

RESOLUTION NO. ZR-2020- 005

RESOLUTION APPROVING ZONING APPLICATION ZV-2019-01979
CONTROL NO. 1981-00190
TYPE 2 VARIANCE (*STAND ALONE*)
APPLICATION OF YTG Palm Beach IL NR LP, Insurance Auto Auctions, Corp.
BY Urban Design Kilday Studios, AGENT
(PALM BEACH PARK OF COMMERCE - IAAI EAST)

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 26, 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-2019-01979 was presented to the Zoning Commission at a public hearing conducted on February 6, 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 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-2019-01979, the Application of YTG Palm Beach IL NR LP, Insurance Auto Auctions, Corp., by Urban Design Kilday Studios, Agent, for a Type 2 Variance to eliminate Outdoor and Security Lighting, 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 February 6, 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	- Yes
John Kern	- Absent
Philip L. Barlage	- Yes
Marcelle Griffith Burke	- Absent
Alex Brumfield III	- Yes
Mark Beatty	- Yes
Jess Sowards	- Yes

The Chair thereupon declared the resolution was duly passed and adopted on February 6, 2020.

This resolution is effective when filed with the Palm Beach County Zoning Division on March 5, 2020

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION:

PARCEL K-1:

A PARCEL OF LAND LYING OVER THE PLAT OF CALBUT GENPAR TRACT A, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 45, PAGE 70, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PROCEED NORTH 88 DEGREES 40 MINUTES 23 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SECTION 17, A DISTANCE OF 617.66 FEET; THENCE, NORTH 01 DEGREE 19 MINUTES 35 SECONDS EAST, A DISTANCE OF 150.00 FEET TO THE SOUTHWEST CORNER OF THE FLORIDA POWER AND LIGHT COMPANY PARCEL, AS DESCRIBED IN OFFICIAL RECORDS BOOK 4075, PAGE 130, PUBLIC RECORDS OF SAID COUNTY, AND A POINT ON THE NORTH LINE OF CANAL TRACT 9, AS RECORDED IN OFFICIAL RECORDS BOOK 6297, PAGE 1252 (AS RE-RECORDED IN OFFICIAL RECORDS BOOK 6326, PAGE 113), PUBLIC RECORDS OF SAID COUNTY, AND THE POINT OF BEGINNING; THENCE, NORTH 88 DEGREES 40 MINUTES 25 SECONDS WEST, DEPARTING SAID SOUTHWEST CORNER AND ALONG SAID NORTH LINE, A DISTANCE OF 856.03 FEET TO A POINT ON THE EAST LINE OF WETLAND PRESERVATION TRACT C-9, AS RECORDED IN OFFICIAL RECORDS BOOK 7518, PAGE 1612, PUBLIC RECORDS OF SAID COUNTY, AND A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 634.02 FEET; THENCE, NORTHWESTERLY, DEPARTING SAID NORTH LINE AND ALONG SAID EAST LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 61 DEGREES 39 MINUTES 33 SECONDS, AN ARC DISTANCE OF 682.30 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 27 DEGREES 00 MINUTES 52 SECONDS WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 152.20 FEET TO A POINT ON THE NORTH LINE OF SAID PLAT OF CALBUT GENPAR TRACT A; THENCE, SOUTH 88 DEGREES 40 MINUTES 25 SECONDS EAST, DEPARTING SAID EAST LINE, AND ALONG THE NORTH PLAT LINE, AND A LINE 617.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 17, A DISTANCE OF 1,484.28 FEET TO THE NORTHWEST CORNER OF THE FLORIDA POWER AND LIGHT COMPANY PARCEL; THENCE, SOUTH 01 DEGREE 04 MINUTES 41 SECONDS WEST, DEPARTING SAID NORTH LINE AND SAID PARALLEL LINE, AND ALONG THE WEST LINE OF SAID FLORIDA POWER AND LIGHT COMPANY PARCEL, A DISTANCE OF 467.00 FEET TO THE POINT OF BEGINNING.

