

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

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Meeting Date:	September 17, 2024	<input type="checkbox"/>	Consent	<input type="checkbox"/>	Regular
		<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Public Hearing

Department: Planning, Zoning & Building

Submitted By: Planning, Zoning & Building

Submitted For: Zoning Division

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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a resolution approving a Class A Conditional Use to allow a Heavy Repair and Maintenance on 3.42 acres, subject to the Conditions of Approval as indicated in the Staff Report Exhibit C-1.

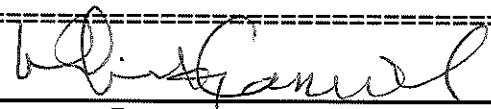
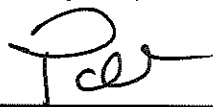
SUMMARY: The item before the Board of County Commissioners (BCC) is a proposed Zoning Application called Project Charlie, SV/CA 2024-00590, by WGI, Inc., agent for the applicants, O'Connor Property Management, LLC and The Salvation Army, located on the west side of N. Military Trail approximately 1,700 feet south of Belvedere Road. The request is for a Class A Conditional Use to allow a Heavy Repair and Maintenance on the 3.42 acre site. This is a quasi-judicial proceeding and disclosures are required. District 2 (SAS)

Background and Policy Issues: The Zoning Application was presented to the BCC at the August 22, 2024 Zoning Hearing and was postponed by the Board at the request of the applicant in order to allow for more coordination with surrounding residents. Subsequently on Tuesday August 27, 2024, the BCC voted to hold the postponed hearing on September 17, 2024 subject to the public notice advertising requirements, and the courtesy notice requirements, being met. Proof of publication will be provided at the hearing.

Attachments:

- 1. Project Charlie, SV/CA 2024-00590, Staff Report

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Recommended By:	<u></u>	<u>9/12/2024</u>
	Department Director	Date
Approved by:	<u></u>	<u>9/16/24</u>
	Deputy County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures	0	0	0	0	0
Operating Costs	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income(County)	0	0	0	0	0
In-Kind Match(County)	0	0	0	0	0
NET FISCAL IMPACT	0	0	0	0	0
#ADDITIONAL FTE POSITIONS (CUMULATIVE)	0	0	0	0	0

Is Item Included in Current Budget? Yes ___ No X
 Is this item using Federal Funds? Yes ___ No X
 Is this item using State Funds? Yes ___ No X

Budget Account No:

Fund Dept Unit

B. Recommended Sources of Funds/Summary of Fiscal Impact:

There is no fiscal impact to this agenda item

C. Departmental Fiscal Review:

Alcham

III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

ASDUA 9/13/24
 OFMB DA 9/13 DA 9/13

Brands 9/13/24
 Contract Dev. & Control
 MWS 9/13/24

B. Legal Sufficiency

[Signature] 9/13/24
 Assistant County Attorney

C. Other Department Review

 Department Director

RESOLUTION NO. R-2024-

RESOLUTION APPROVING ZONING APPLICATION SV/CA-2024-00590
(CONTROL NO. 2024-00043)
a Class A Conditional Use
APPLICATION OF O'Connor Property Management, LLC - William Q O'Connor,
The Salvation Army - James Seller
BY WGINC, AGENT
(Project Charlie)

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 pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application SV/CA-2024-00590 was presented to the Board of County Commissioners at a public hearing conducted on September 17, 2024;

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 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Class A Conditional Use;

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 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:

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 Class A Conditional Use to allow a Heavy Repair and Maintenance on 3.42 acres, 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 September 17, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner _____ moved for the approval of the Resolution.

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

- Commissioner Maria Sachs, Mayor -
- Commissioner Maria G. Marino, Vice Mayor -
- Commissioner Gregg K. Weiss -
- Commissioner Michael A. Barnett -
- Commissioner Marci Woodward -
- Commissioner Sara Baxter -
- Commissioner Mack Bernard -

The Mayor thereupon declared that the resolution was duly passed and adopted on September 17, 2024.

Filed with the Clerk of the Board of County Commissioners on _____.

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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
_____ COUNTY ATTORNEY

BY: _____
DEPUTY CLERK

EXHIBIT A

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

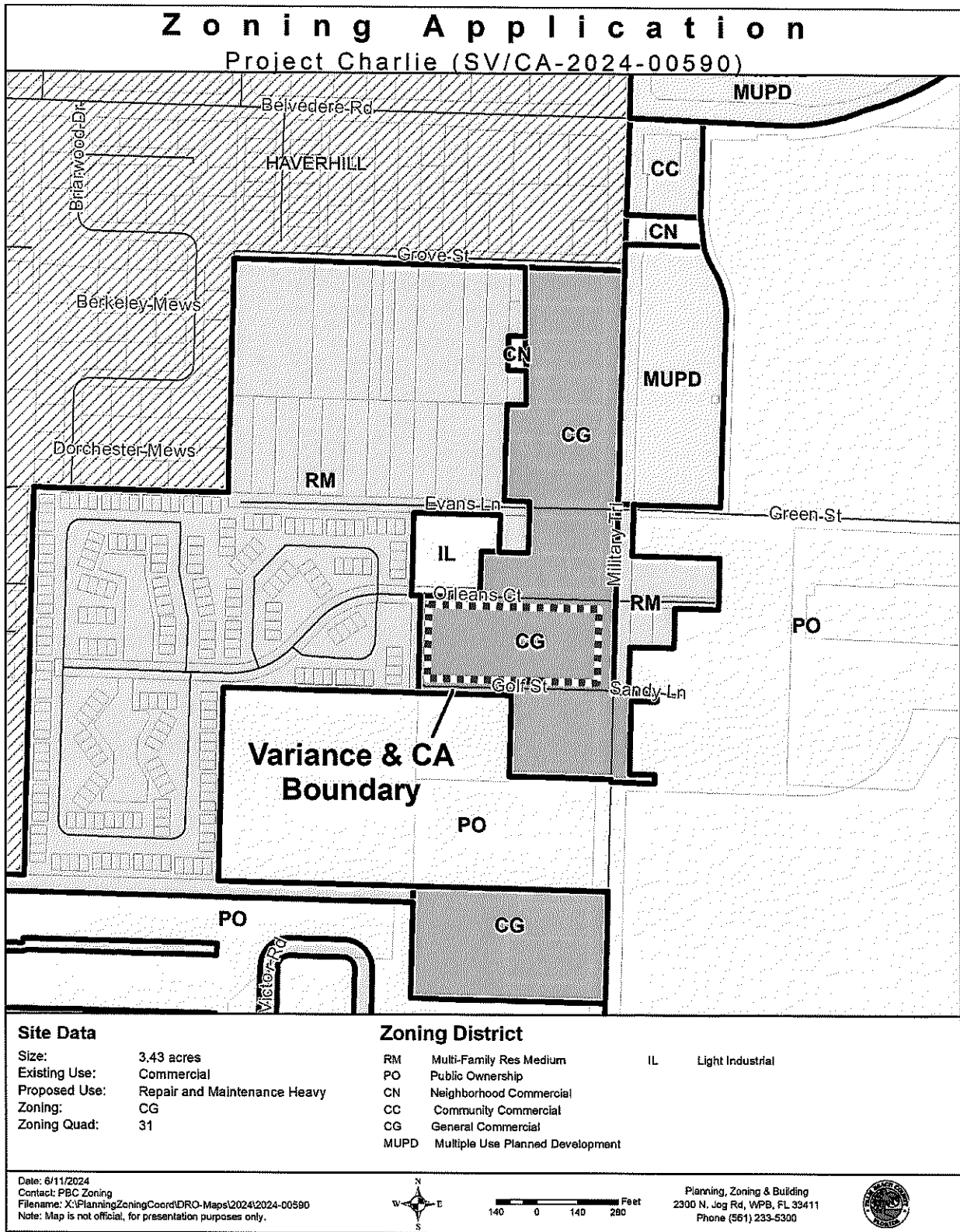


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated June 13, 2024. 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. (ONGOING: ZONING - Zoning)

ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2026, or as amended. 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. (DATE: MONITORING - Engineering)

2. Prior to the approval of the Final Site Plan by the Development Review Officer, the Property Owner shall revise the Right-in/Right-out driveway on Military Trail to be shown as Right-out only, as per the driveway approval by the FDOT, as well as submission of a revised traffic impact study report reflecting the above changes to the driveway. (DRO: MONITORING - Engineering)

3. Prior to the issuance of the first building permit, the Property Owner shall provide to Florida Department of Transportation (FDOT) by deed, a 25-foot corner clip (chord of a 25 foot radius) at the intersections of Orleans Court and Military Trail and Golf Road and Military Trail. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. County Engineer, additional right of way for Expanded Intersections and corner clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPM: MONITORING - Engineering)

4. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Section of the Roadway Production Division by warranty deed additional right-of-way for a 25-foot corner clip (chord of a 25 foot radius) at the intersections of Orleans Court and Lexington Avenue and Golf Street and Lexington Avenue. This additional right of way shall be free of all encumbrances and encroachments, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDGPM: MONITORING - Engineering)

5. Property Owner shall construct a minimum 5 foot wide concrete sidewalk along the south side of Orleans Court from Lexington Avenue to Military Trail. The existing landscaping shall remain. 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. The sidewalk shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Engineering)

6. The Property Owner shall construct one speed hump and associated striping and signage on Orleans Court between Lexington Avenue and Military Trail, as approved by the County Engineer. Any and all costs associated with the construction shall be paid by the Property Owner.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

c. The Property Owner shall maintain the speed hump, associated striping and signage in perpetuity. Should the County remove the speed hump and/or striping as part of a County project, the Property Owner shall replace the speed hump and striping with no expense to the County. (ONGOING: ENGINEERING - Engineering)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE ABUTTING LEXINGTON AVE

1. In addition to the requirements for a R-O-W buffer along Lexington Ave the buffer shall be upgraded to include one canopy tree for each for each 20 linear feet of the property line. (BLDGPM/DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER

1. The landscape plan shall incorporate the preservation of existing trees unless necessary to be removed for access to the site. (BLDGPM/DRO: ZONING - Zoning)

SIGNS

1. The Site shall have no more than two (2) Ground Mounted Signs on site. (BLDGPM/DRO: ZONING - Zoning)

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: 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.



PALM BEACH COUNTY ZONING APPLICATION STAFF REPORT

BOARD OF COUNTY COMMISSIONERS, SEPTEMBER 17, 2024

A. Application Summary

I. General

Application Name: Project Charlie, SV/CA-2024-00590
Control Name: Project Charlie (2024-00043)
Applicant: O'Connor Property Management, LLC - William Q O'Connor
The Salvation Army - James Seller
Owner: The Salvation Army
Agent: WGINC - Yoan Machado
Project Manager: Matthew Boyd Site Planner II

Title: a Subdivision Variance **Request:** to allow access from a local residential street without sidewalks and a reduction in pavement width. **Title:** a Class A Conditional Use **Request:** to allow a Heavy Repair and Maintenance

Application Summary: The proposed application is for the Project Charlie development. The site was rezoned on November 2, 1967 pursuant to Resolution 3-Y-67 from the R-1 Single Family District to the C-1 Neighborhood Commercial District in accordance with the 1957 Palm Beach County Land Development Regulations. This Zoning District was subsequently changed to Commercial General (CG). The site has a Development Permit through the building permit process for General Retail Sales.

The application is proposed in order to allow the redevelopment of the site to replace the existing shopping center with a Heavy Repair and Maintenance use for vehicles. The application includes a subdivision variance to allow access from a Local Residential Street (60-foot Right of Way (ROW) rather than a local Commercial Street (80-foot ROW). The Preliminary Site Plan indicates one building with a total of 36,926 square feet (sq. ft.), with associated site elements for water management, landscape buffering, and parking. Access to the site is from Military Trail, Orleans Court, and Gold Street.

II. Site Data

Acres: 3.42 acres
Location: West side of N. Military Trail approx. 1700 feet south of Belvedere Road
Parcel Control: 00-42-43-36-20-000-0050
Future Land Use: Commercial High, with an underlying IND (CH/IND)
Zoning District: General Commercial District (CG)
Proposed Zoning: General Commercial District (CG)
Tier: Urban/Suburban
Utility Service: PBC Water Utilities
Overlay/Study: Palm Beach International Airport Overlay
Neighborhood Plan: Haverhill Neighborhood Plan
CCRT Area: N/A
Comm. District: 2, Commissioner Gregg Weiss

III. Staff Assessment & Recommendation

ASSESSMENT: Staff has evaluated the standards listed under Article 2.B, and determined that the requests meet the standards of the ULDC subject to Conditions of Approval as indicated in Exhibit C-1.

STAFF RECOMMENDATION: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C-1.

PUBLIC COMMENT SUMMARY: At the time of publication of the Zoning Commission Report, Staff had received three contacts from the public regarding this application. Two were inquiring about the proposed development, while one was in opposition. See Hearing History for public hearing comments.

IV. Hearing History

ZONING COMMISSION (ZC): At the August 1, 2024 ZC Hearing, this item was on the Consent Agenda. There were two public comment cards submitted in opposition of this item. One member spoke and expressed concerns regarding the impact of the use on the environment, potential safety issues with the access onto Orleans Court due to the location a school bus stop, and negative impacts on the entrance to Orleans Court. There was no ZC discussion. Commissioner Caliendo made the motion to recommend approval of the Consent Agenda Items, which was seconded by Commissioner Kern, and the motion carried by a vote of 7-0-0. The action by the ZC approved the following Subdivision Variance:

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

BCC HEARING - August 22, 2024: At the August 22, 2024 BCC Hearing, the Board pulled this item from the Consent Agenda following public comment. Under Board discussion, Commissioner Weiss proposed the addition of speed humps on Orleans Court. Under public comment, a total of 8 comment cards were submitted in opposition, including an attorney representing the residents. Public speakers expressed safety concerns regarding children walking along Orleans Court to the school bus stops located on Military Trail, speeding along Orleans Court, and requested additional time to work with the applicant. In order to allow the applicant too coordinate with residents, the Board reordered the agenda to move the item to the end of the agenda. Upon reconvening the item, the applicant stated that additional time was needed to coordinate with residents and requested a postponement to the September 26th hearing. Commissioner Weiss motioned for the Postponement, which was seconded by Vice Mayor Marino, and passed by a vote of 6-0-0. Subsequently on Tuesday August 27, 2024, the BCC voted to hold the postponed hearing on September 17, 2024.

BCC HEARING - September 17, 2024: *Pending*

B. Data & Analysis

The supporting data and analysis is provided within the following Exhibits.

