

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH, FLORIDA, BY REZONING ONE PARCEL LOCATED AT 301 MALVERNE ROAD, APPROXIMATELY 0.175 ACRES, FROM MULTIFAMILY MEDIUM DENSITY (MF20) RESIDENTIAL TO GENERAL COMMERCIAL (GC); DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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WHEREAS, Josh Nichols of Schmidt Nichols, on behalf of 316 Southern Propco LLC and Malvern 511 Inc., submitted an application for a Rezoning to change the zoning designation of one parcel, approximately 0.175 acres, located at 301 Malverne Road from Multifamily Medium Density (MF20) Residential to General Commercial (GC); and

WHEREAS, the applicant has also requested a Future Land Use (FLU) Map Amendment to change the FLU designation of the subject parcels from Multifamily (MF) to Commercial (C), considered by the City Commission under Ordinance No. 5051-23; and

WHEREAS, the purpose of the requested Rezoning is to change the zoning designation of the subject property for consistency with the FLU designation of Commercial; and

WHEREAS, while the conversion of residential property into a commercial use is not always favored, the benefits of including this parcel in the adjacent the Mint Eco Car Wash property outweigh any concerns. The limited stacking available at the car wash site has led to congestion issues on both South Olive Avenue and Southern Boulevard. As a commercial property, this parcel can be used to alleviate most of the car stacking on the streets. If the rezoning and land use plan amendments are approved by the City Commission, the applicant will be required to seek a Class B Special Use permit from the Zoning Board of Appeals to use the property as intended; and

WHEREAS, the Planning Board recommended approval (5-0) of this request to the City Commission after a Public Hearing on June 20, 2023; and

WHEREAS, the Public Hearing was advertised in the Palm Beach Post, with proof of publication housed in the Development Services Department – Planning Division, along with evidence that individual notices of the Public Hearing were mailed to all property owners within 500 feet of the subject property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The City Commission finds that rezoning a property to commercial use in order to alleviate most of the car stacking on the streets will benefit the neighborhood and the general public and serves a public purpose.

ORDINANCE NO. 5052-23

SECTION 2: The City Commission hereby finds and determines that the Zoning Map amendment to change the zoning designation of one parcel located at 301 Malverne Road, approximately 0.175 acres, from Multifamily Medium Density (MF20) Residential to General Commercial (GC) is consistent with the Comprehensive Plan of the City.

SECTION 3: The City Commission hereby finds and determines that the Zoning Map amendment is consistent with the rezoning standards established in Section 94-32 of the City’s Zoning and Land Development Regulations, as follows:

- A. **Consistency with Comprehensive Plan.** The proposed rezoning to General Commercial (GC) is consistent with the proposed Future Land Use designation of Commercial (C) for the subject property.
- B. **Changed Conditions.** Approval of the FLU Map Amendment of the subject property from Multifamily (MF) to C will require a concurrent rezoning of the property from Multifamily Medium Density (MF20) Residential to GC for consistency with the proposed FLU designation of the subject property.
- C. **Consistency with the Land Development Code.** All future development within the subject area will be required to meet the standards of the City’s Development Code.
- D. **Consistency with Use.** The proposed amendment will remain consistent with the existing land use of the subject area. Upon compliance with the conditions of approval proposed by Staff, the proposed amendment will preserve the character of the area.
- E. **Capacity of Public Facilities.** The proposed amendment would increase the demand on various public facilities; however, the increase in demand is not expected to be significant and will not be detrimental to the various public facilities servicing the area of the subject property. Any required improvements or enlargements to any public facilities as a result of the proposed amendment will be done at the expense of the developer of the subject property.
- F. **Natural Resources.** The subject area is not a designated conservation area; the subject area is located within an urban neighborhood. Therefore, it is not anticipated that the proposed expansion of the existing car wash use onto the subject parcel will result in any significant impact on the natural environment.
- G. **Property Values.** It is not anticipated that the proposed amendment would adversely affect property values in the area.

