



PALM BEACH COUNTY ZONING APPLICATION STAFF REPORT

BOARD OF COUNTY COMMISSIONERS, APRIL 23, 2026

A. Application Summary

I. General

Application Name:	934 Pike LLC, DOA-2024-00254
Control Name:	934 Pike LLC (2010-00352)
Applicant:	Power Diesel Truck Parts II Corporation - Rafael Leyva
Owner:	Power Diesel Truck Parts II Corporation - Rafael Leyva
Agent:	Arc Development Global, LLC - Aaron M Taylor
Project Manager:	Matthew Boyd, Senior Site Planner I

Title: a Development Order Amendment **Request:** to modify and delete the Conditional Overlay Zone Conditions of Approval on 1.91 acres

Application Summary: The application is for 934 Pike, LLC development. The site was approved by the Board of County Commissioners (BCC) in 2011 for a rezoning to the Light Industrial Zoning District with a Conditional Overlay Zone and a Conditional Use for Wholesale Gas and Fuel Sales. In 2015 an amendment was approved to abandon the Wholesale Gas and Fuel Sales use and modify the site and Conditions of Approval. The site currently has violations for operation of a use (Repair and Maintenance) inconsistent with the approved Development Order.

This request is for a Development Order Amendment to modify conditions of approval. The request included modifications to Engineering Condition of Approval which require the Property Owner to construct a 5-foot sidewalk along the property frontage along the east side of Pike Road and to delete Landscaping which require the Property Owner to construct an 8-foot concrete wall along the North, South and East property line as described in Resolution No. R-2015-1731. Access will remain from Pike Road

II. Site Data

Acres:	1.91 acres
Location:	East side of Pike Road, approximately 312 feet south of Belvedere Road
Parcel Control:	00-42-43-33-17-001-0000
Future Land Use:	Industrial (IND)
Zoning District:	Light Industrial District (IL)
Tier:	Urban/Suburban
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	Conditional Overlay Zone
Neighborhood Plan:	N/A
CCRT Area:	N/A
Comm. District:	2, Commissioner Gregg K. 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.

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

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contacts from the public regarding this application.

IV. Hearing History

ZONING COMMISSION: At the April 2, 2026, ZC Hearing, this item was on the Regular Agenda. The Applicant presented the project. As part of their presentation, they explained the proposed modifications to prior conditions remain in compliance with the desired use of the land. There was no public comment cards for this item. ZC discussion focused on the amendments to prior conditions regarding the timing mechanism in place for development. Commission Vinikoor asked for clarification on such topic to better understand the need for the Applicant to build the conditioned sidewalk, Staff responded that currently the site is operating a permitted by right use without the appropriate permits and when the necessary permits are processed that will be when the conditions will need to be implemented..

Commissioner Vinikoor made the motion to recommend approval, which was seconded by Commissioner Thomas, and the motion carried by a vote of 8-0-0.

BCC HEARING: *Scheduled April 23, 2026*

B. Data & Analysis

I. Exhibits

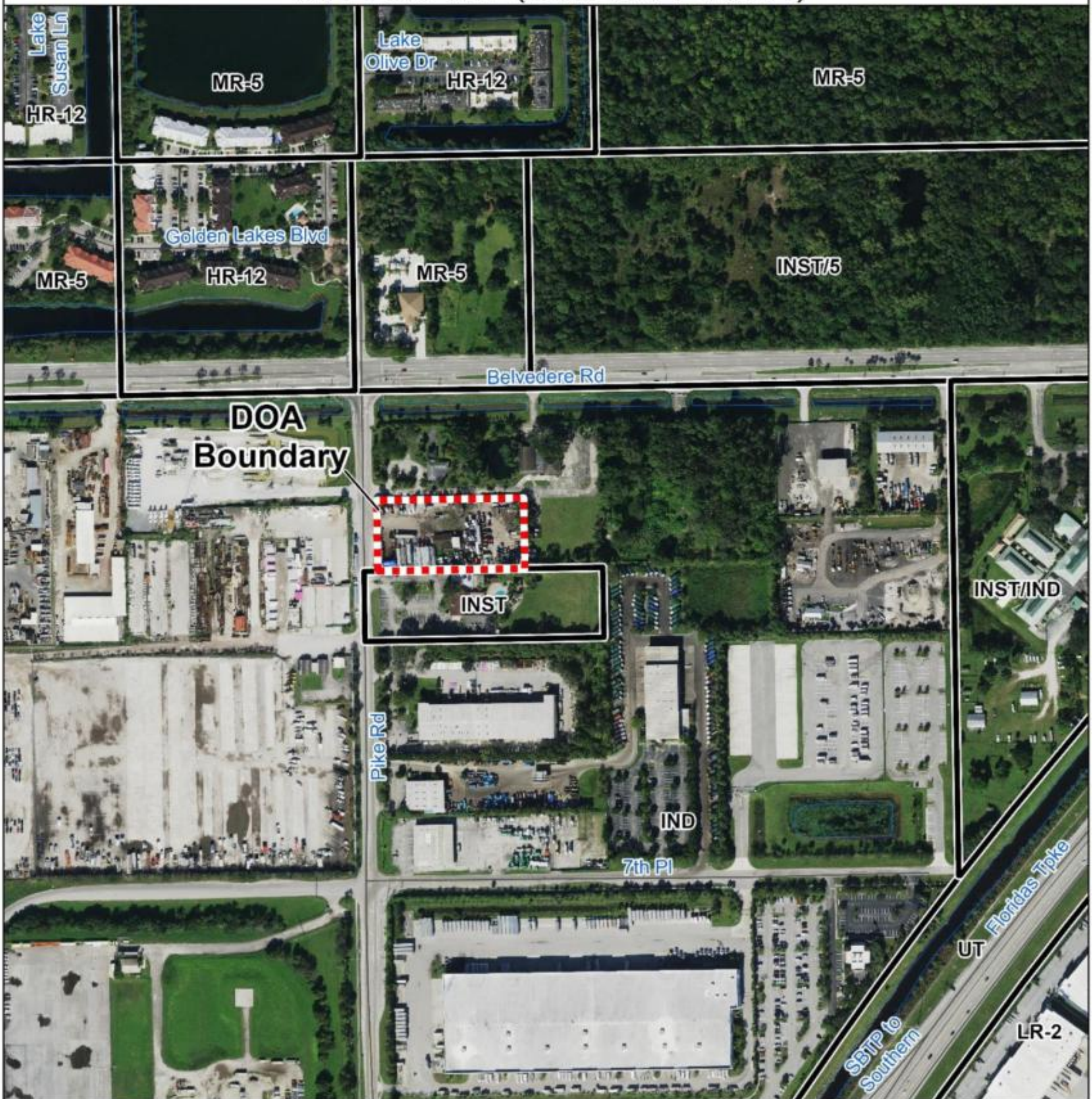
The supporting data and analysis are provided within the following Exhibits.