I. Exhibits	Page
A. Future Land Use Map & Zoning Map	3
B. Standards Analysis & Findings	5
C. Conditions of Approval	9
D. Project History	11
E. Preliminary Site Plan (June 18, 2024)	12
F. Preliminary Regulating Plan (June 18, 2024)	13
G. Disclosure of Ownership	14
H. Drainage Statement	22
I. Utility Letter	24
J. FDOT Letter	25

Exhibit A - Future Land Use Map

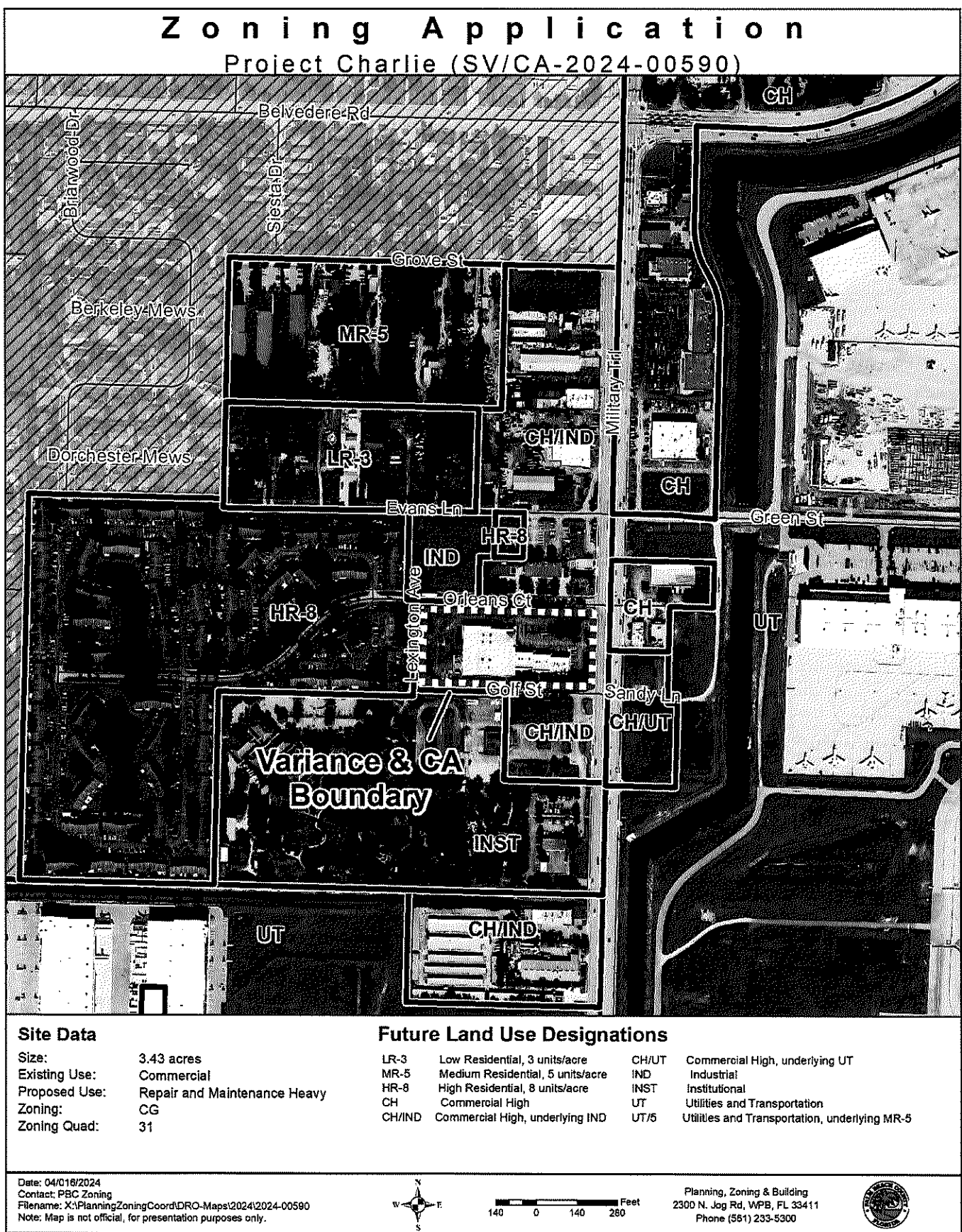


Exhibit A - Zoning Map

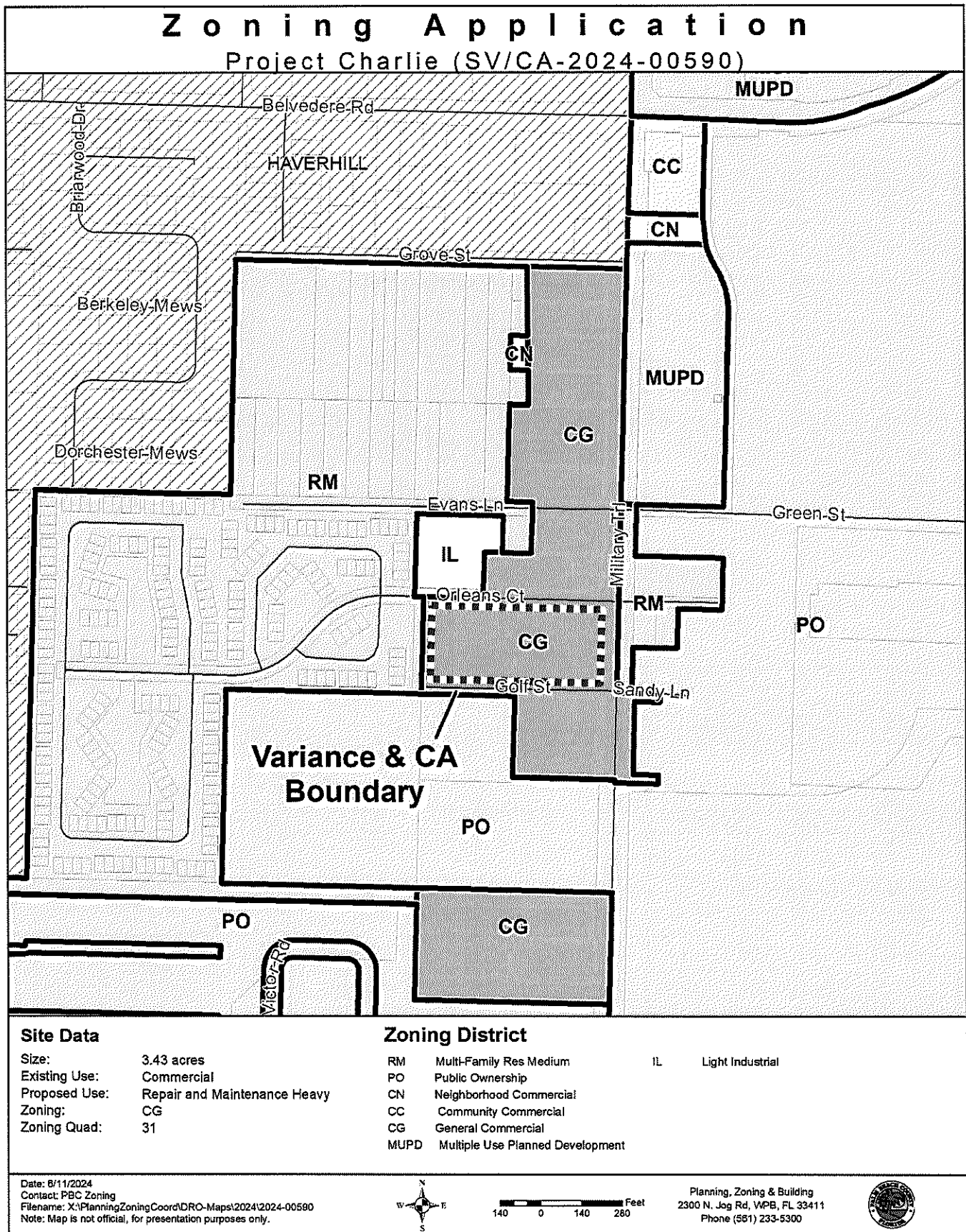


Exhibit B - Standards Analysis & Findings (Conditional Use)

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

Article 2.B.7.B, Standards for Rezoning to a PDD or a TDD, a Conditional Use, or a Development Order Amendment are indicated below with Staff Analysis. Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF) are subject to not subject to these Standards. A request that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved by the Commission.

