

RESOLUTION NO. ZR-2008-053

RESOLUTION APPROVING ZONING APPLICATION ZV/CB-2008-00433
(CONTROL NO. 1978-00296)
TYPE II VARIANCE (CONCURRENT)
APPLICATION OF Okeechobee Petroleum Developers LLC
BY Greenberg Traurig, PA, AGENT
(AMERICAN OIL COMPANY)

WHEREAS, the Palm Beach County Zoning Commission, 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 a Type II Variance; 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 ZV/CB-2008-00433 was presented to the Zoning Commission at a public hearing conducted on September 4, 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 ZV/CB-2008-00433 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. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same Zoning District;
2. The special circumstances and conditions do not result from the actions of the applicant and the approval of this variance will not grant any special privilege to the applicant;
3. Granting the variance does not confer upon the applicant any special privilege denied by the comprehensive plan and this code to other parcels of land, buildings or structures in the same zoning district;
4. Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship;
5. This variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure;
6. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this code; and
7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

WHEREAS, Article 2.A.1.K.3.a (Action by ZC) of the Palm Beach County Unified Land Development Code requires that the 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/CB-2008-00433, the application of Okeechobee Petroleum Developers LLC, by Greenberg Traurig, PA, agent, for a Type II Variance to allow for a reduction in required queuing spaces, 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 4, 2008, subject to the conditions of approval described in EXHIBIT C of CB2008-433, attached thereto and made a part thereof.

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	-	N/A
Joanne Davis	-	Aye
Alex Brumfield III	-	Aye
Kelley Armitage	-	Aye

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
CHAIR

EXHIBIT A
LEGAL DESCRIPTION

2900 Okeechobee Boulevard

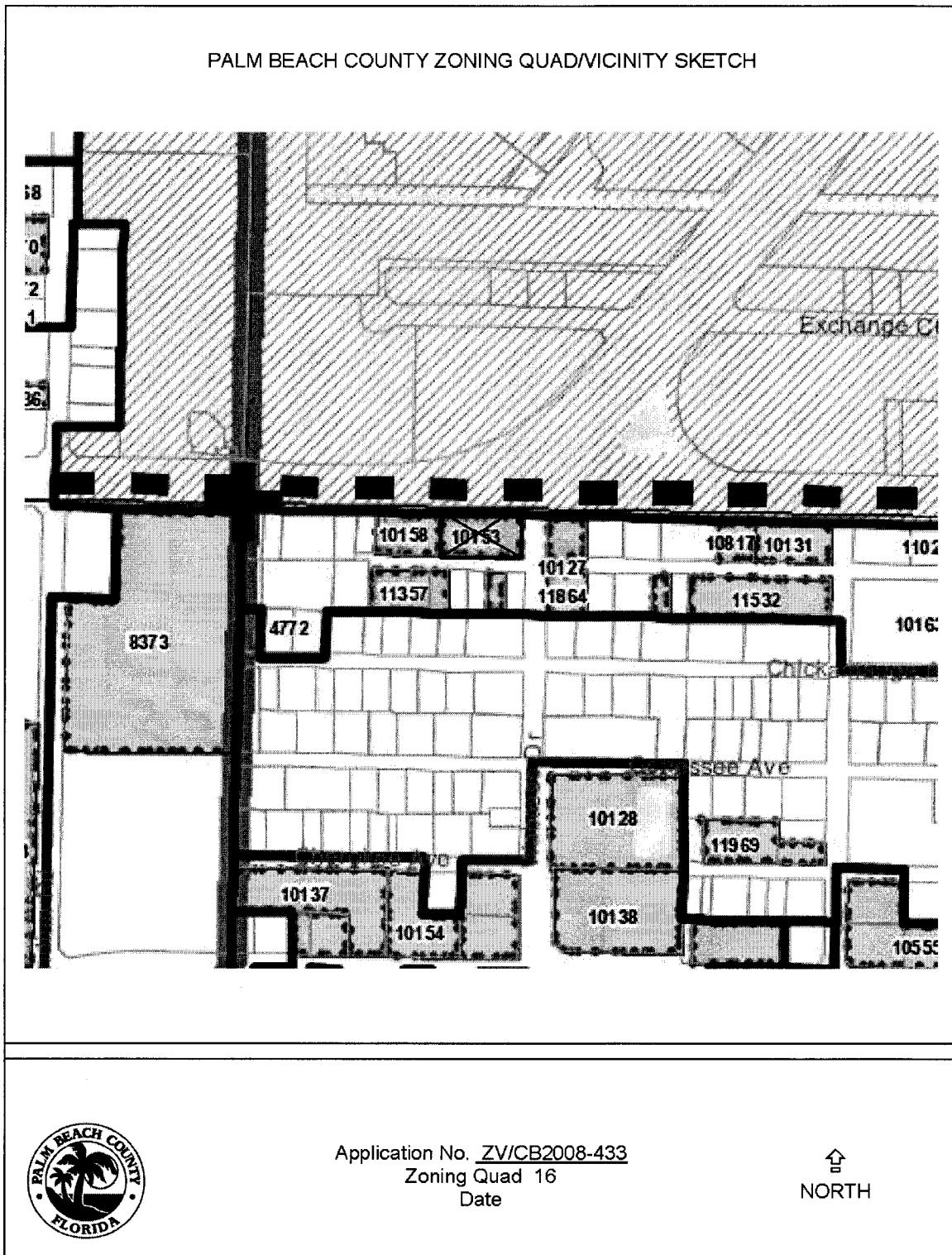
PCNs: 00-43-43-30-01-001-0220
00-43-43-30-01-001-0250

LEGAL DESCRIPTION

Lots 22, 23, 24, 25, 26, 27, 28, 29 and 30, Block 1 Amended Plat of Blocks 1, 2, 3, 4, 5, 6 and Northern part of Block "A" WEST GATE ESTATES, as subdivision of Palm Beach County, Florida, according to the Plat thereof recorded in Plat Book 9, Page 20, of the Public Records of Palm Beach County, Florida less and excepting therefrom all road rights-of-way previously granted.

EXHIBIT B
VICINITY SKETCH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. ZV/CB2008-433
Zoning Quad 16
Date

↑
NORTH

EXHIBIT D

REQUEST

APPLICATION NO.	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
ZV/CB-2008-00433	6.A.1.D.16 Minimum Queuing Standards	20 feet of queuing at each end of pump island	14 feet at one end of pump island	reduction of 20 feet on one end and 6 feet on other end of pump island
SITUS ADDRESS:	Vacant			
OWNER NAME & ADDRESS:	12390 SW 82nd Ave Pinecrest FL 33156			
PCN:	00-43-43-30-01-001-0220			
ZONING DISTRICT:	CG			
BCC DISTRICT:	02			
PROJECT MANAGER:	David McGuire, Site Planner II			
LAND USE:	CH/8	S/T/R: 30-43-43		
CONTROL #:	1978-00296			
LOT AREA:	0.56 acres +/-			
APPLICANT REQUEST:	To adopt a resolution approving a Type II Variance allowing for a reduction in required queuing spaces.			