No.	Exhibit Name	Page
A-1	Future Land Use Map	3
A-2	Zoning Map	4
B	Standards Analysis & Findings	5
C	Conditions of Approval	10
D	Project History	13
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E-1	Survey 08/26/2024	E.1
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E-3	Justification Statement October 27, 2025	E.3
E-4	Concurrency Reservation	E.4
E-5	Utility Letter	E.5
E-6	Prior Preliminary Site Plan September 18, 2015	E.6
F	Correspondence	F.1

Exhibit A-1 - Future Land Use Map

Z o n i n g A p p l i c a t i o n

934 Pike LLC (DOA-2024-00254)



Site Data

Existing Use: Repair and Maintenance Heavy
 Proposed Use: Repair and Maintenance Heavy
 Zoning: IL
 Zoning Quad: 46

Future Land Use Designation

HR-12	High Residential 12 units/ac.	LR-2	Low Residential 2 units/ac.
IND	Industrial	MR-5	Medium Residential 5 units/ac.
INST	Institutional	UT	Utilities and Transportation
INST/5	Institutional with underlying MR-5		
INST/IND	Institutional with underlying IND		

Date: 04/08/2025
 Contact: PBC Zoning
 Filename: X:\Planning\ZoningCoord\DRO-Maps\2024-00254
 Note: Map is not official, for presentation purposes only



Planning, Zoning & Building
 2300 N Jog Rd, WPB, FL 33411
 Phone (561) 233-5200

Exhibit A-2 - Zoning Map

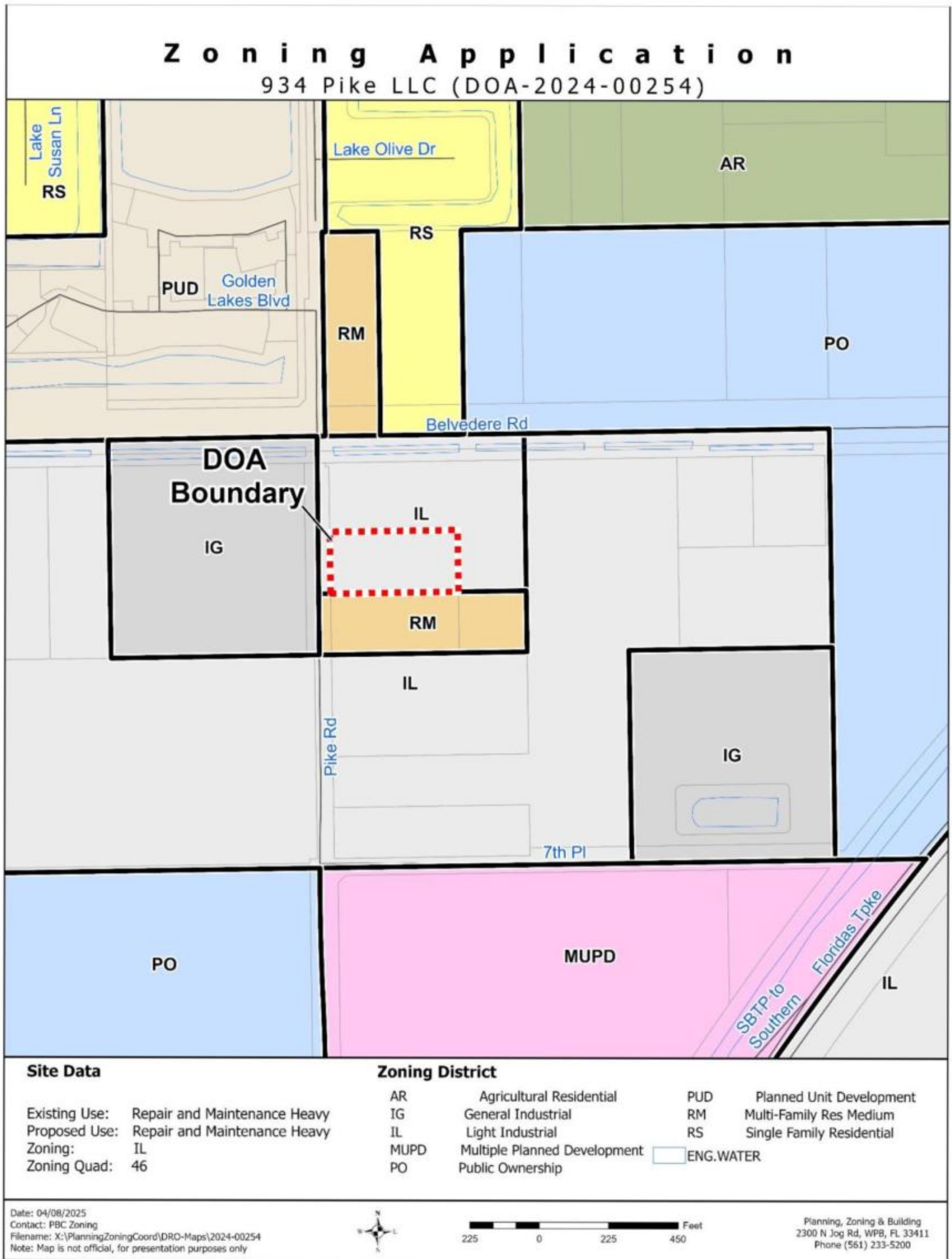


Exhibit B - Standards Analysis & Findings

FINDINGS:

Official Zoning Map Amendment (Rezoning) to a Standards District Standards:

Article 2.B.7.A.2, Standards for an Official Zoning Map Amendment (Rezoning) to a Standard District are indicated below with Staff Analysis. 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 DO for a Standard Zoning District with a COZ may be modified through a DOA pursuant to the Conditions of Approval established with its original approval, or as otherwise set forth in this Code. The Applicant shall demonstrate and the BCC must find that a change of circumstances or site conditions has occurred which make it necessary or reasonable to amend, extend, vary, or alter the COZ.

a. Consistency with the Plan - *The proposed amendment is consistent with the Plan.*

The Planning Division Review Staff were provided this application for review. They provided the following analysis:

- *Consistency with the Comprehensive Plan:* The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- *Relevant Comprehensive Plan Policies:* Per Future Land Use Element (FLUE) Table 2.2-f.1., Non-Residential Future Land Use-Zoning Consistency, the Future Land Use (FLU) designation of Industrial (IND) is consistent with the existing Light Industrial (IL) Zoning District.
- *Intensity:* The request to modify prior Conditions of Approval associated with the Conditional Overlay Zone does not contain a Preliminary Site Plan (PSP) for review. The Applicant indicates that the existing and proposed use of the property is Repair and Maintenance Heavy. Development of the site under the IND FLU designation in the Urban Suburban Tier is allowed a maximum Floor Area Ratio (FAR) of 0.85, which equates to approximately 70,604 sq. ft. feet maximum (83,064 sq. ft. or 1.91 acres x 0.85 maximum FAR = 70,604 sq. ft.).
- *Special Overlay District/Neighborhood Plan/Planning Study Area:* The site is not located within any neighborhood plans, overlays or plan study areas as identified in the Comprehensive Plan.