- a. **Consistency with the Plan** - *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*
- *Consistency with the Comprehensive Plan:* The proposed use is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
 - *Intensity:* The application is requesting a Class A Conditional Use to allow a Heavy Repair and Maintenance use within a 36,926 sq. ft. freestanding building. The maximum Floor Area Ratio (FAR) for non-residential development utilizing the Commercial High (CH) Future Land Use designation within the Urban Suburban Tier is 0.85 FAR (3.43 acres or 149,488 surveyed sq. ft. x 0.85 = 127,064.8 maximum sq. ft. This application proposes a FAR of approximately 0.25 (36,926 sq. ft. / 3.43 acres or 149,488 surveyed sq. ft. = 0.247 or 0.25), and is therefore below the maximum FAR allowed on the site.
 - *Special Overlay District/Neighborhood Plan/Planning Study Area:* The request is located within and is consistent with the Comprehensive Plan's PBA Approach Path Overlay, the URA Study Area, the Revitalization, Redevelopment and Infill Overlay, and the 1992 Haverhill Area Neighborhood Plan. The analysis for each planning area is provided below:
 - *PBA Approach Path Overlay (PBAO):* FLUE Policy 1.2.4-d indicates that all FLU designations within the Overlay shall be eligible to convert to Industrial uses with exceptions. The subject parcel already has an underlying Industrial FLU designation and is therefore consistent with the PBA Overlay.
 - *Revitalization, Redevelopment and Infill Overlay (RRIO):* The objective of the County's RRI Overlay is to encourage redevelopment and revitalization within the Overlay through various incentives, resources and strategies. Redevelopment of a CH/IND parcel within the RRIO is consistent with the Overlay's objective.
 - *Urban Redevelopment Study Area (URA):* The site is located within the Urban Redevelopment Area (URA) but not within a Priority Redevelopment Area (PRA) as identified in the Comprehensive Plan. The request is consistent with the objective to redevelop and revitalize underutilized sites and provide interconnectivity to adjacent compatible land uses. The site is located on the west side of Military Trail, and is surrounded by local roadways on the remaining three sides.
 - *Haverhill Area Neighborhood Plan (HANP):* The HANP envisioned the area fronting Military Trail, including the subject site, would retain their Commercial and/or Industrial FLU designation, or have the ability to obtain an Industrial FLU. As the site already has a CH/IND FLU designation, there are no inconsistencies with the Neighborhood Plan. The Town of Haverhill has been provided notification by the Business Development Board of Palm Beach County (BDB) on behalf of the Applicant, with no comments received by Planning Staff to date.
- b. **Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

The proposed Amendment is consistent with the stated purpose and intent of the County Unified Land Development Code (ULDC). The proposed use also is in compliance with Art. 4.B.2.C.28, Repair and Maintenance, Heavy, the proposed use as it exceed the minimum setback requirement of 100 from any parcel with a RM FLU designation. The Preliminary Site Plan (PSP), indicates a 36,926 sq.ft. building.

- *Property Development Regulations:* The request proposes a commercial use that is consistent with the PBIAO PDR table, Table 3.B.9.F – PBIAO Setbacks, 50ft front, 15ft side interior, 25ft side street, and 50ft rear setback. The proposed setbacks will be a 102 ft front, 25 ft side street (Golf St), 86 ft side street (Orleans Ct), and 226 ft rear setback.
- *Overlays:* The subject Site is located in the Palm Beach International Airport Overlay (PBIAO) and the Revitalization, Redevelopment and Infill Overlay and is consistent with all Overlay standards
- *Architectural Review:* The proposed use must comply with the requirements of Article 5.C. Building elevations and the Visual Impact Analysis will be provided and reviewed by Zoning Staff at time of building permit
- *Parking:* Article 6.A.1.A, The purpose and intent of this Article is to ensure the design and function, provisions of parking, loading, queuing, vehicular and pedestrian circulation, driveways, and access are in proportion to the demand created by each use and are efficient and safe. The proposed use requires a total of 148 parking spaces and one Loading area. The preliminary Site Plan indicates a total of 130 spaces one loading area and one temporary vehicle storage area. In addition Electric Vehicle (EV) parking is provided along the north façade of the building and to the southwest of the site. The application includes a Article 6.B.1.B a Type 1 Waiver request to reduce the total required parking (148) by 19 spaces (129). The on-site parking is shown to be separated in two parts by a gate. The first area located on the east portion of the lot provides a total of 67 spaces, with the west side comprised of the remaining 63 parking spaces. The area west of the gate according to a note on the PSP indicates that this area will serve as a limited to Vehicle Storage area with no public access. As 63 spaces of the minimum required parking are located here, Staff is recommending Conditions of Approval (C-2) to remove the note referencing vehicle storage at final DRO and ensure public access to all required parking. In addition Electric Vehicle (EV) parking is provided along the north façade of the building and to the southwest of the site.
- *Landscaping/Buffering:* The proposed landscaping is consistent with Article 7 – Landscaping for Perimeter buffers and foundation planting. The proposed development provides a 15 ft ROW Buffer along the north, south, and west property lines, with a 20ft ROW Buffer along the east. Staff is recommending Conditions of Approval (C-2) to ensure adequate landscaping and screening along the west property line abutting Residential uses. Internal site landscaping meets the minimum requirement with minimum 8 ft landscape islands. The proposed Table 7.B.4.A – Type 1 Waiver relocates 40 percent of the foundation planting from the north side to the east side of the building.
- *Signs:* There are two proposed Freestanding Signs at the Orleans Ct. (north) and Military Trail (east) access points that are consistent with the Article 8.G.2.A – Freestanding Sign standards as indicated on the Preliminary Regulating Plan (Exhibit-F). Staff is recommending a Condition of Approval (C-2) to allow only the two ground mounted signs.
- Subdivision Variance (SV) is requested at this site, as indicated in the standards above (Exhibit B SV) the requested variance is to allow access from a local residential street and to remove sidewalks requirements pursuant to Article 11.E.2..
- *Use specific criteria:* The proposed use is in compliance with Article 4.B.2.C.Repair and Maintenance, Heavy use.

c. Compatibility with Surrounding Uses - *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The proposed Use of Heavy Repair and Maintenance is generally compatible and consistent with surrounding uses abutting Military Trail. Directly north and south of the site are Commercial, Industrial and Public Ownership uses. With the Palm Beach International Airport (PBIA) directly east, to the west abuts Multifamily Residential use that's buffered by landscaping on both sides of Lexington Ave and a proposed Vinyl coated fence.

d. Design Minimizes Adverse Impact – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

Increase in traffic is shown to be minimal due to the proposed use and accessibility to the site. Ingress and egress to the site are from Orleans Ct however traffic is also divided by two additional egress points on Gold St and Military Trl. Coupled with the proposed screening and landscaping along Orleans Court the overall design minimizes adverse impacts to adjacent lands. Additionally the proposed site aims to connect the sidewalk along the south side of Orleans Ct, improving pedestrian connectivity to Military

Trail. Staff is recommending Conditions of Approval (C-2) to ensure adequate landscaping and screening along the west property line abutting Residential uses.

e. Design Minimizes Environmental Impact – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

○ *Vegetation Protection:* There are native vegetation species that exist on the site. Native vegetation that cannot be preserved in place are being either relocated or mitigated. The application for the Protection of Native Vegetation Approval will be required to be submitted prior to the final approval by the DRO, as indicated in Article 14.C.7.C.

