

RESOLUTION NO. R-2011- 0562

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2010-02802
(CONTROL NO. 2010-00352)
a Class A Conditional Use
APPLICATION OF 934 Pike LLC
BY Jon E Schmidt & Associates, AGENT
(934 Pike LLC)

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; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application Z/CA-2010-02802 was presented to the Board of County Commissioners at a public hearing conducted on April 28, 2011; and

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; and

WHEREAS, the Board of County Commissioners 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 the request; 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, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Class A Conditional Use .

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code 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 Z/CA-2010-02802, the petition of 934 Pike LLC, by Jon E Schmidt & Associates, agent, for a Class A Conditional Use to allow Gas and Fuel, Wholesale in the Light Industrial (IL) Zoning District, 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 April 28, 2011, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Commissioner Karen T. Marcus, Chair	- Aye
Commissioner Shelley Vana, Vice Chair	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Burt Aaronson	- Aye

Commissioner Jess R. Santamaria
Commissioner Priscilla A. Taylor

- Aye
- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 28, 2011.

Filed with the Clerk of the Board of County Commissioners on May 3, 2011.

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

The seal is circular with a double-line border. The outer ring contains the text "PALM BEACH COUNTY COMMISSIONERS" at the top and "FLORIDA" at the bottom, separated by a small star on the left. The inner ring contains the text "OFFICE OF THE CLERK & COMPTROLLER".

EXHIBIT A

LEGAL DESCRIPTION

Legal Description

934 Pike, LLC

Palm Beach County (PBC) Development Review Officer (DRO) Submittal

Original Submittal: November 17, 2010

TRACT 3, BLOCK 6, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING AS RECORDED IN PLAT BOOK 2, TO THE MAP OR PLAT THEREOF, PAGE 45 THROUGH 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING PORTIONS OF SAID TRACT 3;

- #1 THE NORTH 245 FEET THEREOF.
- #2 THE SOUTH 198 FEET THEREOF.
- #3 THE EAST 220 FEET THEREOF LESS THE NORTH 245 FEET THEREOF AND LESS THE SOUTH 198 FEET THEREOF.
- #4 THE SOUTH 17 FEET OF THE NORTH 262 FEET THEREOF, LESS THE EAST 220 FEET THEREOF.

ALSO LESS AND EXCEPT THE LANDS CONVEYED TO PALM BEACH COUNTY IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 23885, PAGE 1622 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF TRACT 3, BLOCK 6, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 3;

THENCE SOUTH 00°59'11" EAST ALONG THE WEST LINE OF SAID TRACT 3, A DISTANCE OF 262.00 FEET TO A POINT ON A LINE BEING 262.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 3, SAME BEING THE POINT OF BEGINNING.

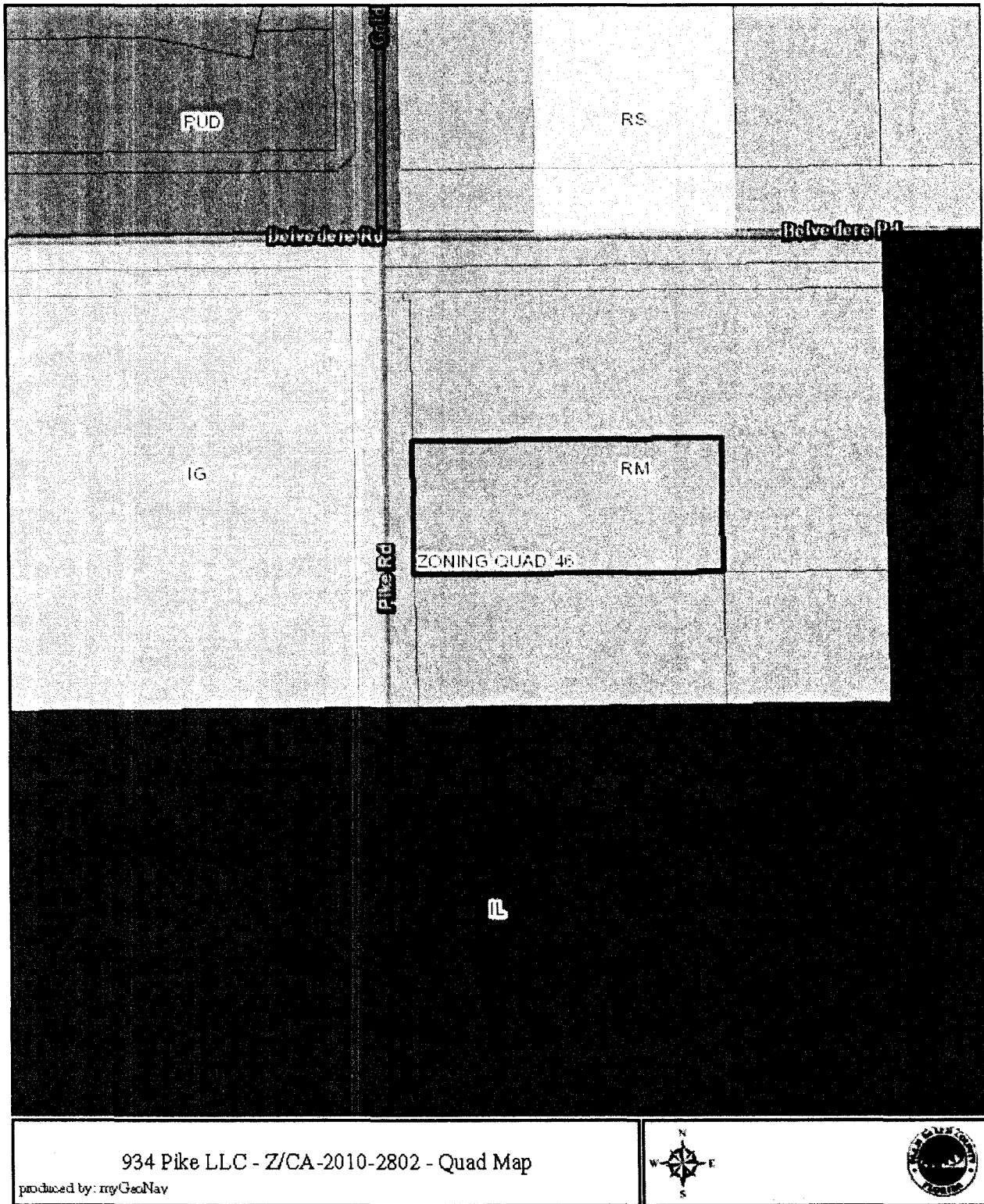
THENCE NORTH 89°00'49" EAST ALONG SAID PARALLEL LINE, 25.00 FEET TO A POINT ON A LINE BEING 25.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT 3, SAME BEING THE NEW EAST RIGHT OF WAY LINE OF PIKE ROAD;

THENCE SOUTH 00°59'11" EAST ALONG SAID PARALLEL LINE AND SAID NEW EAST RIGHT OF WAY LINE, 200.00 FEET TO A POINT ON A LINE BEING 462.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID TRACT 3;

THENCE SOUTH 89°00'49" WEST ALONG SAID PARALLEL LINE TO THE WEST LINE OF SAID TRACT 3, A DISTANCE OF 25.00 FEET;

THENCE NORTH 00°59'11" WEST ALONG THE WEST LINE OF SAID TRACT 3, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH



934 Pike LLC - Z/CA-2010-2802 - Quad Map
produced by: rryGeoNav



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. The preliminary site plan dated March 18, 2011, is for the location of the Gas and Fuel, Wholesale. Modifications to the Development Order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (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: 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 (CO); 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 Unified Land Development Code (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 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)