

RESOLUTION NO. ZR-2024-006

RESOLUTION APPROVING ZONING APPLICATION SV/CA-2024-00590
(CONTROL NO. 2024-00043)
SUBDIVISION VARIANCE (*CONCURRENT*)
APPLICATION OF O'Connor Property Management, LLC - William Q O'Connor, The Salvation
Army - James Seller
BY WGINC, AGENT
(PROJECT CHARLIE)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), 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 SV/CA-2024-00590, the application of The Salvation Army and O'Connor Property Management, LLC, by WGI Inc. for a Concurrent Subdivision Variance to allow access from a local residential street without sidewalks and a reduction in pavement width; and for a Class A Conditional Use to allow a Heavy Repair and Maintenance was presented to the Zoning Commission at a public hearing conducted on August 1, 2024;

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 Subdivision 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 SV/CA-2024-00590 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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application SV/CA-2024-00590, the Application of O'Connor Property Management, LLC - William Q. O'Connor, The Salvation Army - James Seller, by WGINC, Agent, for a Subdivision Variance to allow access from a local residential street without sidewalks and a reduction in pavement width, 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 August 1, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof, and Subdivision 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:

Cheri Pavlik, Vice Chair	- Aye
John Kern, Vice Chair	- Aye
Michael Kelley	- Aye
Sam Caliendo	- Aye
Lori Vinikoor	- Aye
William Reicherter	- Absent
Alex Brumfield III	- Absent
Susan Kennedy	- Aye
James Williams	- Aye

The Chair thereupon declared the resolution was duly passed and adopted on August 1, 2024.

This resolution shall only become effective upon the adoption of a resolution approving Zoning Application SV/CA-2024-00590 by the Board of County Commissioners.

This resolution was filed with the Palm Beach County Zoning Division on August 1, 2024.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 

COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 

CHAIR

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A PARCEL OF LAND IN THE REPLAT OF WESTOVER, RECORDED IN PLAT BOOK 18, PAGE 23, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING BOUNDED AS FOLLOWS:

ON THE NORTH BY THE SOUTHERLY LINE OF HAZARD STREET, ON THE SOUTH BY THE NORTHERLY LINE OF GOLF STREET, ON THE WEST BY THE EASTERLY LINE OF LEXINGTON AVENUE AND ON THE EAST BY A LINE PARALLEL WITH AND 53 FEET WEST OF (MEASURED AT RIGHT ANGLES TO) THE NORTH/SOUTH 1/4 SECTION LINE OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, ALL ARE SHOWN ON SAID REPLAT OF WESTOVER, WHICH PROPERTY IS ALSO DESCRIBED AS PROPERTY FRONTING ON THE EAST BY MILITARY TRAIL; ON THE NORTH BY HAZARD STREET; ON THE WEST BY LEXINGTON AVENUE AND ON THE SOUTH BY GOLF STREET.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH QUARTER CORNER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 01°30'22" WEST ALONG THE NORTH-SOUTH QUARTER SECTIONLINE OF SAID SECTION 36, A DISTANCE OF 1698.21 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH RIGHT-OF-WAY OF ORLEANS COURT, FORMERLY KNOWN AS HAZARD STREET, AS SHOWN ON THE PLAT OF WESTOVER, AS RECORDED IN PLAT BOOK 4, PAGE 72, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE NORTH 88°36'23" WEST ALONG SAID EASTERLY EXTENSION, A DISTANCE OF 53.00 FEET TO THE POINT ON OF INTERSECTION OF SAID SOUTH RIGHT-OF-WAY OF ORLEANS COURT AND THE WEST RIGHT-OF-WAY OF STATE ROAD 809 (MILITARY TRAIL), AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93600-2602, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 01°30'22" WEST ALONG SAID WEST RIGHT-OF-WAY OF STATE ROAD 809, BEING 53.00 FEET WEST OF AND PARALLEL TO THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 36, A DISTANCE OF 254.45 FEET TO THE POINT OF INTERSECTION OF SAID WEST RIGHT-OF-WAY OF STATE ROAD 809 AND THE NORTH RIGHT-OF-WAY OF GOLF STREET, AS SHOWN ON THE AFOREMENTIONED PLAT OF WESTOVER; THENCE NORTH 88°36'23" WEST ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 587.43 FEET TO THE POINT OF INTERSECTION OF SAID SOUTH RIGHT-OF-WAY OF GOLF STREET AND THE EAST RIGHT OF WAY OF LEXINGTON AVENUE, AS SHOWN ON THE AFOREMENTIONED PLAT OF WESTOVER; THENCE NORTH 01°28'27" EAST ALONG SAID EAST RIGHT-OF-WAY OF LEXINGTON AVENUE, A DISTANCE OF 254.45 FEET TO THE POINT OF INTERSECTION OF SAID EAST RIGHT-OF-WAY OF LEXINGTON AVENUE AND THE PREVIOUSLY DESCRIBED SOUTH RIGHT-OF-WAY OF ORLEANS COURT; THENCE SOUTH 88°36'23" EAST ALONG SAID SOUTH RIGHT-OF-WAY OF ORLEANS COURT, A DISTANCE OF 587.57 FEET TO THE POINT OF BEGINNING. POINT OF BEGINNING.