○ *Wellfield Protection Zone:* This property is not located within Wellfield Protection Zone.

○ *Irrigation Conservation Concerns and Surface Water:* All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

○ *Environmental Impacts:* There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

f. Development Patterns – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The proposed request will remain consistent with the development pattern in the area. The established patterns of development that surround the site are composed of a mix of established residential, Public Ownership, Industrial and commercially zoned properties. The subject site is surrounded by the Orleans Court Commercial to the north and south is Mounts Botanical Garden. Staff finds that the request to allow such modifications will remain a logical and orderly development pattern.

g. Adequate Public Facilities – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

OFFICE OF RESILIENCY

Staff has reviewed this application and have no comment.

ENGINEERING COMMENTS:

The conditions of approval have been agreed to by the Applicant to mitigate the impacts of the proposed development.

The proposed modification of the site from a Retail Plaza to a Vehicle Maintenance Facility is expected to generate 524 additional net daily trips, 57 additional net AM peak trips, and 29 additional net PM peak hour. Overall, the site is expected to generate 1120 net daily trips, 83 net AM peak hour trips, and 101 net PM peak hour trips. The build out of the project is assumed to be by 2026.

The impacts of the project's additional trips will have an insignificant impact, as per the definition in the PBC Traffic Performance Standards, on the area roadways.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Traffic volumes are in vehicles per hour

Segment: Military Trail from Belvedere Rd to Southern Blvd

Existing count: Northbound=1801, Southbound=2098

Background growth: Northbound=113, Southbound=143

Project Trips: Northbound=14, Southbound=10

Total Traffic: Northbound=1928, Southbound=2251

Present laneage: 3 in each direction

Assured laneage: 3 in each direction

LOS "D" capacity: 2940

Projected level of service: LOS D or better in both directions.

The Property Owner shall dedicate the right-of-way associated with the 25-foot by 25-foot corner clips at the intersection of Golf Rd and Orleans Court at Lexington Avenue and Military Trail.

Prior to final site plan approval the Property Owner shall modify the site plan to show a right-out only movement on Military Trail.

DRAINAGE:

The site is located within the boundaries of the South Florida Water Management District (SFWMD) C-51 Drainage Basin and Lake Worth Drainage District. The Applicant's Engineer states (Exhibit J): "...Water quality and attenuation criteria will be met in the detention and underground storage areas within the project prior discharging to N Military Trail, the point of legal positive outfall. The surface water management system will be designed to pretreat the first one-half inch of runoff in the dry detention and underground storage and provide adequate attenuation. The stage elevations of the existing system will not be adversely impacted, based on Palm Beach County and SFWMD design standards and limitations. The site will be required to meet all C-51 basin requirements. ...".

The entire statement is found in Exhibit H. Prior to issuance of any building permits, the development will have to obtain applicable approvals and permits from the District.

WATER AND WASTEWATER:

In a letter provided in Exhibit I, WUD states that PBCWUD has the capacity to provide the level of service required subject to a Capacity Reservation Agreement. The site is currently served by PBCWUD for potable water and wastewater service.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project has met the requirements of the Florida Department of Health.

FIRE PROTECTION:

Staff has reviewed this application and have no comment. The subject site is located within the service boundaries of PBC Fire Rescue Station 33



SCHOOL IMPACTS:

The School Board has no issue with the non-residential application.

PARKS AND RECREATION:

Parks and Recreation has no issue with the non-residential application.

- h. Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.*

The Applicant's Justification Statement indicates the following justification for their changed conditions of circumstances: "As a result of the overall shift in surrounding development patterns from the 1960's to date, the Applicant wishes to expand the business capability of the Property to further align with these patterns and uses. As shown in the aerial photograph below comparing 1999 to 2023, the commercial and light industrial development in the immediate area has continued to expand and increase. Additionally, the shift from residential to commercial and light industrial can also be observed in these aerials."

Exhibit C-1 Conditions of Approval

Class A Conditional Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated June 13, 2024. 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. (ONGOING: ZONING - Zoning)

ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2026, or as amended. 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. (DATE: MONITORING - Engineering)

2. Prior to the approval of the Final Site Plan by the Development Review Officer, the Property Owner shall revise the Right-in/Right-out driveway on Military Trail to be shown as Right-out only, as per the driveway approval by the FDOT, as well as submission of a revised traffic impact study report reflecting the above changes to the driveway. (DRO: MONITORING - Engineering)

3. Prior to the issuance of the first building permit, the Property Owner shall provide to Florida Department of Transportation (FDOT) by deed, a 25-foot corner clip (chord of a 25 foot radius) at the intersections of Orleans Court and Military Trail and Golf Road and Military Trail. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the cleanup. County Engineer, additional right of way for Expanded Intersections and corner clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPM: MONITORING - Engineering)

4. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Section of the Roadway Production Division by warranty deed additional right-of-way for a 25-foot corner clip (chord of a 25 foot radius) at the intersections of Orleans Court and Lexington Avenue and Golf Street and Lexington Avenue. This additional right of way shall be free of all encumbrances and encroachments, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the cleanup. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDGPM: MONITORING - Engineering)

5. Property Owner shall construct a minimum 5 foot wide concrete sidewalk along the south side of Orleans Court from Lexington Avenue to Military Trail. The existing landscaping shall remain. 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. The sidewalk shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Engineering)

6. The Property Owner shall construct one speed hump and associated striping and signage on Orleans Court between Lexington Avenue and Military Trail, as approved by the County Engineer. Any and all costs associated with the construction shall be paid by the Property Owner.

- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMPT: MONITORING - Engineering)
- b. Construction shall be completed prior to issuance of the first Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering)
- c. The Property Owner shall maintain the speed hump, associated striping and signage in perpetuity. Should the County remove the speed hump and/or striping as part of a County project, the Property Owner shall replace the speed hump and striping with no expense to the County. (ONGOING: ENGINEERING - Engineering)

LANDSCAPING PERMITER – LANDSCAPING ALONG THE WEST PROPERTY LINE ABUTTING LEXINGTON AVE

1. In addition to the requirements for a R-O-W buffer along Lexington Ave the buffer shall be upgraded to include one canopy tree for each for each 20 linear feet of the property line. (BLDGPMPT/DRO: ZONING - Zoning)

LANDSCAPING PERMITER

1. The landscape plan shall incorporate the preservation of existing trees unless necessary to be removed for access to the site. (BLDGPMPT/DRO: ZONING - Zoning)

SIGNS:

1. The Site shall have no more than two (2) Ground Mounted Signs on site. (BLDGPMPT/DRO: ZONING - Zoning)

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: 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)