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.*

- *Code Enforcement:* The site is currently in violation of its current Development Order. The site was provided a Notice of Violation in 2019 for construction without permits, open stored trash and debris, and use violations. A Special Magistrate Hearing was held on March 4, 2020 in which the Respondent (Property Owner) was found in violation. The Order was signed and sent to the Property Owner. The site remains in violation, and an Imposed Fine-Lien Order was sent to the Property Owner on September 3, 2021. The Lien was referred to OFMB for collection in 2022. If the amendment to the Development Order modifying the Conditions is approved, Staff have included a condition of approval that requires the site to cease operation until all permits have been applied for and Certificates of Occupancy/Completion have been issued as the use is operating in buildings that have not had proper permits for the conversion of the use.

Pursuant to Article 2.A.12, Outstanding Liens or Fines, "*Applications subject to Public Hearing Processes, The approving Decision Making Body shall impose a Condition of Approval requiring the payment of any outstanding liens or fines by a date certain or prior to a specific event.*" The subject site is accruing \$250/day fine. As of July 18, 2025 the Property Owner owes Palm Beach County \$422,919, though the amount will continue to accrue. A Condition of Approval has been included for them to make payment of the monies owed prior to Final Approval by the Development Review Officer, or September 24, 2026 whichever occurs first.

- *Property Development Regulations:* The parcel meets the minimum lot size for the existing IL Zoning and meets or exceeds all setbacks as required by Table 3.D.1.A
- *Conditional Overlay Zone:* Article 2.B.7.A.4 indicates that the purpose of a COZ is to modify or restrict the use and site development regulations authorized in the underlying Standard Zoning District to prevent, minimize, or mitigate adverse impacts upon the surrounding land uses. Conditions shall be included if the applicable regulations are inadequate to protect the surrounding land uses. In application of the COZ, the BCC shall find that the proposed Rezoning is appropriate only if the applicable regulations

are modified. As required under Article 3.B.3.C the BCC shall find one or more of the following reasons for the COZ district:

When a request is submitted to amend a prior approval for a Conditional Overlay Zone, the ULDC states, "A DO for a Standard Zoning District with a COZ may be modified through a DOA pursuant to the Conditions of Approval established with its original approval, or as otherwise set forth in this Code. The Applicant shall demonstrate and the BCC must find that a change of circumstances or site conditions has occurred which make it necessary or reasonable to amend, extend, vary, or alter the COZ." The Applicant provided a description of changed conditions and circumstances in their Justification Statement as attached in Exhibit E.3.

1. Potential impact to surrounding land uses requires mitigation;
2. Compatibility will be furthered between the requested zoning district and adjacent zones if uses and PDRs are modified; and/or
3. Intensity limits reflect available capacity of public facilities

The subject property was approved with a Conditional Overlay Zone in April 2011 in order to address the incompatibility of the proposed Industrial use with the Institutional Use (Place of Worship) to the north as well as the institutional (Assembly Non-Profit) use to the south. The COZ authorized specific restrictions such as Landscaping, Lighting, Site Design and Use Limitations for hours of operation to address incompatibility with the adjacent properties (Landscaping 1-4, Lighting 1 and 2, Site Design 1, and Use Limitation 1 and 2), and to ensure mandatory Traffic Performance Standards, Platting and Drainage requirements were met pursuant to Engineering Conditions. The Development in 2015 requested to amend some of the prior conditions, specifically Landscaping, Site Design and Use Limitation, which was approved. Now the Applicant is requesting to further amend Landscaping Conditions for the north, east and south property lines; along with an Engineering Condition regarding the timing for the sidewalk installation. See Conditions for updated language.

Staff agrees that a changed circumstance has occurred with the modification to the future land use and zoning to Industrial for the development to the north and east. This modification will allow for similar uses. While the property to the north and east have changed the property to the south remains the same, and the conditions for the Conditional Overlay Zone remain in place. Moreover, with the Property Owner ignoring the existing conditions of approval and operating a use not in compliance with the Development Order, it indicates that a new condition to cease use until appropriate permits are approved and completed are necessary, and that the conditions specifically related to the south property line shall remain.

○ *Use specific criteria as stated for the use in Article 4:* The Applicant has indicated in his Justification Statement that the site is used for Heavy Repair and Maintenance and is intending to continue the use. Although the use is one that is allowed by right in the Zoning District, it is still required to comply with the Land Use Regulations and Conformance with Adequate Public Facilities. The Property Owner has been operating the use on the site illegally. Staff have included a condition of approval that requires the use to cease operation until they obtain all required permits and approvals.

○ *Landscape/Buffering:* The Applicant is subject to the Landscape Conditions of Approval as contained in Resolution R-2015-1731, in addition to the requirements of Article 7 of the ULDC. The Applicant is requesting to amend Landscape Conditions that require a Concrete Wall within the buffer located along the North, East and South property lines. Staff has no objection to the modification to eliminate the wall along the north and east, however the wall should remain along the south property line to further protect the Institutional Use as originally proposed. See Conditions for updated language.

c. Compatibility with Surrounding Uses - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The proposed amendments to Engineering Condition for sidewalk and landscape buffer for the north and east property line are generally consistent with the surrounding zoning districts and uses for that district. The language for the sidewalk was revised to have it installed prior to CO or a date, rather than issuance of the building permit.

The Applicant is also requesting to delete Landscape Perimeter Condition 4 for the south property line, however Staff is not in agreement due to the existing zoning and uses on the property. Unlike the property to the north, the property to the south remains with institutional uses and zoning that will be impacted with the zoning and potential uses. The Conditions are necessary for compatibility along the south property line.

d. Effect on the Natural Environmental - *The proposed amendment will not result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

Environmental Resources Management Review Staff were provided this application for review. They provided the following analysis:

- *Vegetation Protection:* The application request does not impact native vegetation.
 - *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
- e. Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The proposed request to amend Engineering and Landscape Conditions of approval is logical, due to a change to the future land use and zoning for the property to the north and east of the subject site. The Conditions of Approval were incorporated into the Development Order for the Rezoning, in order to protect the adjacent institutional properties to the north, east and south from the industrial uses that could be located on this property and impact those existing uses. With the modification to the land use and zoning for the property to the north and east, the uses that can be allowed one either would be consistent. While the Applicant requested to delete Landscape Condition #4, Staff only supports amending the condition to remove reference to the east and modifying to continue to project the south property as it remains an institutional use.