SAID LANDS CONTAIN 149,488 SQUARE FEET OR 3.432 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

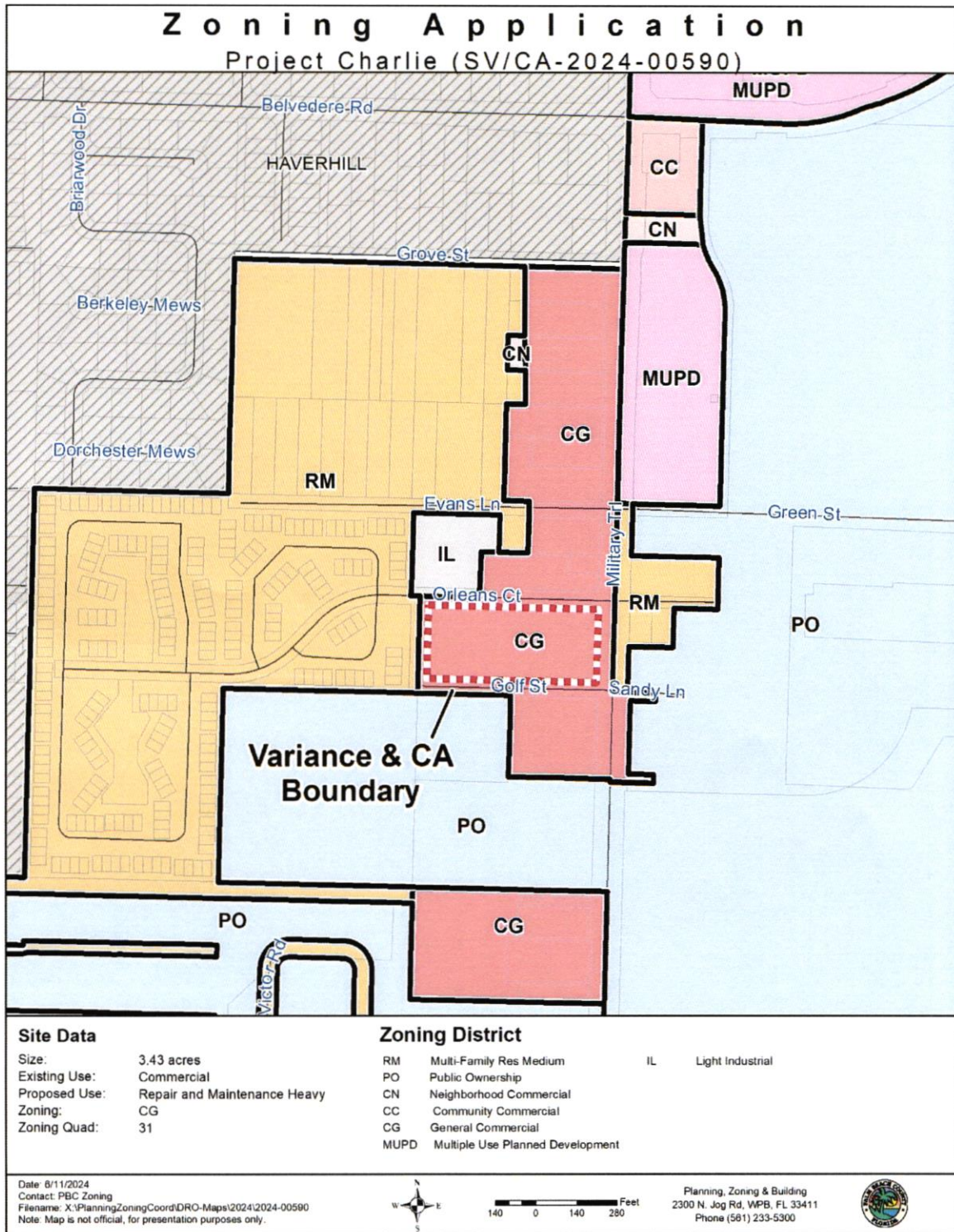


EXHIBIT C

CONDITIONS OF APPROVAL

Subdivision Variance

ALL PETITIONS

1. This Subdivision Variance is approved based on the layout as shown on the Preliminary Site Plan dated June 13, 2024. Only minor modifications by the Development Review Officer or Zoning Commission shall be permitted provided the changes are consistent with this Preliminary Site Plan. (ONGOING: ZONING - Zoning)

2. 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. (BLDG/PMT: BUILDING DIVISION - Zoning)

3. The Development Order for this Concurrent Subdivision Variance shall be tied to the Time Limitations of the Development Order for SV/CA-2024-00590. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: ZONING - Zoning)

ENGINEERING

1. The subdivision variance approval shall remain in effect as long as the Final Site Plan remains valid in accordance with the applicable time limitations of Article 2.E., of the ULDC. (ONGOING: ENGINEERING - Engineering)

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 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)

DISCLOSURE

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