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- H. **Logical Development Pattern.** Upon compliance with the conditions of approval proposed by Staff, the proposed amendment and the proposed expansion of the existing car wash use onto the subject parcel will create a unified development that will provide and establish a clear orderly development pattern for the subject property.

SECTION 4: The Zoning Map amendment is subject to compliance with the following conditions:

1. Prior to application for an Informal Site Plan Review, a Class B Special Use Permit approval shall be obtained for the proposed expansion of the existing car wash use, on the adjacent property to the north (parcel number 74-43-44-03-01-000-2680), to the subject property (parcel number 74-43-44-03 -01-000-3300).
2. Prior to an Informal Site Plan Review approval:
 - a. A Traffic Performance Standards (TPS) Review letter from Palm Beach County must be provided.
 - b. A public utilities letter from Florida Public Utilities must be provided.
3. Prior to application for Building Permits, the applicant shall obtain an Informal Site Plan Review approval for the proposed expansion of the existing car wash use, on the adjacent property to the north (parcel number 74-43-44-03-01-000-2680), to the subject property (parcel number 74-43-44-03-01-000-3300).
4. Prior to issuance of Building Permits, a unity of title that includes both parcel numbers 74-43-44-03-01-000-3300 and 74-43-44-03-01-000-2680 shall be approved and recorded with the County Clerk of the Circuit Court or the property (including both parcel numbers identified) shall be re-platted in accordance with all applicable statutes, regulations, and the City's policies and procedures.

SECTION 5: The Zoning Map of the City of West Palm Beach, Florida shall be amended by assigning a General Commercial (GC) zoning designation to the approximately 0.175 acres legally described in **EXHIBIT A** and shown and depicted in **EXHIBITS B to D**.

SECTION 6: This Ordinance shall take effect as of the effective date of the Future Land Use Map amendment described in Ordinance No. 5051-23 (the "Effective Date").

**FIRST READING THIS 7TH DAY OF AUGUST, 2023.
SECOND READING AND PASSAGE THIS 21ST DAY OF AUGUST, 2023.**




ATTEST:

X *Shaquita Edwards*

CITY CLERK
Signed by: Shaquita Lasheae Edwards


**CITY OF WEST PALM BEACH BY
ITS CITY COMMISSION:**

 Recoverable Signature

X *Keith A. James*

PRESIDING OFFICER
Signed by: Keith A. James

**APPROVED AS TO FORM AND
LEGALITY:**

 Expired certificate

X *Nancy Urcheck*

CITY ATTORNEY
Signed by: Nancy DeSimone Urcheck

EXHIBIT A

301 MALVERNE ROAD
PCN #74-43-44-03-01-000-3300

Legal Description of the Subject Property

LOTS 330, 331, 332 AND 333, REVISED PLAT OF THE ESTATES OF SOUTH PALM BEACH, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 7, PAGE 33, LESS THAT PART CONVEYED TO THE STATE OF FLORIDA IN O.R. BOOK 1654, PAGE 879, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE EAST 27.50 FEET OF LOTS 330, 331, 332 AND 333, THEN MEASURED AT RIGHT ANGLES TO THE EAST LINE OF SAID LOTS, ALL ACCORDING TO THE REVISED PLAT OF ESTATES OF SOUTH PALM BEACH, AS RECORDED IN PLAT BOOK 7, PAGE 33 AND THAT PART OF LOT 333, WHICH IS INCLUDED IN THE EXTERNAL AREA FORMED BY A 10 FOOT RADIUS ARC WHICH IS TANGENT TO A LINE 27.50 FEET WEST OF THE PARALLEL WITH THE EAST LINE OF SAID LOT 333, AND TANGENT TO THE SOUTH LINE OF LOT 333, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID LANDS SITUATE IN THE CITY OF WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

CONTAINING 7,618 SQUARE FEET OR 0.175 ACRES, MORE OR LESS.