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

TRAFFIC DIVISION:

The Department of Engineering and Public Works Traffic Division were provided this application for review. They provided no comments during the review of the request. They provided the following analysis for the staff report:

TRAFFIC IMPACTS

The proposed general light industrial use on the site is expected to generate 11 net daily trips, 2 net AM peak trips, and 2 net PM peak hour trips.

Peak hour trips are less than 21 and will have insignificant impacts on the area roadways. Access will be through a full access on Pike Road. No turn lanes at the access drive is warranted due to very low volumes.

LAND DEVELOPMENT:

The Department of Engineering and Public Works Land Development Division (LDD) reviewed this application for a Development Order Amendment to revise the conditions of approval. The site is located within the South Florida Water Management District C-51 Basin, Sub-basin 18 and will comply with SFWMD as well as Palm Beach County regulations for compensating storage, attenuation and discharge. Legal Positive Outfall for the project will be the Pike Road drainage system. The application was found to comply with the regulations and code requirements of the ULDC under the authority of the LDD subject to amending the existing condition of approval to construct a sidewalk in Pike Rd from prior to April 1, 2027 or the issuance of the first building permit to issuance of the first certificate of occupancy, whichever shall occur first. No additional conditions of approval are proposed at this time.

DRAINAGE DISTRICT:

The Lake Worth Drainage District Review Staff were provided with this application for review. LWDD Staff provided the following comment, *“This petition is located on the south side of Lake Worth Drainage Districts (LWDDs) L- 3 Canal and is not adjacent. LWDD has no objection to the certification of this petition.”* The Applicant is required to obtain the applicable permits from LWDD and South Florida Water Management District.

WATER AND WASTEWATER PROVIDER:

Palm Beach County Water Utilities Review Staff were provided this application for review. During the review they provided no comments. Pursuant to previous conditions of approval, as well as requirements to meet level of service within the urban suburban tier, connection to water and sewer is required. PBCWUD provided a Service Availability letter, stating that the nearest point of connection to sewer is available within the Pike Road right of way. Improvement will be required. Prior to final approval by the Development Review Officer, the Applicant will be required to provide a final Concurrency Reservation

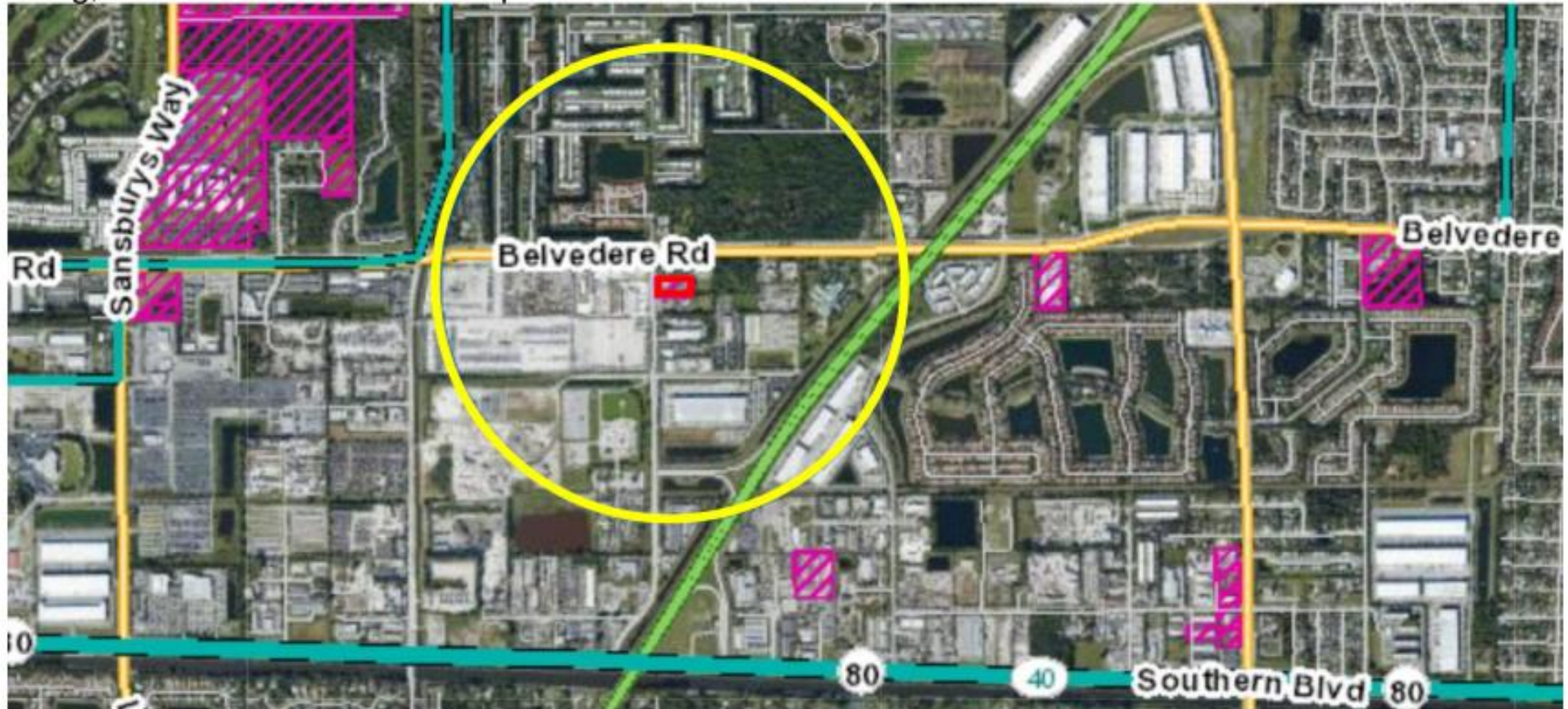
from PBCWUD. Prior to the issuance of any building permits, the Property Owner must obtain the applicable approval and permits from PBCWUD.

PALM BEACH COUNTY HEALTH DEPARTMENT:

The Health Department Review Staff were provided this application for review. They stated, "The Florida Department of Health has no objections to this project."

MASS TRANSIT:

Palm Tran Review Staff were provided with this application for review. During the review they provided no comments. There are no bus routes or bus stops within a 1/2 mile of the subject property. Bus Route 43 along, with an associated bus stop is located at Benoist Farms Road and Belvedere Road.