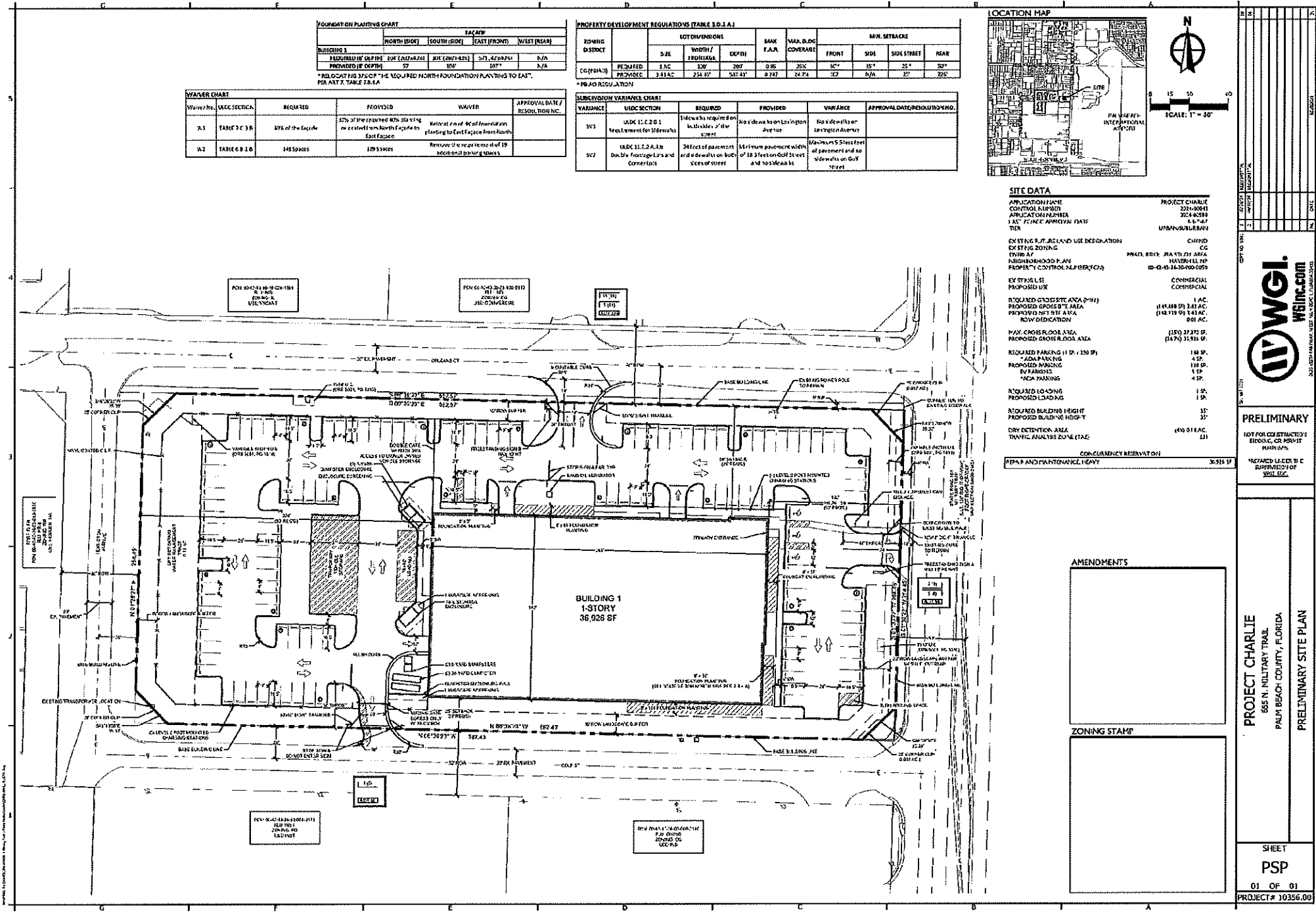
DISCLOSURE

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

Exhibit D - Project History

The site was rezoned on November 2, 1967 pursuant to Resolution 3-Y-67 from the R-1 Single Family District to the C-1 Neighborhood Commercial District in accordance with the 1957 Palm Beach County Land Development Regulations. The site has a Development Permit through the building permit process for General Retail Sales.

Exhibit E - Preliminary Site Plan



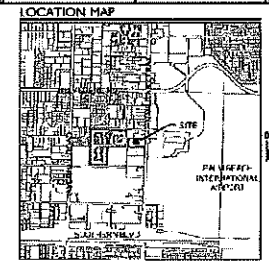
FOUNDATION PLACING CHART				
BUILDING 1	FACADE			
	NORTH (SIDE)	SOUTH (SIDE)	EAST (FRONT)	WEST (REAR)
FOUNDATION DEPTH	5'0"	5'0"	5'0"	5'0"
PROVIDED DEPTH	5'0"	5'0"	5'0"	5'0"

* RELOCATE THE 3% OF THE REQUIRED NORTH FOUNDATION PLACING TO EAST.
PER ART 7, TABLE 7.8.1.A

PROPERTY DEVELOPMENT REGULATIONS (TABLE 8.0.3.A)										
ZONING DISTRICT	LOT DIMENSIONS			MAX F.A.A.	MAX B.D.G. COVERAGE	MIN. SETBACKS				
	SIZE	WIDTH	DEPTH			FRONT	SIDE	SIDE STREET	REAR	
CG (PDA) C	REQUIRED	1 AC	33'	267'	0.88	25%	10'	10'	25'	50'
PROVIDED	3.45 AC	231.57'	537.43'	0.747	24.74	12	N/A	25'	25'	220'

Waiver No.	UAC SECTION	REQUIRED	PROVIDED	WAIVER	APPROVAL DATE / RESOLUTION NO.
W-1	TABLE 7.3.B	5% of the facade	37% of the facade with 30% of the facade on North facade to East facade	Relocation of facade from North to East facade	
W-2	TABLE 6.8.1.B	148,594 SF	129,534 SF	Reduction in square footage of 19,060 SF	

SUBDIVISION VARIANCE CHART				
VARIANCE	SUBSECTION	REQUIRED	PROVIDED	VARIANCE
SV1	UDC 11.2.2.1	14 feet is required on both sides of the street	10 feet on both sides of the street	No deviation on lot location
SV2	UDC 11.2.2.A.1b	24 feet of pavement and sidewalks on both sides of street	Minimum pavement width of 18 feet on both sides of street and 10 feet on both sides of street	Minimum 5 Street feet of pavement and no sidewalks on both sides of street



SITE DATA	
APPLICATION NUMBER	2024-0041
CONTROL NUMBER	2024-0089
APPLICATION NUMBER	2024-0089
DATE	06-14-24
EXISTING FUTURE LAND USE DESIGNATION	COMMERCIAL
EXISTING ZONING	CG
PROPOSED ZONING	CG
NEIGHBORHOOD PLAN	HAVERHILL NP
PROPERTY CONTROL NUMBER (CG)	10-01-01-16-00000000
PROPOSED USE	COMMERCIAL
REQUIRED GROSS SITE AREA (SQ FT)	1 AC
PROPOSED GROSS SITE AREA	(148,488 SF) 3.41 AC
PROPOSED NET SITE AREA	(148,178 SF) 3.41 AC
ROW DEDICATION	900 AC
MAX. GROSS FLOOR AREA	(129,534 SF) 2.97 AC
PROPOSED GROSS FLOOR AREA	(147,973 SF) 3.38 AC
REQUIRED PARKING (1 SP = 120 SF)	148 SP
* ADA PARKING	4 SP
PROPOSED PARKING	138 SP
* ADA PARKING	4 SP
REQUIRED LOADING	1 SP
PROPOSED LOADING	1 SP
REQUIRED BUILDING HEIGHT	35'
PROPOSED BUILDING HEIGHT	35'
DRY DETENTION AREA	(470,014 AC)
TRAFFIC ANALYSIS ZONE (TAZ)	3-524 SF
CONCURRENT RESERVATION	3-524 SF



