

RESOLUTION NO. R-2013- 1064

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2012-01580
(CONTROL NO. 1986-00080)
a Development Order Amendment
APPLICATION OF Hertz Corp
BY Fishbeck Thompson Carr & Huber, AGENT
(Hertz Rent A Car)

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 ZV/DOA-2012-01580 was presented to the Board of County Commissioners at a public hearing conducted on August 22, 2013; 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 Development Order Amendment.

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 ZV/DOA-2012-01580, the petition of Hertz Corp, by Fishbeck Thompson Carr & Huber, agent, for a Development Order Amendment to reconfigure the site plan to add square footage for a car wash in the Commercial General 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 August 22, 2013, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor moved for the approval of the Resolution.

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

Commissioner Steven L. Abrams, Mayor - Aye

Commissioner Priscilla A. Taylor, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Shelley Vana	- Absent
Commissioner Mary Lou Berger	- Aye
Commissioner Jess R. Santamaria	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on August 22, 2013.

Filed with the Clerk of the Board of County Commissioners on August 29th, 2013
~~August 29th, 2013~~

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



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

A PARCEL OF LAND IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTH LINE OF SAID SECTION 30 AT A DISTANCE OF 891.15 FEET WESTERLY FROM THE SOUTHEAST CORNER OF SAID SECTION 30; SAID POINT OF BEGINNING BEING IN A LINE PARALLEL TO AND 50 FEET WEST OF THE EAST LINE OF THE WEST THREE-QUARTERS OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 30; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 30, A DISTANCE OF 510.94 FEET, MORE OR LESS, TO A POINT IN THE EAST LINE OF LAND CONVEYED BY M.D. CARMICHAEL AND WIFE TO UNITED STATES OF AMERICA BY DEED DATED DECEMBER 31, 1952, AND RECORDED IN DEED BOOK 1002, PAGE 578, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTHERLY ALONG SAID EAST LINE OF LAND SO CONVEYED, A DISTANCE OF 488 FEET; THENCE EASTERLY PARALLEL TO THE SOUTH LINE OF SAID SECTION 30, A DISTANCE OF 510.94 FEET, MORE OR LESS, TO A POINT IN SAID FIRST HEREIN DESCRIBED PARALLEL LINE; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 488 FEET TO THE POINT OF BEGINNING;

LESS THE WEST 60 FEET THEREOF, AND SUBJECT TO THE RIGHT-OF-WAY OF BELVEDERE ROAD.

TOGETHER WITH:

PARCEL 2:

A PARCEL OF LAND IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, RUN WESTERLY ALONG THE SOUTH LINE OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 1342.09 FEET FROM THE SOUTHEAST CORNER THEREOF; THENCE RUN NORTHERLY, AT RIGHT ANGLES TO THE SAID SOUTH LINE OF SECTION 30, A DISTANCE OF 488 FEET TO THE POINT OF BEGINNING AND THE SOUTHWEST CORNER OF THE PARCEL OF LAND HEREIN DESCRIBED; FROM THE POINT OF BEGINNING CONTINUE NORTHERLY ON THE SAME COURSE, A DISTANCE OF 230 FEET TO A POINT; THENCE EASTERLY, AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 450.94 FEET TO A POINT; THENCE SOUTHERLY, AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 230 FEET TO A POINT; THENCE WESTERLY, AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 450.94 FEET TO THE POINT OF BEGINNING.