FIRE PROTECTION:

Fire Rescue Review Staff were provided this application for review. During the review they provided the following comment, "Disclaimer: Site plan review and approval by the AHJ shall not relieve the owner and design team of the responsibility of compliance with the Florida Fire Prevention Code, adopted NFPA standards and local Palm Beach County fire rescue amendments (NFPA 1, section 1.14.4). Any design seeking relief from a specific fire code requirement shall obtain an approved waiver." The development is within the service boundary of Palm Beach County Fire Rescue Station 34.

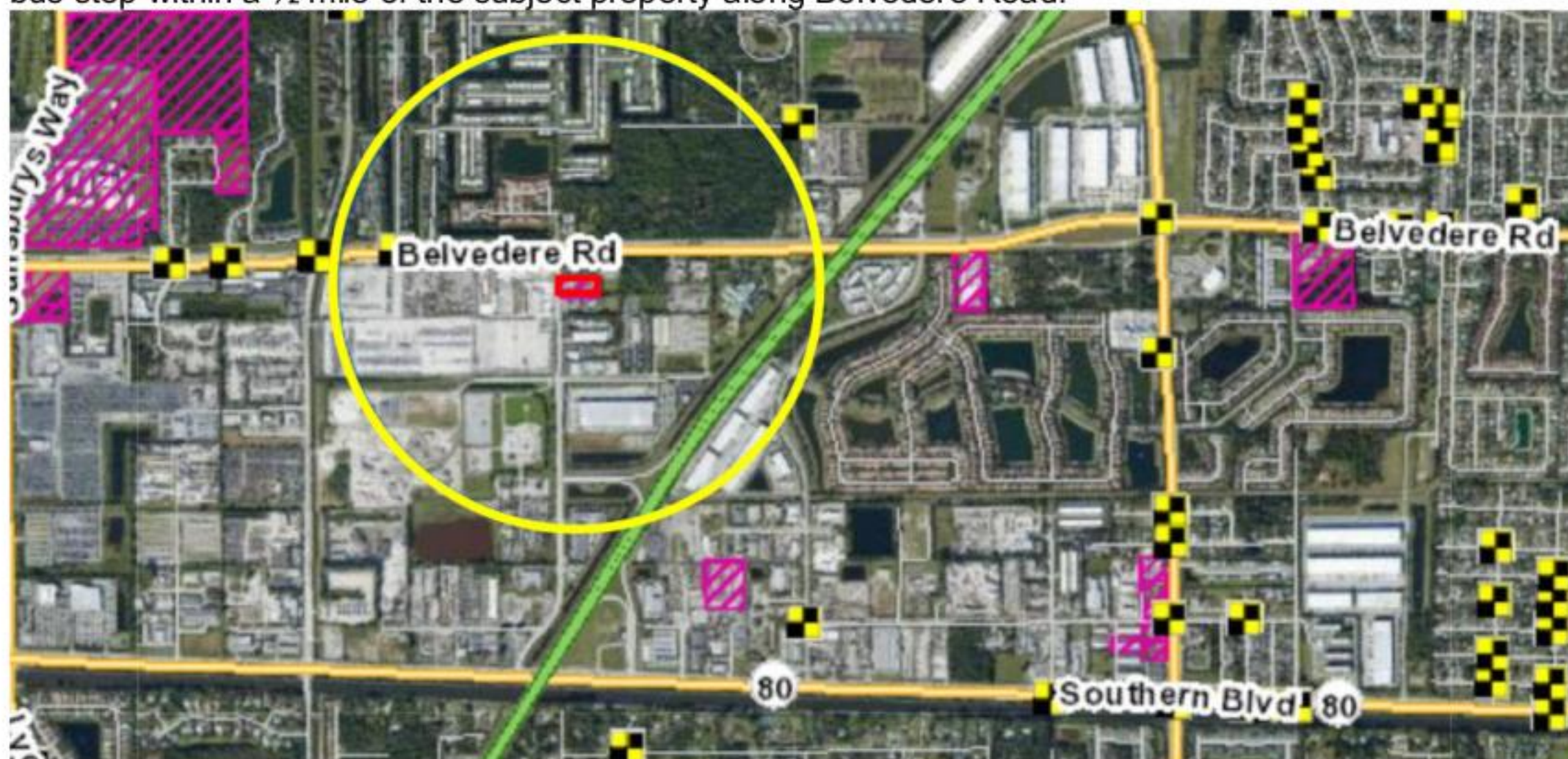


PARKS AND RECREATION:

The Parks and Recreation Department Review Staff were provided this application for review. During the review they stated, "This is a non-residential project, therefore the Parks and Recreation ULDC standards do not apply."

SCHOOL IMPACTS:

The Palm Beach County School District Review Staff were provided with this application for review. During the review they stated, "The School Board has no issue with this non-residential application." There is one bus stop within a 1/2 mile of the subject property along Belvedere Road.



g. 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: "The amendment seeks to primarily "Delete" specific Landscape Conditions of Approval #3 & #4, and to "Amend" Engineering Condition of Approval for the 5' Sidewalk along Pike Road required by the COZ. The previous Property Owner elected not to develop the Site in accordance with the previous approved Site Plan and abandoned the previous approval for the Contractor Storage Yard with Wholesale Gas and Fuel Sales Use. Then later in 2018 sold the property to the current Property Owner." ...

"The property immediately to the north of the subject site is currently being rezoned from RM to IL for the purposes and receiving Site Plan Approval for an Light Industrial Use. The rezoning for the property located at 7430 Belvedere Road and the change of Use from Place of Worship to a compatible Light Industrial Use changes the dynamic of the area to nearly all industrial. Changing the adjacent properties from incompatible Uses to compatible Uses. As such, should only be subject to current Code requirements for perimeter buffers." ...

"The current Property Owner sought to provide a 8-foot tall opaque screen (via Wooden Fence) along the north property line. Which was the intent of the previously approved Condition of Approval. The owner did install the fence without the proper permits, but did seek to correct this error by pulling the proper permits for the existing 8' opaque Wood Fence. The proposed Amendment to the existing Conditions of Approval provides the intended opaque screening between the subject property and adjacent property to the north. The Amendment to Engineering Condition#3 on ties the requirement for the 5' sidewalk to the issuance of the next Building Permit for any new habitable structures. The intent of the current Conditions of Approval is still met."

While there are demonstrated changes to delete Landscape Condition #3 and amend Engineering Condition 3, there is only demonstrated changes to amend Landscape Condition #4, and not delete it. The property to the south remains and institutional use and requires conditions to address incompatibility of the industrial uses.