EXHIBIT B

Survey of the Subject Property

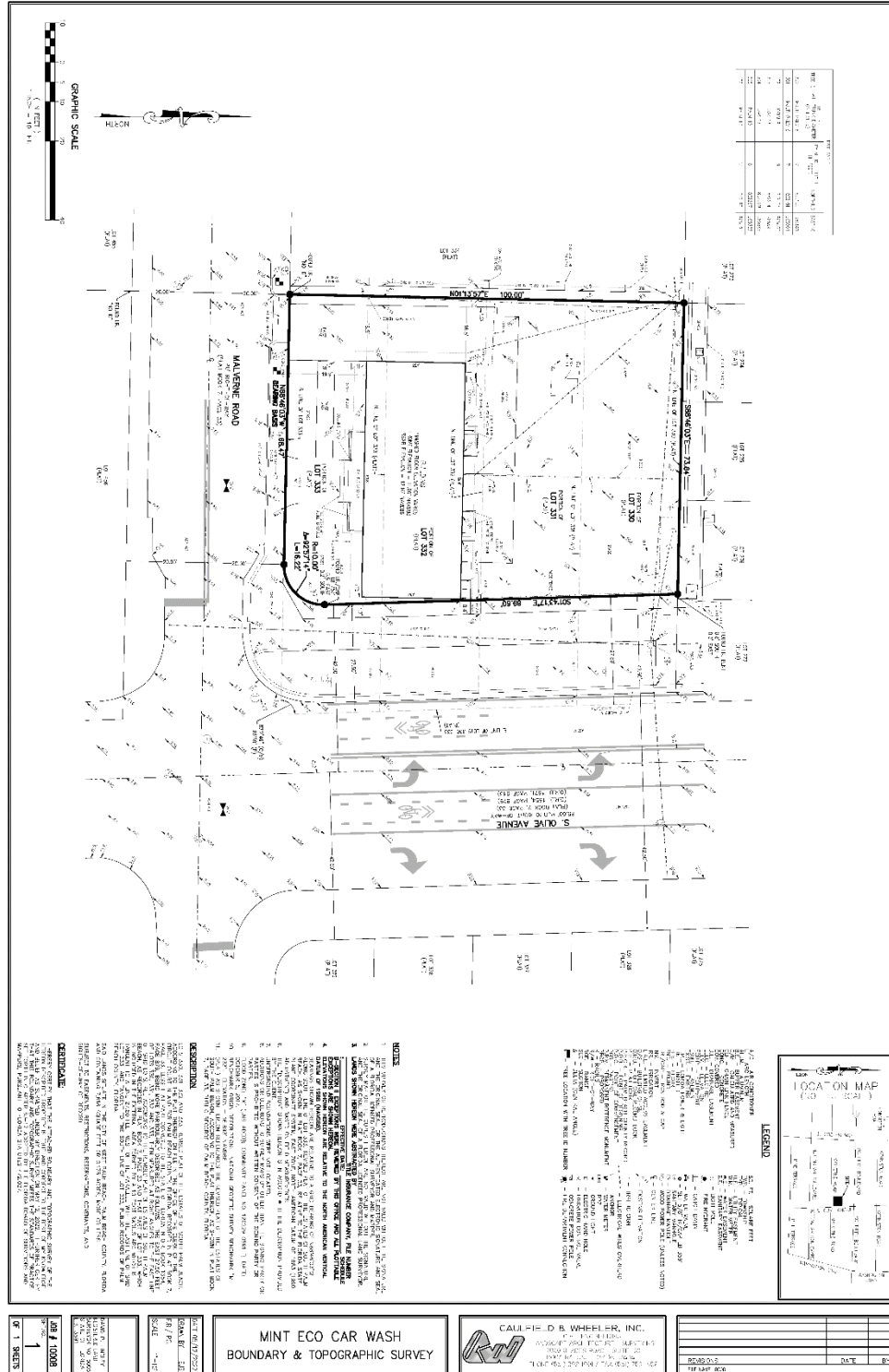


EXHIBIT C

Current Zoning Map of the Subject Property



EXHIBIT D

Proposed Zoning Map of the Subject Property