PARCEL G-14:

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF CALBUT GENPAR TRACT A, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 45, PAGE 70, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH THE WEST LINE OF THE 150 FOOT WIDE CANAL RIGHT-OF-WAY, RECORDED IN OFFICIAL RECORDS BOOK 6297, PAGE 1252 (AS RE-RECORDED IN OFFICIAL RECORDS BOOK 6326, PAGE 113), PUBLIC RECORDS OF SAID COUNTY; THENCE, NORTH 88 DEGREES 40 MINUTES 25 SECONDS WEST (AS A BASIS OF BEARING) ALONG SAID NORTH LINE OF CALBUT GENPAR TRACT A, A DISTANCE OF 1,951.29 FEET TO THE EAST LINE OF WETLAND PRESERVATION TRACT C-9, AS RECORDED IN OFFICIAL RECORDS BOOK 7518, PAGE 1612, PUBLIC RECORDS OF SAID COUNTY, THE FOLLOWING THREE (3) COURSES ARE ALONG SAID EAST LINE OF WETLAND PRESERVATION TRACT C-9; THENCE, NORTH 27 DEGREES 01 MINUTE 27 SECONDS WEST, A DISTANCE OF 70.99 FEET TO A POINT OF CURVATURE; THENCE, NORTHERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 172.20 FEET, A CENTRAL ANGLE OF 28 DEGREES 05 MINUTES 33 SECONDS, AN ARC LENGTH OF 84.43 FEET TO

A POINT OF TANGENCY; THENCE, NORTH 01 DEGREE 04 MINUTES 41 SECONDS EAST, A DISTANCE OF 52.23 FEET TO THE SOUTH LINE, PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 4, AS RECORDED IN PLAT BOOK 68, PAGE 88, PUBLIC RECORDS OF SAID COUNTY; THENCE, SOUTH 88 DEGREES 55 MINUTES 19 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 1,425.00 FEET; THENCE, NORTH 01 DEGREE 04 MINUTES 41 SECONDS EAST, ALONG THE EAST LINE OF SAID PLAT NO. 4, A DISTANCE OF 2,009.95 FEET TO THE SOUTH LINE OF THE PLAT OF WALGREENS DISTRIBUTION CENTER, RECORDED IN PLAT BOOK 91, PAGE 127, PUBLIC RECORDS OF SAID COUNTY; THENCE, SOUTH 88 DEGREES 53 MINUTES 24 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 580.00 FEET TO THE WEST LINE OF SAID 150 FOOT WIDE CANAL RIGHT-OF-WAY; THENCE, SOUTH 01 DEGREE 04 MINUTES 41 SECONDS WEST, A DISTANCE OF 2,214.12 FEET TO THE POINT OF BEGINNING.

FLORIDA POWER & LIGHT COMPANY PARCEL:

A TRACT OR PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 617.00 FEET OF THE SOUTH 617.00 FEET OF SECTION 17, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE SOUTH 150 FEET THEREOF AND LESS AND EXCEPT THE EAST 150 FEET THEREOF, BEING A PORTION OF CALBUT GENPAR TRACT A, A SUBDIVISION PLAT RECORDED IN PLAT BOOK 45, PAGE 70 AND 71, PALM BEACH COUNTY, FLORIDA.

NORTHERN ABANDONMENT PARCEL

A PORTION OF DONALD ROSS ROAD, PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 4, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 68, PAGES 88 AND 89 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID DONALD ROSS ROAD ALSO BEING THE SOUTHWEST CORNER OF PARCEL B, AS SHOWN ON SAID PLAT; THENCE N88°55'19"W, A DISTANCE OF 80.00 FEET TO THE SOUTHWEST CORNER OF SAID DONALD ROSS ROAD; THENCE N48°55'19"W ALONG THE RIGHT-OF-WAY LINE OF SAID DONALD ROSS ROAD, A DISTANCE OF 61.28 FEET; THENCE N81°04'41"E, A DISTANCE OF 128.90 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID PARCEL B AND THE RIGHT-OF-WAY LINE OF SAID DONALD ROSS ROAD; THENCE S01°04'41"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 61.77 FEET TO POINT OF BEGINNING.