PRELIMINARY
NOT FOR CONSTRUCTION
BUILDING, OR PERMIT
PURPOSES

AMENDMENTS

ZONING STAMP

PROJECT CHARLIE
655 N. MILITARY TRAIL
PALM BEACH COUNTY, FLORIDA

SHEET
PSP
01 OF 01
PROJECT# 103356.00

Exhibit F - Preliminary Regulating Plan

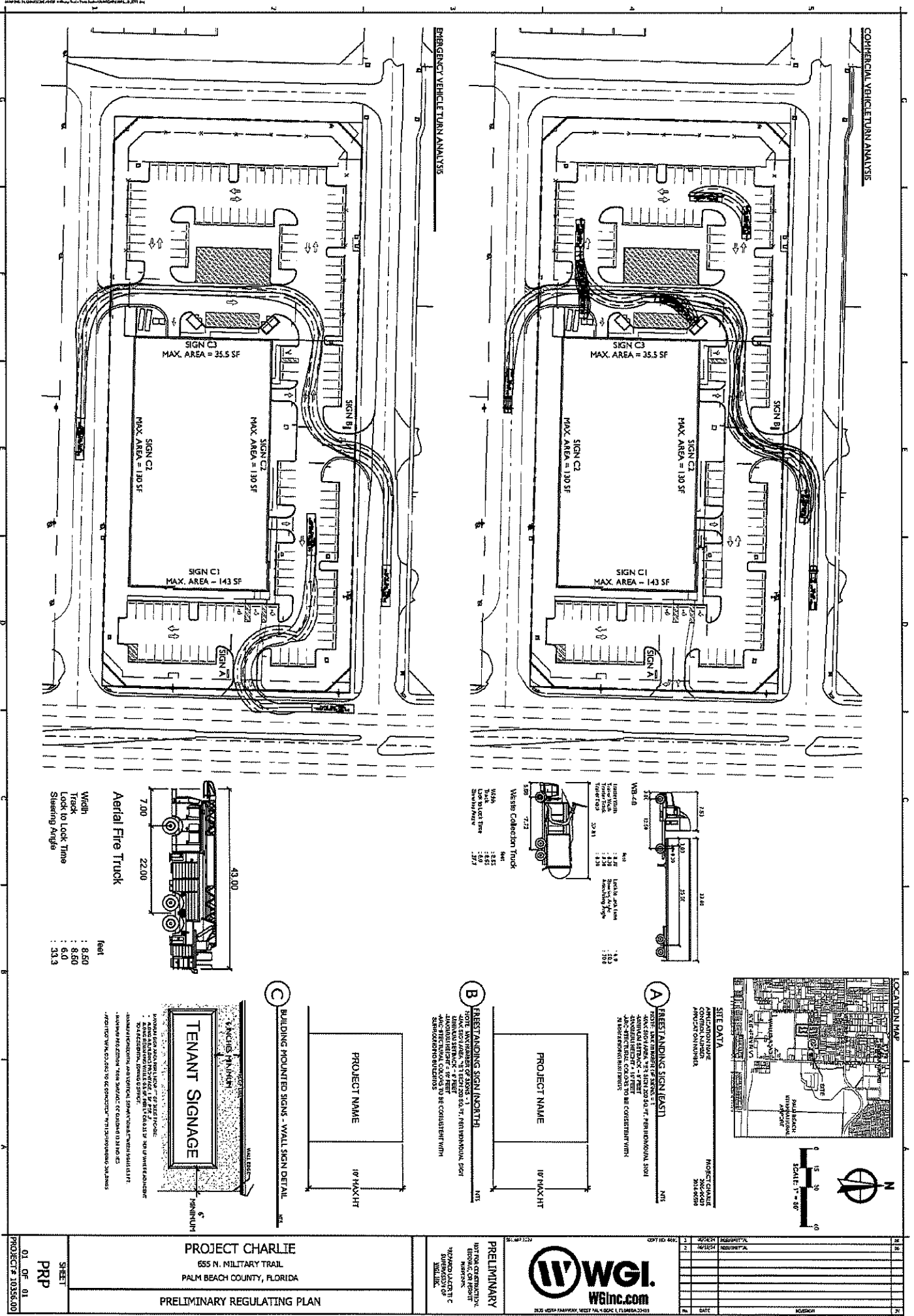


Exhibit G – Disclosure (Applicant)

PALM BEACH COUNTY - ZONING DIVISION

FORM # 8

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA *NEW YORK*
COUNTY OF PALM BEACH *NEW YORK*

BEFORE ME, the undersigned authority, this day personally appeared William Q. O'Connor (O'Connor Management, LLC), hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [x] CEO (position—e.g., president, partner, trustee) of O'Connor Management, LLC (name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership), (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 335 Madison Ave, 6th Fl
New York, NY 10022
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

William Q. O'Connor (O'Connor Management, LLC), Affiant

(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA NEW YORK
COUNTY OF PALM-BEACH NEW YORK

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 20th day of MARCH, 2024 by WILLIAM Q O'CONNOR (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

BRONA MARY CREHAN
(Name - type, stamp or print clearly)

(Signature)

My Commission Expires on: 08/19/2027

NOTARY'S SEAL OR STAMP

BRONA MARY CREHAN
Notary Public, State of New York
No. 01CR6396347
Qualified in Westchester County
Commission Exp. 08-19-2027

EXHIBIT "A"

PROPERTY

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 93600-2802, SAID POINT BEING THE POINT OF BEGINNING; 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"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
<u>O'Connor Capital Holdings, LP 535 Madison Ave 6th Fl, New York, NY 10022</u>	

Exhibit G – Disclosure (Property)

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared James K Sellar, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the individual or Treasurer _____ [position - e.g., president, partner, trustee] of The Salvation Army, a Georgia Corporation [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 1424 N.E. Expressway
Brookhaven, GA 30329
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

[Signature]
James K. Seiler, Treasurer, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF ~~FLORIDA~~ Georgia
COUNTY OF ~~PALM BEACH~~ Fulton

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 4th day of April, 2024 by JAMES K. SEILER, TREASURER (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did did not take an oath (circle correct response).

WILLIENE J. SEARCY
(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: 02/22/2027

NOTARY'S BY Willene J Searcy
NOTARY PUBLIC
Fulton County, GEORGIA
My Commission Expires 02/22/2027

EXHIBIT "A"

PROPERTY

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; 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"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name

Address

The Salvation Army, a Georgia corporation

1424 N.E. Expressway

Brookhaven, GA 30329

Multiple horizontal lines for additional entries.

Exhibit H - Drainage Statement



ENGINEER'S DRAINAGE STATEMENT 655 N Military Trail WGI No. 10356.00 June 10, 2024

The subject project, *655 N Military Trail*, includes a parcel of land located in Section 36, Township 43 South, and Range 42 East. The subject property is one parcel (00-42-43-36-20-000-0050) with a total of 3.42-acres. Currently, the site is occupied by a retail store and associated parking that covers the site with 86% impervious area. The site is bordered by Lexington Avenue to the west, Golf Street to the south, N. Military Trail to the east, and Orleans Court to the north. This project lies within sub-basin 23 of the South Florida Water Management District (SPWMD) C-51 drainage basin and the Lake Worth Drainage District (LWDD). In accordance with the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map Number 12099C0586F, the project area is located within "Zone X" which is deemed as an area of minimal flood hazard.