EXHIBIT D

REQUEST

SUBDIVISION VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
11.E.2.A.2 Minimum Legal Access	5ft sidewalk Required on both sides of Lexington Avenue	No sidewalks on Lexington Avenue	No sidewalks on Lexington Avenue
11.E.2.A.4.b Double Frontage Lots and Corner Lots - Non Residential Lots	minimum 24ft of pavement width and sidewalk on both sides of Golf Street	minimum 18.5ft of pavement width with no sidewalk on Golf Street	5.5ft of pavement width with no sidewalk on Golf Street

SITUS ADDRESS:	655 N Military Trl West Palm Beach 33415 655 N Military Trl 1 West Palm Beach 33415 655 N Military Trl 2 West Palm Beach 33415 655 N Military Trl 3 West Palm Beach 33415 655 N Military Trl 4 West Palm Beach 33415 655 N Military Trl 5 West Palm Beach 33415 655 N Military Trl 6 West Palm Beach 33415 655 N Military Trl 7 West Palm Beach 33415 655 N Military Trl 8 West Palm Beach 33415	
OWNER NAME & ADDRESS:	Army Salvation Po Box 789 West Palm Beach, FL 33402-0789	
PCN:	00-42-43-36-20-000-0050	
ZONING DISTRICT:	CG	
BCC DISTRICT:	2	
LAND USE:	CH/IND	S/T/R: 36-43-42
CONTROL #:	2024-00043	
LOT AREA:	3.42 acres +/-	
REQUEST:	to allow access from a local residential street without sidewalks.	