ALSO KNOWN AS:

A PORTION OF CALBUT GENPAR TRACT A, AS RECORDED IN PLAT BOOK 45, PAGES 70 AND 71 AND A PORTION OF DONALD ROSS ROAD, PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 4, AS RECORDED IN PLAT BOOK 68, PAGES 88 AND 89 ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH AN UNPLATTED PORTION OF SECTION 17, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, ALL LYING IN SECTION 17, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID CALBUT GENPAR TRACT A, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID SECTION 17; THENCE N.43°47'51"W. A DISTANCE OF 212.59 FEET TO THE POINT OF BEGINNING; THENCE N.88°40'23"W. ALONG THE NORTH LINE OF CANAL TRACT 9, AS RECORDED IN OFFICIAL RECORD BOOK 6297, PAGE 1252 AND OFFICIAL RECORD BOOK 6326, PAGE 113 OF SAID PUBLIC RECORDS, SAID LINE LYING 150.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE SOUTH LINE OF SAID CALBUT GENPAR TRACT A AND SAID SECTION 17, A DISTANCE OF 1,323.04 FEET TO A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 634.02 FEET AND A CENTRAL ANGLE OF 61°39'31"; THENCE NORTHWESTERLY ALONG THE ARC OF THE EAST LINE OF WETLAND PRESERVATION TRACT C-9, AS RECORDED IN OFFICIAL RECORD BOOK 7518, PAGE 1612 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A

DISTANCE OF 682.30 FEET TO A POINT OF TANGENCY; THENCE N.27°00'52"W. ALONG SAID EAST LINE, A DISTANCE OF 223.21 FEET TO A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 172.20 FEET AND A CENTRAL ANGLE OF 28°05'33"; THENCE NORTHERLY ALONG THE ARC OF SAID EAST LINE, A DISTANCE OF 84.43 FEET TO A POINT OF TANGENCY; THENCE N.01°04'41"E. ALONG SAID EAST LINE, A DISTANCE OF 52.33 FEET TO THE SOUTHWEST CORNER OF DONALD ROSS ROAD, PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 4, AS RECORDED IN PLAT BOOK 68, PAGES 88 AND 89 OF SAID PUBLIC RECORDS; THENCE N48°55'19"W ALONG THE RIGHT-OF-WAY LINE OF SAID DONALD ROSS ROAD, A DISTANCE OF 61.28 FEET; THENCE N81°04'04"E, A DISTANCE OF 128.90 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF PARCEL B, PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 4 AND THE RIGHT-OF-WAY LINE OF SAID DONALD ROSS ROAD; THENCE S01°04'41"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 61.77 FEET TO THE SOUTHWEST CORNER OF PARCEL B OF SAID PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 4; THENCE S.88°55'19"E. THE SOUTH LINE OF SAID PARCEL B, A DISTANCE OF 1,345.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL B; THENCE N.01°04'41"E. ALONG THE EAST LINE OF PARCELS A AND B OF SAID PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 4, A DISTANCE OF 2,009.95 FEET TO THE NORTHEAST CORNER OF PARCEL A OF SAID PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 4; THENCE S.88°53'24"E. ALONG THE SOUTH LINE OF WALGREENS DISTRIBUTION CENTER, AS RECORDED IN PLAT BOOK 91, PAGES 127 THROUGH 129 OF SAID PUBLIC RECORDS, A DISTANCE OF 580.00 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE S.01°04'41"W. ALONG THE WEST LINE OF CANAL TRACT 9, AS RECORDED IN OFFICIAL RECORD BOOK 6326, PAGE 113 AND OFFICIAL RECORD BOOK 6297, PAGE 1252 OF SAID PUBLIC RECORDS, SAID LINE LYING 150.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF SAID SECTION 17, A DISTANCE OF 2,681.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,398,984 SQUARE FEET/55.0731 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