Exhibit C-1 - Conditions of Approval

Development Order Amendment – Conditional Overlay Zone

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution 2015-1731 (Control 2010-00352), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)
2. Prior to the first Building Permit or December 31, 2027, whichever occurs first, the Property Owner shall pay Palm Beach County all outstanding Liens/Fines to Palm Beach County. The Property Owner shall provide copy of receipt of payment to the Zoning and Code Enforcement Divisions. (BLDGPM/DATE: MONITORING - Code Enforcement)
3. All uses on the subject property shall cease until the use obtains the required permits and final approvals to implement the use. (ONGOING: CODE ENF - Zoning)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2015-1731, Control No.2010-00352, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

- a. No Building Permits for the site may be issued after December 31, 2019. 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)

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

- a. The Buildout Date is December 31, 2028. No Building Permits for the site may be issued after December 31, 2028. 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 issuance of the first building permit the property owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2015-1731, Control No.2010-00352)

3. Previous ENGINEERING Condition 3 of Resolution R-2015-1731, Control No.2010-00352, which currently states:

Property owner shall construct a 5-foot concrete sidewalk along the property frontage along the east side of Pike Road. 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. These improvements shall be completed concurrently with the onsite paving and grading and shall be completed prior to the issuance of the first building permit. Alternatively, the property owner may provide funds to Palm Beach County to construct the sidewalk based on 110% of a cost estimate prepared by a professional engineer and approved by the County Engineer.

Is hereby amended to read:

Property Owner shall construct a minimum 5-foot-wide concrete sidewalk along the east side of Pike Road along the property's entire frontage. 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 April 1, 2027 or prior to the issuance of the next certificate of occupancy, whichever shall occur first. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (BLDGPM/CO/DATE: MONITORING - Engineering)

4. The property owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The property owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2015-1731, Control No.2010-00352)

HEALTH

1. Previous HEALTH Condition 1 of Resolution R-2015-1731, Control No.2010-00352, which currently states:

Wastewater and water service is available to the property. Therefore, no onsite sewage treatment and disposal system (OSTDS) or potable water well will be permitted. All existing OSTDS and potable water well systems shall be abandoned in accordance with Chapter 64E-6, and 8 F.A.C. respectively. (ONGOING: HEALTH DEPARTMENT - Health Department)

Is hereby deleted. [REASON: Code Requirement]

LANDSCAPE - GENERAL

1. Prior to the issuance of any permits for the subject property, a landscape inspection shall be required to ensure preservation and barricading of the Simarouba glauca (Paradise Tree, Bitterwood). All tree protection measures utilized shall remain in place for the duration of all construction phases. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2015-1731, Control No.2010-00352)

LANDSCAPE - PERIMETER-NORTH PROPERTY LINE

2. Previous LANDSCAPE - PERIMETER Condition 3 of Resolution R-2015-1731, Control No.2010-00352, which currently states:

The landscaping and buffer width along the north property line shall include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum eight (8) foot high concrete wall along the east 250 feet of the north property line;
- c. a minimum six (6) foot high chain link fence along the west 165 feet of the north property line;
- d. one (1) canopy tree per twenty (20) linear feet; and
- e. a continuous four (4) foot high hedge to be planted on the outside of the fence and the wall. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: No longer applicable as the parcel to the north was rezoned to Industrial.]

LANDSCAPE - PERIMETER-SOUTH PROPERTY LINE

3. Previous LANDSCAPE - PERIMETER Condition 4 of Resolution R-2015-1731, Control No.2010-00352, which currently states:

The landscaping and buffer width along the south and east property lines shall include:

- a. a minimum of ten (10) foot wide landscape buffer strip;
- b. a minimum eight (8) foot high concrete wall along the east property line;
- c. a minimum eight (8) foot high concrete wall along the east 250 feet of the south property line;
- d. a minimum six (6) foot high chain link fence along the west 165 feet of the south property line;
- e. one (1) canopy tree per twenty (20) linear feet;
- f. a continuous four (4) foot high hedge to be planted on the outside of the fence and the wall.

Is hereby amended to read:

The landscaping and buffer width along the south property line shall include:

- a. a minimum of ten (10) foot wide landscape buffer strip;
- b. a minimum eight (8) foot high concrete wall along the east 250 feet of the south property line;
- c. a minimum six (6) foot high opaque fence along the west 165 feet of the south property line where the preliminary site plan dated September 18, 2015, indicates required parking (not storage). If the site is revised to provide outdoor storage along the south property line, then the entire buffer shall include a wall;
- d. one (1) canopy tree per twenty (20) linear feet;

e. a continuous four (4) foot high hedge to be planted on the outside of the fence and the wall. (BLDG/PMT/ONGOING: ZONING - Zoning)

LIGHTING

1. All outdoor, freestanding and structure mounted lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point. (ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2015-1731, Control No.2010-00352)

2. All outdoor lighting shall be extinguished no later than 7:30 P.M., excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2015-1731, Control No.2010-00352)

3. The lighting conditions above shall not apply to proposed low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2015-1731, Control No.2010-00352)

USE LIMITATIONS

1. The hours of operation for the outdoor activities on the site shall be limited to 6:00 AM to 7:00 PM on Monday through Saturday. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2015-1731, Control No.2010-00352)

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

Application No.	Title & Request	Resolution	Decision	Approval Date
Z/CA-2010-02802	Title: an Official Zoning Map Amendment Request: to allow a rezoning from the Multi-Family Residential (RM) Zoning District to the Light Industrial (IL) Zoning District.	R-2011-00561	Adopted With Conditions	04/28/2011
Z/CA-2010-02802	Title: a Class A Conditional Use Request: to allow Gas and Fuel, Wholesale.	R-2011-00562	Adopted With Conditions	04/28/2011
ZV/ABN/DOA-2015-00765	Title: a Development Order Abandonment Request: to abandon the Class A Conditional Use for Wholesale Gas and Fuel granted under Resolution R-2011-562.	R-2015-01730	Approved	12/03/2015
ZV/ABN/DOA-2015-00765	Title: a Development Order Amendment Request: to reconfigure the Site Plan; and modify and delete Conditions of Approval (Landscaping, Site Design, and Use Limitation).	R-2015-01731	Adopted With Conditions	12/03/2015

Exhibit E-1 - Survey

Exhibit E-2 - Disclosure

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 Rafael R. Leyva, 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 President *[position - e.g., president, partner, trustee]* of POWER DIESEL TRUCK PARTS II 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: 934 Pike Road
West Palm Beach, FL 33411

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.

Rafael Lopez, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 21st day of February, 2021 by Rafael Lopez (name of person acknowledging). He/she is personally known to me or has produced driver's license (type of identification) as identification and did/did not take an oath (circle correct response).