AREA OF PARCEL 1 = 190,164 SQUARE FEET
(4.3656) ACRES MORE OR LESS

AREA OF PARCEL 2 = 103,716 SQUARE FEET
(2.3810) ACRES MORE OR LESS

TOTAL AREA = 293,880 SQUARE FEET
(6.7466) ACRES MORE OR LESS

VICINITY SKETCH

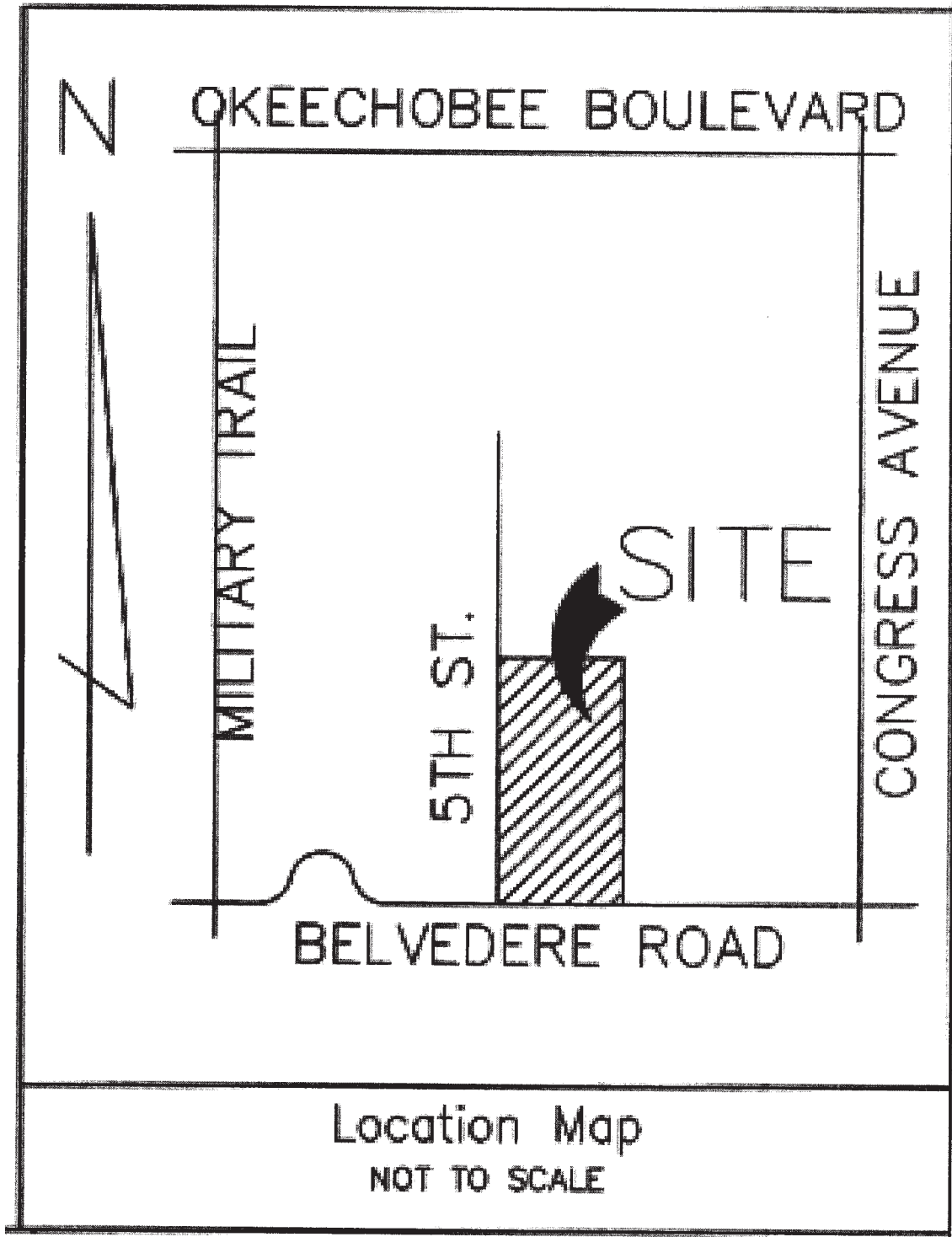


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-87-118, (Control 1986-00080) have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. The approved Preliminary Site Plan is dated April 22, 2013. 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)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Car Wash shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated April 22, 2013. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

ENGINEERING

1. Prior to issuance of the first Building Permit, the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

2. The Property Owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for:

55 feet, measured from centerline of the proposed right of way of Belvedere Road.

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, all right of way deed(s) and associated documents shall be provided and approved. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition 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. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT/ONGOING: MONITORING-Eng)

3. Condition 2 of Resolution R-87-118, Control 1986-00080 which currently states:

The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one (1) hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition per the County Engineer's approval.

Is hereby DELETED. [Reason: Code Requirement]

4. The Developer shall construct:

a. Raised curb on both sides of the existing median on Belvedere Road from 5th Street east to the next median opening. (BLDG PERMIT: MONITORING-Eng) (Previous Condition 3.a of Resolution R-87-118, Control No. 86-80) [Note: COMPLETED]

b. Fifth Street from Belvedere Road north to the project's north property line (minimum 2-10' lanes) to local street standards. (BLDG PERMIT: MONITORING-Eng) (Previous Condition 3.b of Resolution R-87-118, Control No. 86-80) [Note: COMPLETED]

c. All improvements shall be concurrent with onsite paving and drainage improvements. (BLDG PERMIT: MONITORING-Eng) (Previous Condition 3.c of Resolution R-87-118, Control No. 86-80) [Note: COMPLETED]

5. Condition 4 of Resolution R-87-118, Control No. 86-80, which currently states;

The Property Owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$18,860.00 (704 trips x \$26.79 per trip).

Is hereby DELETED [Reason: Code Requirement]

LANDSCAPE - GENERAL

1. Prior to July 1, 2014, the Property Owner shall replace all dead and missing plant materials on the entire subject property. (DATE: LANDSCAPE - Zoning)

USE LIMITATIONS

1. Previous Condition No 6 of Resolution R-1987-0118, Control No 1986-00080 which states:

Proposed use of the site shall be limited to an automobile rental facility with customary accessory uses. (ONGOING: ZONING - Zoning)

Is hereby DELETED. [Note: no longer necessary]

UTILITIES

1. Sewer and/or water service has been confirmed by the utility company responsible for serving the area. Therefore, septic tank and/or well shall not be approved for the subject property. (ONGOING: HEALTH - Health) (Previous Condition No. 5 of Resolution R-1987-0118, Control No 1986-00080)

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)