

RESOLUTION NO. R-2014- 1407

RESOLUTION APPROVING ZONING APPLICATION ZV/CA-2014-00665
(CONTROL NO. 1982-00190)
a Class A Conditional Use
APPLICATION OF West Palm Beach Plaza LLC
BY Urban Design Kilday Studios, AGENT
(PBI A Travel Plaza)

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, 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;

WHEREAS, Zoning Application ZV/CA-2014-00665 was presented to the Board of County Commissioners at a public hearing conducted on September 30, 2014;

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 (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;

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;

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 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 Class A Conditional Use; and,

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/CA-2014-00665, the petition of West Palm Beach Plaza LLC, by Urban Design Kilday Studios, agent, for a Class A Conditional Use to allow a Convenience Store with gas sales and to allow a Type I Restaurant in the PO 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 September 30, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

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

The Mayor thereupon declared that the resolution was duly passed and adopted on September 30, 2014.

Filed with the Clerk of the Board of County Commissioners on October 2, 2014.

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

A PARCEL OF LAND LOCATED WITHIN PALM BEACH COUNTY INTERNATIONAL AIRPORT PROPERTY, SITUATE IN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 32; THENCE NORTH 88°26'54" WEST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32, A DISTANCE OF 55.26 FEET; THENCE SOUTH 01°33'06" WEST AT RIGHT ANGLE TO SAID SECTION LINE, A DISTANCE OF 40.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF BELVEDERE ROAD AS SHOWN ON ROAD PLAT BOOK 3, PAGE 94 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY AND THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY LINE SOUTH 43°15'36" EAST, A DISTANCE OF 35.24 FEET TO A LINE LYING 30.00 FEET WEST OF THE PHYSICAL CENTERLINE OF AN AIRPORT ACCESS ROAD (SAID CENTERLINE IS NOT THE NORTH/SOUTH QUARTER SECTION LINE OF SAID SECTION 32); THENCE SOUTH 02°04'21" WEST ALONG SAID LINE, A DISTANCE OF 304.86 FEET; THENCE SOUTH 13°28'53" WEST, A DISTANCE OF 34.31 FEET; THENCE NORTH 88°28'56" WEST, A DISTANCE OF 412.25 FEET; THENCE NORTH 01°33'16" EAST, A DISTANCE OF 363.67 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF BELVEDERE ROAD; THENCE SOUTH 88°26'54" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 397.26 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

