

RESOLUTION NO. ZR-2008-048

RESOLUTION APPROVING ZONING APPLICATION CB2008-296  
(CONTROL NO. 2007-378)  
CLASS B CONDITIONAL USE  
APPLICATION OF HOMES BY DESIGN INC  
BY MILLER LAND PLANNING, AGENT  
(PALM CENTER CAR WASH)

WHEREAS, the Palm Beach County Zoning Commission, pursuant to Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code is authorized and empowered to consider, approve, approve with conditions or deny Class B Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application CB2008-296 was presented to the Zoning Commission at a public hearing conducted on July 3, 2008; and

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; 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, this approval shall only become effective upon the adoption of a resolution approving Zoning Application Z2008-296 by the Board of County Commissioners; and

WHEREAS, the Zoning Commission has considered the findings in the staff report and the following findings of fact:

1. This Class B Conditional Use is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Class B Conditional Use complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Class B Conditional Use also meets applicable local land development regulations. This Class B Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
3. This Class B Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Class B Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

6. This Class B Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
7. This Class B Conditional Use, with conditions as adopted, is consistent with applicable Neighborhood Plans.
8. This Class B Conditional Use has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
9. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Class B Conditional Use.

WHEREAS, Article 2.A.1.K.3.a (Action by ZC) of the Palm Beach County Unified Land Development Code requires that action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application CB2008-296, the application of Homes By Design Inc., by Miller Land Planning, Agent, for a Class B Conditional Use to allow a car wash in the (CN) 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 July 3, 2008 subject to the conditions of approval described in EXHIBIT C of Z2008-296.

Commissioner Kaplan moved for the approval of the Resolution.

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

Frank A. Barbieri, Jr., Chair	Aye
William Anderson, Vice Chair	Aye
Allan Kaplan	Aye
Sherry Hyman	Aye
Al Zucaro	Aye
Joanne Davis	Aye
Alex Brumfield III	Aye

The Chair thereupon declared this resolution shall not become effective until the approval of Zoning Application Z2008-296.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

BY:   
COUNTY ATTORNEY

BY:   
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

LOTS 95 TO 101 INCLUSIVE, REPLAT OF ARCANUM, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 23, PAGES(S) 33, AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. TOGETHER WITH THE 10 FOOT STRIP LYING NORTH OF AND ADJACENT TO THE NORTH LINE OF LOTS 95 TO 101 INCLUSIVE, AND A 3 FOOT STRIP LYING SOUTHERLY OF AND ADJACENT TO THE SOUTHERLY LINE OF LOT 95.

TOGETHER WITH:

LOTS 102 THROUGH 107, INCLUSIVE, OF RE-PLAT OF ARCANUM, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 23, PAGE 33, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; TOGETHER WITH THAT PORTION OF THE ABANDONED 20 FOOT PLATTED ALLEY; LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY SET FORTH IN OFFICIAL RECORD BOOK 7368, PAGE 924, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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28,281 SQUARE FEET

0.6492 ACRES

EXHIBIT B  
QUAD MAP