Stephanie Taylor
(Name - type, stamp or print clearly)

Stephanie Taylor
(Signature)

My Commission Expires on: May 22, 2026

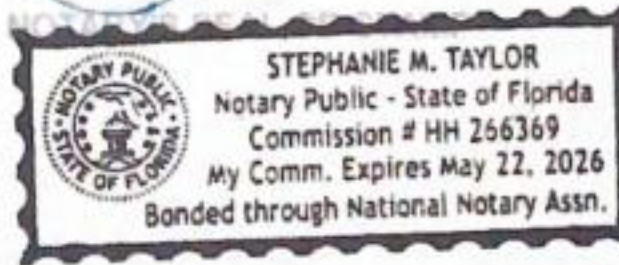


EXHIBIT "A"

PROPERTY

A PORTION OF TRACT 3, BLOCK 6, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 , PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF TRACT 3, BLOCK 6, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°58'00 " EAST. ALONG THE WEST LINE OF SAID TRACT 3, A DISTANCE OF 262 .00 FEET TO A POINT ON A LINE 262 .00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 3; THENCE NORTH 89°02'00 " EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 2 5.00 FEET TO A POINT ON THE EAST LINE OF THE ADDITIONAL RIGHT OF WAY FOR PIKE ROAD AS SHOWN IN OFFICIAL RECORD BOOK 23885, PAGE 1622 OF SAID PUBLIC RECORDS; THENCE CONTINUE NORTH 89°02'00 " EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 415.00 FEET TO A POINT ON A LINE 220.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 3; THENCE SOUTH 00°58'00 " EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 200 .00 FEET TO A POINT ON A LINE 198.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 3; THENCE SOUTH 89°02'00 " WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 415.0 0 FEET TO SAID EAST LINE OF THE ADDITIONAL RIGHT OF WAY OF PIKE ROAD; THENCE NORTH 00°58'00 " WEST ALONG SAID EAST LINE OF THE ADDITIONAL RIGHT OF WAY OF PIKE ROAD, A DISTANCE OF 200 .00 FEET TO THE POINT OF BEGINNING.

AREA: TRACT "A"= 82,400 SQUARE FEET OR 1.891 ACRES; TRACT "B" = 600 SQUARE FEET OR 0 .0 14 ACRES; TOTAL AREA= 83,000 SQUARE FEET OR I. 905 ACRES.

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

N/A - No other Individuals or Entities owning 5% or more ownership

Exhibit E-3 - Justification Statement (Oct. 27, 2025)



Justification Statement

934 Pike Road

Revised: 4-22-24

Revised: 7-22-24

Revised: 8-26-24

Revised: 9-23-24

Revised: 3-24-25

Revised: 7-21-25

Revised: 9-15-25

Project History:

The subject property is located at 934 Pike Road, approximately .08 of a mile south of Belveder Road on the east side of Pike Road. The property consists of 1.89sc. The subject property is located within the Urban Suburban (U/S) Tier. The existing Future Land Use designation on the subject property is Industrial (IND) and the Zoning District is Industrial (IL) On April 28, 2011 the property was rezoned from RM to IL with a Conditional Overlay Zone (COZ) (Refer to resolution: R-2011-561), and the property received approval from the Board of County Commissioner (BCC) for a Class A Conditional Use for Gas and Fuel Wholesale in the IL Zoning District. In accordance with previously approved Zoning Site Plan, Control: 2010; Exhibit: 1 the property received approval for: Contractor's Storage Yard with accessory office and Gas and Fuel Wholesale. The previous Zoning Approved Site Plan has since been voided and a Development Order Amendment (DOA) to amend specific Conditions of Approval was approved on December 3, 2015. Development Order for the DRO Approval is Expired. The current property owner, POWER DIESEL TRUCK PARTS II CORPORATION purchased the property in December of 2018 and discontinued the previous use of on the property and has been utilizing the property for: Repair and Maintenance Heavy, which is a permitted use in accordance with ULDC Art.4.B.2.A. The property owner applied for a received a Business Tax Receipt for the Repair and Maintenance Use in 2020, which was signed-off by the Zoning Division, Inspected and Signed-Off by both the Code Enforcement and Fire Marshall (*refer to LBTR: 2020-124973*). Which proves the current Repair and Maintenance Use is a legally established/vested Use.

PROJECT HISTORY

- ❖ **Z/CA-2010-02802** Title: an Official Zoning Map Amendment Request: to allow a rezoning from the Multi-Family Residential (RM) Zoning District to the Light Industrial (IL) Zoning District. **R-2011-00561 Adopted With Conditions 04/28/2011**
- ❖ **Z/CA-2010-02802** Title: a Class A Conditional Use Request: to allow Gas and Fuel, Wholesale. **R-2011-00562 Adopted With Conditions 04/28/2011**



- ❖ **ZV/ABN/DOA-2015-00765** Title: a Development Order Abandonment Request: to abandon the Class A Conditional Use for Wholesale Gas and Fuel granted under Resolution R-2011-562. **R-2015-01730 Approved 12/03/2015**
- ❖ **ZV/ABN/DOA-2015-00765** Title: a Development Order Amendment Request: to reconfigure the Site Plan; and modify and delete Conditions of Approval (Landscaping, Site Design, and Use Limitation). **R-2015-01731 Adopted With Conditions 12/03/2015**

1. R-2011-00561:

Request: to allow a rezoning from the Multi-Family Residential (RM) Zoning District to the Light Industrial (IL) Zoning District. **Adopted with COA and COZ.**

2. R-2011-00562:

Request: to allow Gas and Fuel, Wholesale. **Adopted with COA.**

3. R-2015-01730:

Request: to abandon the Class A Conditional Use for Wholesale Gas and Fuel granted under Resolution R-2011-562. **Approved.**

4. R-2015-01731:

Request: to reconfigure the Site Plan; and modify and delete Conditions of Approval (Landscaping, Site Design, and Use Limitation). **Adopted with COA and COZ.**

<u>CURRENT USE</u>		
Repair & Maintenance Heavy	N/A – Permitted By Right	None Required

STATUS OF DEVELOPMENT ORDER:

On December 3, 2015, the Board of County Commissioners (BCC) adopted a resolution approving application ZV/ABN/DOA-2015-00765, requirements were met for R-2015-1731. A Time Extension Letter was issued by Monitoring Section on February 12, 2018 which extended the commencement due date to November 28, 2020, and the build out date to December 26, 2021. The status of previously approved Development Order is as follows: The Development Order for the previous approved Site Plan included new facilities and Site Development that would have required permits. Since the Site plan for the previous approved Use was revoked, any future



Commencement date for that development were no longer applicable. There cannot be a requirement for a future commencement of construction date, if the Previous Approved Use no longer exists.

