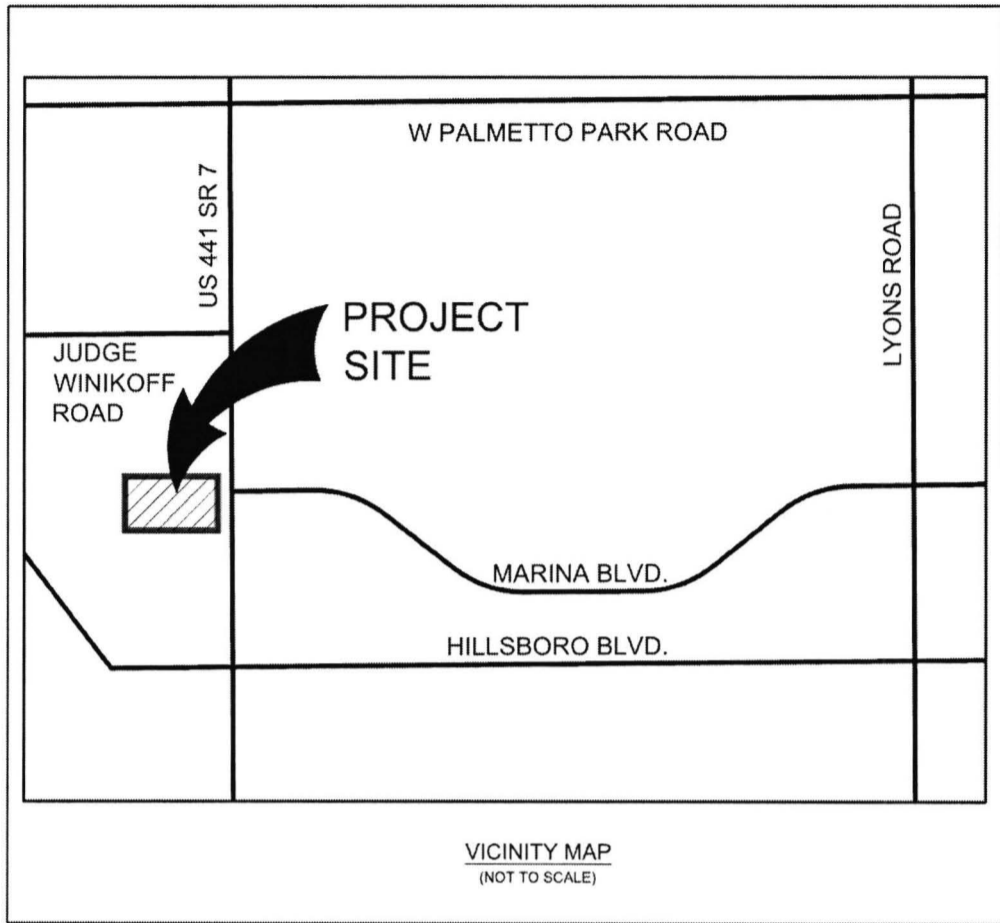


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

ALL PETITIONS

1. The approved Preliminary Site Plan is dated February 11, 2019. 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. (ONGOING: ZONING - Zoning)

VARIANCE

1. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPM: BUILDING DIVISION - 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 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; 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

TYPE II VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
5.E.5.A Hours of Operation - within 250 feet of a Residential Use	6 a.m. to 11 p.m.	24 hour operations	+7 hours
LOT AREA:	1.42 acres +/-		
APPLICANT REQUEST:	to allow 24 Hours of Operation within 250 feet of a Residential Use.		