

RESOLUTION NO. ZR-2020-043

RESOLUTION APPROVING ZONING APPLICATION ZV-2020-00723
CONTROL NO. 1996-00026
TYPE 2 VARIANCE (*STAND ALONE*)
APPLICATION OF Soapy Shark Car Wash, LLC, Jaha Boca, LLC
BY Shutts and Bowen, LLP, AGENT
(SOAPY SHARK)

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 27, 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 ZV-2020-00723 was presented to the Zoning Commission at a public hearing conducted on November 5, 2020;

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 finds that Zoning Application ZV-2020-00723 satisfies the standards pursuant to Article 2.B (Public Hearing Processes) for a Type 2 Variance, based on the evidence and testimony presented at the hearing by the Applicant;

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, 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 ZV-2020-00723, the Application of Soapy Shark Car Wash, LLC, Jaha Boca, LLC, by Shutts and Bowen, LLP, Agent, for a Type 2 Variance to reduce minimum lot depth, building frontage, width of a divider median, and width of the Right-of-Way (R-O-W) buffer; and, to eliminate the principal entrance from the street used as the primary frontage for the building, and foundation planting, 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 November 5, 2020, 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 Kern moved for the approval of the Resolution.

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

Sheri Scarborough, Chair	-	Aye
Sam Caliendo, Vice Chair	-	Absent
Amir Kanel	-	Aye
John Kern	-	Aye
Michael Kelley	-	Absent
Marcelle Griffith Burke	-	Absent
Alex Brumfield III	-	Aye
Mark Beatty	-	Aye
Jess Sowards	-	Aye

The Chair thereupon declared the resolution was duly passed and adopted on November 5, 2020.

This resolution is effective when filed with the Palm Beach County Zoning Division on November 5, 2020.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
CHAIR

EXHIBIT A
LEGAL DESCRIPTION

TRACT "A" OF KFC & JACK'S RESTAURANT ACCORDING TO THE PLAT THEREOF
AS RECORDED IN PLAT BOOK 127. PAGE 135 OF PUBLIC RECORDS OF PALM
BEACH COUNTY, FLORIDA.

TOTAL AREA, 52,063 SQUARE FEET 1.195 ACRE MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

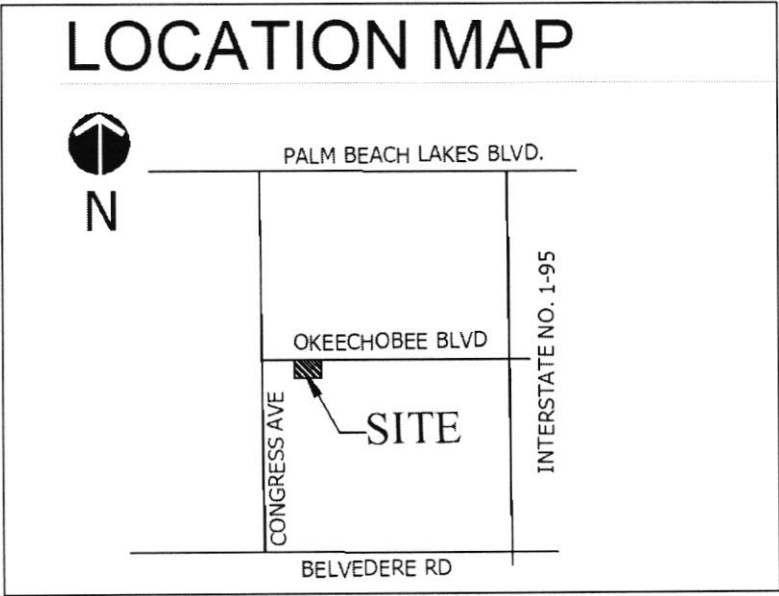


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Standalone

ALL PETITIONS

1. This Variance is approved based on the site layout as shown on the Preliminary Site Plan, dated September 28, 2020. Only minor modifications by Board of County Commissioners or Development Review Officer shall be permitted provided the changes are consistent with this Preliminary Site Plan. (ONGOING: CODE ENF - Zoning)

VARIANCE

1. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for DRO-2020-01282. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING - 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; 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 the Development Permit.

EXHIBIT D

REQUEST

TYPE II VARIANCE SUMMARY

#	ULDC Article	REQUIRED	PROPOSED	VARIANCE
V.1	Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs	Minimum Building Frontage: 143 feet (60%)	130 feet (54%)	-13 feet (-6%)
V.2	Table 3.D.1.A, Property Development Regulations	Minimum Lot Depth – 200 feet	195 feet	-5 feet
V.3	Art. 3.B.14.G.3.b, Architectural Guidelines	Principal Entrance on the first floor oriented towards the street used as the primary frontage for the building. (Okeechobee Blvd.)	Principal entrance along south side of structure.	Eliminate principal entrance along primary frontage (Okeechobee Blvd.)
V.4	Table 7.C.4.A, Landscape Island and Divider Median Planting and Dimensional Requirements	10 feet	6 feet (with 2 feet of vehicular overhang)	-4 feet
V.5	Table 7.C.2.A – R-O-W Buffer Landscape Requirements	10 feet	5 feet	-5 feet
V.6	Table 7.C.3.B, Foundation Planting and Dimensional Requirements	8 feet wide Foundation Planting along 40% of front façade	No foundation planting along front façade (south side of structure)	No foundation planting along front façade (south side of structure)