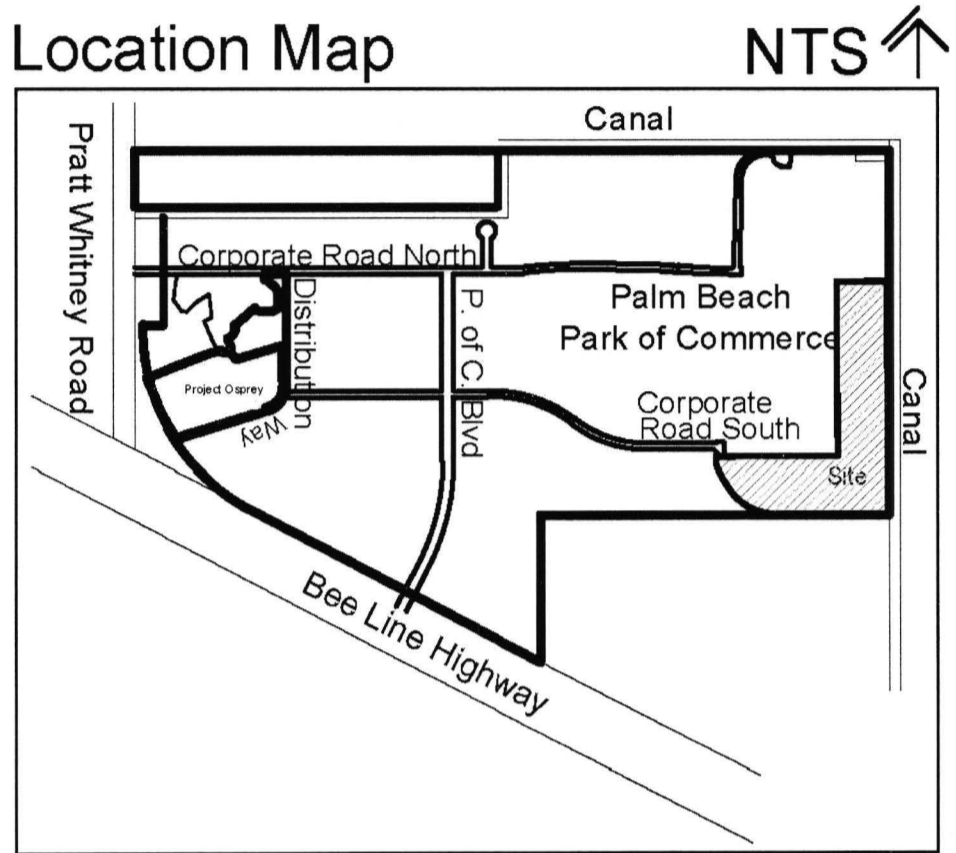


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Standalone

VARIANCE

1. This Variance is approved for the Outdoor Auction Use (Control No.1981-00190; Application No. DRO/DRO-2019-01247). Any change to the use shall require reconsideration of the Variance by the Zoning Commission. (ONGOING: CODE ENF - Zoning)
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. (BLDGPM: BUILDING DIVISION - Zoning)
3. The Development Order for this Standalone Variance shall be tied to the Time Limitations of the Development Order for Application DRO/DRO-2019-01247. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING - Zoning)
4. Use of the sales pad, storage area and load out area shall be prohibited from dusk to dawn. (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; 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. 5.E.4.E.2, Applicability [Related to Outdoor Lighting]	All outdoor lighting shall be subject to the requirements of Table 5.E.4.D-15 and 5.E.4.D-16, unless exempted or permitted to deviate as described herein.	To eliminate outdoor lighting for the sales pad, storage area and load out zone.	100% for the sales pad, storage area and load out zone.
V.2	Art. 5.E.4.E.4.C.3, Security Lighting and Time Restrictions	Security lighting shall be required for all active entrances to buildings, parking lots and access to buildings or parking lots.	To eliminate security lighting for the sales pad, storage area and load out zone.	100% for the sales pad, storage area and load out zone.