

RESOLUTION NO. ZR-2020- 002

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/CA-2019-00950
(CONTROL NO. 2004-00248)
TYPE 2 VARIANCE (*CONCURRENT*)
APPLICATION OF Lynx Zuckerman at Fort Myers, LLC
BY WGINC, AGENT
(TOWN COMMONS MUPD 2)

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/DOA/CA-2019-00950 was presented to the Zoning Commission at a public hearing conducted on January 8, 2020;

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 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, this approval shall only become effective upon the adoption of a resolution approving Zoning Application ZV/DOA/CA-2019-00950 by the Board of County Commissioners;

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/DOA/CA-2019-00950, the Application of Lynx Zuckerman at Fort Myers, LLC, by WGINC, Agent, for a Type 2 Variance to eliminate parking required at the rear or side of each building it is intended to serve, 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 January 8, 2020, 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 Beatty and, upon being put to a vote, the vote was as follows:

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

Filed with the Palm Beach County Zoning Division on January 8, 2020.

This resolution shall not become effective unless or until the effective date of the resolution approving Zoning Application No. ZV/DOA/CA-2019-00950 by the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF TRACT "A", TOWN COMMONS-PLAT ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 99, PAGE 68 A ALL OF PARCEL B AND A PORTION OF PARCEL A AND TRACT R, TOWN COMMONS PUD/MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 118, PAGES 6 THROUGH 11 ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

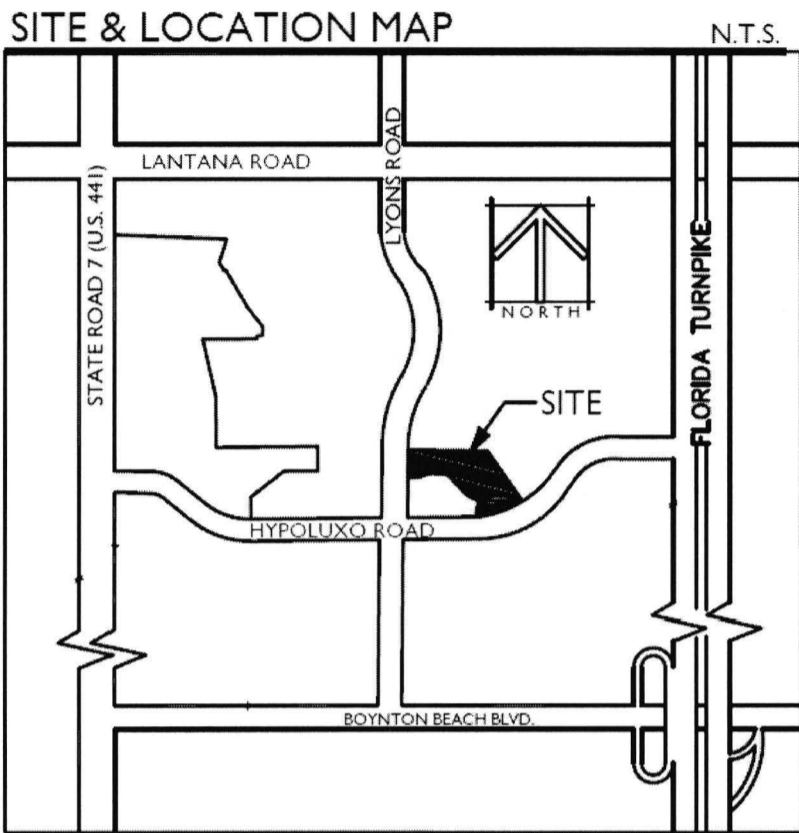
BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL B; THENCE SOUTHWESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF HYPOLUXO ROAD LINE AS SHOWN ON SAID TOWN COMMONS PUD/MUPD PLAT ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS N26°22'52"W, HAVING A RADIUS OF 1370.00 FEET, A CENTRAL ANGLE OF 19°00'12", AN ARC DISTANCE OF 454.39 FEET TO THE CENTERLINE OF TOWN COMMONS DRIVE, AS SHOWN ON SAID TOWN COMMONS - PLAT ONE; THENCE N.07°21'52"W. ALONG SAID CENTERLINE OF TOWN COMMONS DRIVE, A DISTANCE OF 100.50 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF 31°47'52"; THENCE NORTHERLY ALONG SAID CENTERLINE OF TOWN COMMONS DRIVE AND THE ARC A DISTANCE OF 166.49 FEET; THENCE N.24°26'00"E. ALONG SAID CENTERLINE OF TOWN COMMONS DRIVE, A DISTANCE OF 61.56 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 29°22'15"; THENCE NORTHEASTERLY ALONG SAID CENTERLINE OF TOWN COMMONS DRIVE AND THE ARC A DISTANCE OF 25.63 FEET; THENCE N.53°48'15"E. ALONG SAID CENTERLINE OF TOWN COMMONS DRIVE AND ITS EASTERLY PROJECTION, A DISTANCE OF 264.57 FEET; THENCE S.36°11'44"E. ALONG THE NORTHERLY PROJECTION OF THE EASTERLY LINE OF AFORESAID PARCEL B AND SAID EAST LINE, A DISTANCE OF 139.70 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.69°57'26"E., A RADIAL DISTANCE OF 180.11 FEET; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID PARCEL B ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 56°14'03", A DISTANCE OF 176.77 FEET; THENCE S.36°11'29"E. ALONG THE EASTERLY LINE OF SAID PARCEL B, A DISTANCE OF 101.63 FEET TO THE POINT TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 134,896 SQUARE FEET OR 3.097 ACRES, MORE OR LESS.

LYING IN SECTION 7, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA

EXHIBIT B
VICINITY SKETCH



CONTEXT MAP N.T.S.

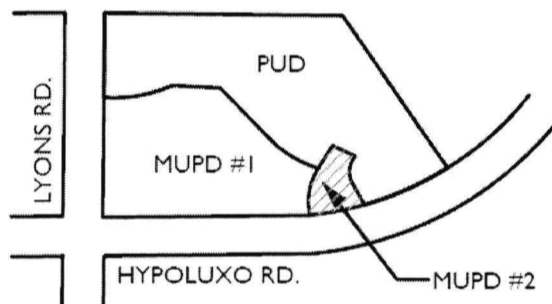


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

ALL PETITIONS

1. The approved Preliminary Site Plan is dated November 12, 2019. 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 or the Zoning Commission. (ONGOING: ZONING - Zoning)

VARIANCE

2. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning)

3. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Preliminary Site Plan. (DRO/ONGOING: ZONING - 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
Art. 3.E.1.C.2.h.5), Location – Non-Residential PDDs	A minimum of ten (10) percent of the required parking shall be located at the side or rear of the building it is intended to serve.	No parking located at the rear or side of each building	100%