

RESOLUTION NO. ZR-2019- 032

RESOLUTION APPROVING ZONING APPLICATION ZV-2019-01253  
CONTROL NO. 2005-00456  
TYPE 2 VARIANCE (STAND ALONE)  
APPLICATION OF Duke Realty Land LLC  
BY Schmidt Nichols, AGENT  
(TURNPIKE CROSSING EAST PIPD)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 Supplement 25, is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application ZV-2019-01253 was presented to the Zoning Commission at a public hearing conducted on November 7, 2019;

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Type 2 Variance;

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV-2019-01253, the Application of Duke Realty Land LLC, by Schmidt Nichols, Agent, for a Type 2 Variance to eliminate a Loading Area Screening wall, 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 November 7, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof and Variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner                     Caliendo                     moved for the approval of the Resolution.

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

Sheri Scarborough, Chair	- Yes
Sam Caliendo, Vice Chair	- Yes
Amir Kanel	- Yes
John Kern	- Yes
Philip L. Barlage	- Yes
Marcelle Griffith Burke	- Absent
Alex Brumfield III	- Absent
Mark Beatty	- Yes

The Chair thereupon declared the resolution was duly passed and adopted on November 7, 2019.

This resolution is effective when filed with the Palm Beach County Zoning Division on November 7, 2019.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

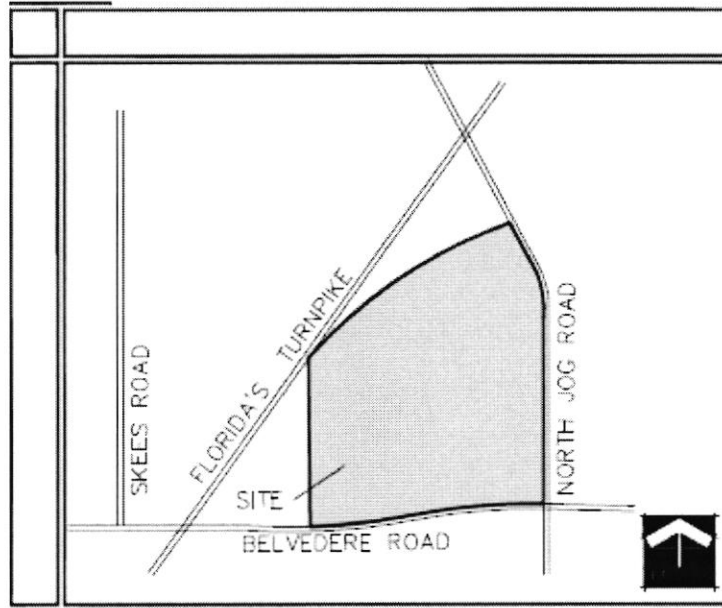
BY:   
COUNTY ATTORNEY

BY:   
CHAIR

EXHIBIT A  
LEGAL DESCRIPTION

ALL OF TRACTS A AND L PLAT OF TURNPIKE CROSSING EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 119, PAGES 96 THROUGH 99 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. CONTAINING 66.134 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Type 2 Variance - Standalone**

#### **VARIANCE**

1. Prior to Final Approval by the Development Review Officer, the approved Variance shall be shown on the Site Plan. (DRO: ZONING - Zoning)
2. The Development Order for this Standalone Variance shall be tied to the Time Limitations of the Development Order for Control No. 2005-00456. (DRO: ZONING - Zoning)
3. This Variance is approved for the Distribution Facility use in Building 3, as further indicated on the Preliminary Site Plan dated September 9, 2019. Any changes to the use shall require reconsideration of the Variance by the Zoning Commission. (ONGOING: CODE ENF - Zoning)
4. Prior to final Development Review Officer approval, the Site Plan shall be amended to extend the required eight foot high Loading Area Screening on the east and northeast side of Building #3, to within 25 feet (or corner clip setback, if applicable) of the abutting access points to North Jog Road, extending an additional 50 feet west within the Landscape Divider Median immediately north of Building #3. (DRO/ONGOING: ZONING/CODE ENF – Zoning)
5. Use of Loading Zones along the east façade of Building #3 shall be limited to mid-sized cargo vans. Loading or unloading of semi trucks or trailers shall be prohibited. (ONGOING: CODE ENF – Zoning)

#### **COMPLIANCE**

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Zoning Commission for review under the compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
  - a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
  - b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
  - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
  - d. Referral to Code Enforcement; and/or
  - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

## DISCLOSURE

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

EXHIBIT D

REQUEST

**TYPE 2 VARIANCE SUMMARY**

#	ULDC Article	REQUIRED	PROPOSED	VARIANCE
V.1	Art. 6.B.1.F.2.a.2.b [Related to Loading Area Screening and Perimeter Buffers]	Loading Area Screening located within a R-O-W Buffer - six foot high wall combined with an eight foot high hedge located on the exterior side of the wall.	No wall (eight foot high hedge only, within North Jog Road R-O-W Buffer abutting the loading zone indicated on the east side of Building #3)	To eliminate a loading area screening wall