The permittee, O'Connor Management, LLC, proposes improvements associated with the project including the demolition of the existing building and the construction of an advanced collision and repair facility. The proposed facility and land improvements will increase the pervious area on site from 0.48 acres to 0.90 acres. The impervious area onsite will decrease from 86% in the pre-development condition to 74% post-development.

Water quality and attenuation criteria will be met in the detention and underground storage areas within the project prior discharging to N Military Trail, the point of legal positive outfall. The surface water management system will be designed to pretreat the first one-half inch of runoff in the dry detention and underground storage and provide adequate attenuation. The stage elevations of the existing system will not be adversely impacted, based on Palm Beach County and SPWMD design standards and limitations. The site will be required to meet all C-51 basin requirements. The design stages will be as follows:

- 5 year - 1 day Stage: Minimum Pavement Elevation
- 5 year - 1 day Stage: Minimum Crown of Road Elevation
- 10 year - 1 day Stage: Minimum Weir Elevation
- 25 year - 3 day Stage: Minimum Perimeter Berm Elevation
- 100 year - 3 day Stage: Minimum Finished Floor Elevation

Attenuation storage will be provided within the dry detention and underground storage areas.

2035 Vista Parkway, West Palm Beach, FL 33411 t: 561.687.2220 f: 561.687.1110 www.WGIinc.com

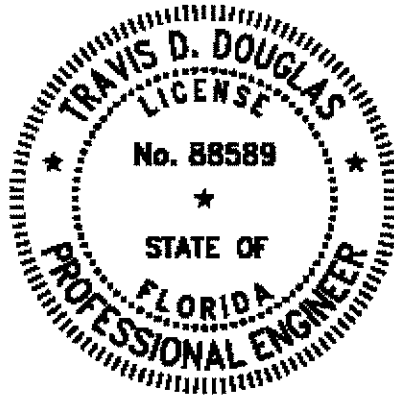


The minimum size of drainage pipes will be based on the 3 year – 1 day storm event modeling with a time of concentration of 10 minutes, and the hydraulic gradient elevation shall not exceed the grate or cover elevation at any inlet in accordance with ULDC Article 11 E.5.a; E.5.b.

The proposed drainage improvements will be permitted through South Florida Water Management District, Palm Beach County Building Division, and the Florida Department of Transportation.

WGI, Inc.
Respectfully submitted,

Travis D. Douglas, P.E.
Florida License # 88589
WGI, Inc. Cert. No. 6091



Digitally signed
by Travis D
Douglas
Date:
2024.06.10
17:02:41 -04'00'

TRAVIS D. DOUGLAS, P.E., STATE OF FLORIDA, PROFESSIONAL ENGINEER, LICENSE NO. 88589 THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY TRAVIS D. DOUGLAS, P.E. ON JUNE 10, 2024, USING A SHA-1 AUTHENTICATION CODE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SHA-1 AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

Exhibit I - Utility Letter



**Water Utilities Department
Engineering**

8100 Forest Hill Blvd.
West Palm Beach, FL 33413
(561) 493-6000
Fax: (561) 493-6085
www.pbcwater.com



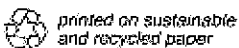
**Palm Beach County
Board of County
Commissioners**

- Gregg K. Weiss, Mayor
- Maria Sachs, Vice Mayor
- Maria G. Marino
- Michael A. Barnett
- Marci Woodward
- Sara Baxter
- Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



February 20, 2024

WGI
2035 Vista Parkway
West Palm Beach, Fl. 33411

RE: 655 North Military Trail
PCN 0042433620000050
Service Availability Letter

Dear Ms. Linehan,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required for the proposed Repair and Maintenance Facility. A sand oil separator will be required.

The parcel is currently served with potable water and sanitary sewer.

If you have any questions, please give me a call at (561)493-6116.

Sincerely,

Jackie Michels, P.E.
Project Manager

Exhibit J – FDOT Letter



Florida Department of Transportation

RON DESANTIS
GOVERNOR

3400 West Commercial Boulevard
Fort Lauderdale, FL 33309

JARED W. PERDUE, P.E.
SECRETARY

June 12, 2024

THIS PRE-APPLICATION LETTER IS VALID UNTIL – June 12, 2025
THIS LETTER IS NOT A PERMIT APPROVAL

Yoon Machado
WGI
2035 Vista Pkwy, West Palm Beach, FL 33411

Dear Yoon Machado:
RE: Pre-application Review for Category C Driveway, Pre-application Meeting Date: May 30, 2024
Palm Beach County - Haverhill Neighborhood (Palm Beach County); SR 809; Sec. # 93150000; MP: 0.70;
Access Class - 05; Posted Speed - 40; SIS - Influence Area; FDOT Ref. Project: N/A

Request:
• Modify the existing right-in/right-out access on the west side of SR 809 (approximately 95 feet south of the north property line) to a right-out only driveway connection.

SITE SPECIFIC INFORMATION
Project Name & Address: Project Charlie – 655 N Military Trl, West Palm Beach, FL, 33415
Property Owner: The Salvation Army (James Seiler, Treasurer); Parcel Size: 3.43 Acres
Development Size: 37,000 SF Automobile Care Center (Vehicle Maintenance Facility)

REQUEST APPROVED


This decision is based on your presentation of the facts, site plan and survey - please see the conditions and comments below. You may choose to review this concept further with the District Access Management Review Committee (AMRC).

Conditions:
- The proposed right-out only driveway connection shall be channelized and have a maximum width of 14 feet.

Comments:
• All driveways not approved in this letter must be fully removed and the area restored.
• A Drainage Permit is required for any stormwater impacts within FDOT right-of-way (i.e. increased runoff or reduction of existing storage).
• The applicant shall donate property to the Department if right-of-way dedication is required to implement the improvements.
• Dimensions between driveways are measured from the near edge of pavement to near edge of pavement and for median openings are measured from centerline to centerline unless otherwise indicated.

The purpose of this Pre-Application letter is to document the conceptual review of the approximate location of driveway(s) to the State Highway System and to note required improvements, if any. This letter shall be submitted with any further reviews and for permitting. The Department's personnel shall review permit plans for compliance with this letter as well as current Department standards and/or specifications. Final design must consider the existing roadway profile and any impacts to the existing drainage system. **Note, this letter does not guarantee permit approval.** The permit may be denied based on the review of the submitted engineering plans. Be aware that any approved median openings may be modified (or closed) in the future, at the sole discretion of the Department. For right-of-way dedication requirements go to: <https://osp.fdot.gov>; click on Statewide Permit News; Scroll down to District 4; Scroll down to Additional Information and Examples and choose Right-of-way Donations/Dedications.

Please contact the Access Management Manager - Tel. # 954-777-4363 or e-mail: D4AccessManagement@dot.state.fl.us with any questions regarding the Pre-Approval Letter.

Sincerely, 
Digitally signed
by: Carina Harvey
Date: 2024.06.12
14:50:28 -04'00'
Carina Harvey
District Access Management Manager

cc: Patricia Moore; Vikrant Srivastava, PE, PMP, CPM;
File: S:\Transportation Operations\Traffic Operations\Access Management\1. Pre-Apps and Variances\Pre-application Letter Template.docx
www.fdot.gov | www.d4fdot.com
Page 1 of 1