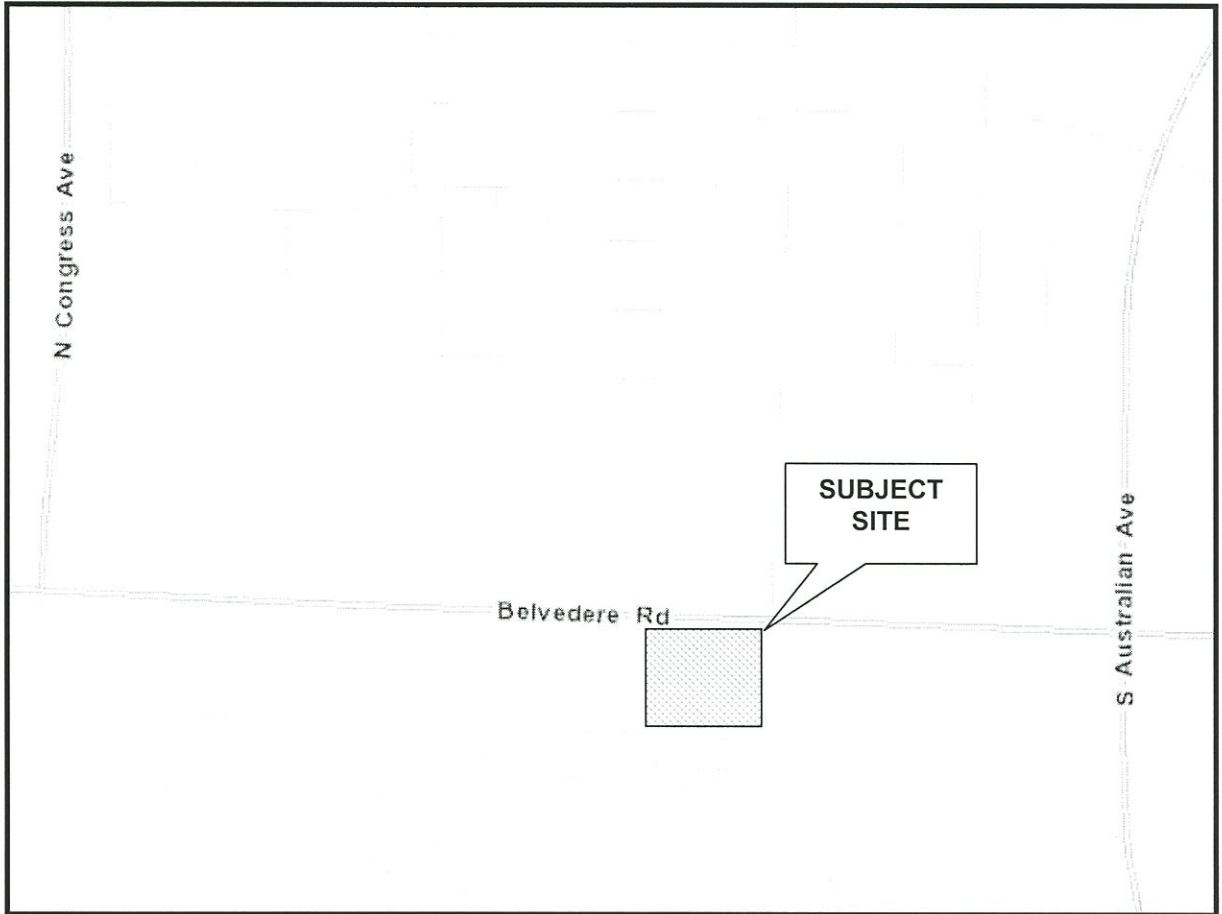


EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Site Plan is dated July 10, 2014. 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 shall be submitted for final 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 July 10, 2014. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (ONGOING: ZONING - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2015. 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. (BLDG/PMT/DATE: MONITORING - Engineering)

2. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall construct:

- i) right turn lane, west approach on Belvedere Road at project entrance,
- ii) right turn lane, east approach on Airport Access Road on the south boundary of the project at project entrance, and
- iii) an extension of the existing left turn lane, east approach on Belvedere Road at Florida Mango Road.

The length of the turn lane in i. above should be a minimum of 330 ft storage and 50 ft taper or as approved by the County Engineer, the length of the turn lane in ii. above should be the maximum length that could be accommodated or as approved by the County Engineer, and the ultimate length of the turn lane in iii. above should be as per County standards or as approved by the County Engineer.

This construction shall be concurrent with the paving and drainage improvements for the site. 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. (CO: MONITORING - Engineering)

3. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall designate right of way for a right turn lane through Resolution by the Board of County Commission for the construction of a right turn lane on Belvedere Road at the project's entrance driveway. This right of way shall be a minimum of 330 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. The right of way shall be continued across the project entrance. A subordination agreement from Florida Power and Light shall be provided to Palm Beach County prior to acceptance of this right of way. The right of way shall include Corner

Clips where appropriate, as determined by the County Engineer. (CO: MONITORING-Eng)

4. Property Owner shall construct a 6 foot concrete sidewalk along the south side of Belvedere Road across the property frontage. 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. These improvements shall be completed concurrently with the onsite paving and grading and shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

5. Prior to issuance of the Certificate of Occupancy, the Property Owner shall have the existing Cell Phone Lot to the east of this site relocated to be onsite due to the misalignment of the driveways. (BLDGPM/CO: MONITORING - Engineering)

LANDSCAPE - GENERAL

1. All trees to be removed due to the site development shall be relocated on the subject lease parcel to the greatest extent possible. Any remaining trees shall be relocated within the limits of Palm Beach International Airport (PBIA) where they can benefit the airport and shall be adequately protected to maximize survival. (ONGOING: ZONING - Zoning)

2. Prior to Final Approval by the Development Review Officer, the Property Owner shall revise the Regulating Plan to include a tabular data table indicating the number of existing trees to be removed due to site development, the number of trees to be relocated within the lease parcel and the number of trees to be relocated outside of the lease parcel. (DRO: ZONING - Landscape)

PLANNING

1. Prior to final site plan approval, the applicant will depict on the site plan a future pedestrian connection to the proposed cell phone waiting lot expansion to the west. This connection should link the site's internal sidewalks to the proposed cell phone waiting lot expansion. (DRO: PLANNING - Planning)

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: ZONING - 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) (ONGOING: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.