As noted above, the project was originally approved as a Contractor’s Storage Yard with Gas & Fuel Wholesales. The current property owner: POWER DIESEL TRUCK PARTS II CORPORATION purchased the property in December of 2018 and discontinued the previous use of on the property and has been utilizing the property for: Repair and Maintenance Heavy, which is a permitted use in accordance with ULDC Art.4B.2.A. The property owner applied for a received a Business Tax Receipt for the Repair and Maintenance Use in 2020, which was signed-off by the Zoning Division, Inspected and Signed-Off by both the Code Enforcement and Fire Marshall (*refer to LBTR: 2020-124973*). Which proves the current Repair and Maintenance Use is a legally established/vested Use.

The current property owner sought to receive Building Permit approval for an 8’ high opaque wooden fence along the North property line of the subject property. Although the Zoning Site Plan is VOID, the Condition of Approval outlined in Resolution: R-2015-1731 (which is still valid); specifically Landscape Condition #3, states that the buffer along the North property line provides a 8’ concrete wall. As such, the building permit for the 8’ opaque wood fence cannot be approved until this condition has been amended. Agent has had several onsite visits with the property owner and have identified and some either dead or missing trees and landscaping that must be replaced. When the current property owner purchased the property, he was unaware of the existing Conditions of Approval and nearly none of the landscaping stipulated by those Conditions of Approval had been installed at that point. The property owner has already begun installing required landscape material and will replace all dead and or missing trees and other required landscape material.

On Site Structures:

The existing Repair & Maintenance Heavy Use has two structures on the property. Both structures existed prior to the current property owner’s acquisition of the property. One structure is an existing (permitted structure being utilized as the office for the Repair & Maintenance Heavy Use. Refer to Building permit: B-125122. The other structure is an existing Shed that also existed prior to the owner’s acquisition of the property. However, it was discovered that the Shed was never permitted and the current owner received a Code Enforcement Violation as a result. The owner has since, received the necessary As-Built drawings and submitted for a Building Permit for the existing structure (Shed). Refer to PR-2024-020317. The existing Shed currently has the following setbacks:

SETBACK CHART (SHED) - ULDC ART: 3.D.1.A				
Required	Front: 40’	Side: 15’	Side-Street: N/A	Rear: 20’
Existing	Front: 380’	Side: 13.01	Side-Street: N/A	Rear: 23.95

As noted above the Shed is currently in for Building permit and is being made to comply with the setback requirements of the Code. Additionally the shed is located at the southeastern portion of the property, more than 300’ from the ROW and is not visible from Pike Road. There is landscape screening/buffers on the North, East and South which screen the shed from view.



DOA REQUEST:

The Applicant is requesting a Development Order Amendment (DOA) to “Amend” and “Delete” certain Conditions of Approval of resolution R-2015-1731. Specifically *Amending* Engineering Condition# 3 for the installation of a 5’ sidewalk; and the *Deletion* of Landscape Condition #3 & 4# for the installation of an 8’ concrete wall. Conditions of Approval to be amended are as follows:

Original Engineer COA#3:

3. Property owner shall construct a 5 foot concrete sidewalk along the property frontage along the east side of Pike Road. 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. These improvements shall be completed concurrently with the onsite paving and grading and shall be completed prior to the issuance of the first building permit. Alternatively, the property owner may provide funds to Palm Beach County to construct the sidewalk based on 110% of a cost estimate prepared by a professional engineer and approved by the County Engineer. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2011-561, Control No.2010-00352)

Proposed COA:

Property Owner shall construct a minimum 5’ foot wide concrete sidewalk along the east side of Pike Road along the property’s entire frontage. 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. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (CO: MONITORING -Eng)

The Proposed COA modification above was discussed with Scott Cantor in Land Development prior to its inclusion within this Justification Statement. The reason prompting the request to modify this condition includes several factors. One, the previous Approved Gas & Fuel Wholesale Use, in which this condition was given has been revoked. Second, upon discussions with Land Development, there are no other improvements or planned improvements along Pike Road that would necessitate the 5’ sidewalk being constructed at this time. Therefore,



there is no reason for the current property owner to incur the costs associated with constructing a sidewalk that will have no connection point North or South of the subject property.

Original Landscape COA#3:

LANDSCAPE - PERIMETER-NORTH PROPERTY LINE

3. Previous LANDSCAPE - PERIMETER Condition 3 of Resolution R-2011-561, Control No.2010-00352, which currently states:

The landscaping and buffer width along the north property line shall include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum eight (8) foot high concrete panel wall;
- c. one (1) canopy tree per twenty (20) linear feet; and
- d. a continuous four (4) foot high hedge to be planted on the outside of the wall. (BLDG PERMIT: LANDSCAPE - Zoning)

Is hereby amended to read:

The landscaping and buffer width along the north property line shall include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum eight (8) foot high concrete wall along the east 250 feet of the north property line;
- c. a minimum six (6) foot high chain link fence along the west 165 feet of the north property line;
- d. one (1) canopy tree per twenty (20) linear feet; and
- e. a continuous four (4) foot high hedge to be planted on the outside of the fence and the wall. (ONGOING: ZONING - Zoning)



- ❖ **DOA Request to Delete Landscape Condition #3, thereby making the property subject to current ULDC Art. 7 Landscape Code requirements for any dead or missing trees and/or landscape material along the North property line.**

LANDSCAPE - PERIMETER-SOUTH AND EAST PROPERTY LINE

4. Previous LANDSCAPE - PERIMETER Condition 4 of Resolution R-2011-561, Control No.2010-00352, which currently states:

The landscaping and buffer width along the south and east property lines shall include:

- a. a minimum of ten (10) foot wide landscape buffer strip;
- b. a minimum eight (8) foot high concrete wall along the east property line;
- c. a minimum eight (8) foot high concrete wall along the east 250 feet of the south property line;
- d. a minimum six (6) foot high chain link fence along the west 165 feet of the south property line;
- e. one (1) canopy tree per twenty (20) linear feet;
- f. a continuous four (4) foot high hedge to be planted on the outside of the fence and the wall. (ONGOING: ZONING - Zoning)

- ❖ **DOA Request to Delete Landscape Condition #4, thereby making the property subject to current ULDC Art. 7 Landscape Code requirements for any dead or missing trees and/or landscape material along the South & East property lines.**



CODE ENFORCEMENT:

The current property owner had several Code Enforcement Violations on the property, including installing an 8’ high opaque wood fence without proper permits. Most of the violations have been resolved. The one pertaining to the installation of the 8’ opaque wood fence cannot be resolved until the Development Order Amendment application has been approved. Although the previous approved Site Plan for this parcel of land was Voided and was for another Use, there were Conditions of Approval that are still enforced on the land including the previous Condition of Approval to provide an 8’ tall concrete wall. Therefore, the permit the owner for the 8’ tall existing wood fence cannot be issued until the requested modification of the Conditions of Approval mentioned within this Justification Statement is approved by the Board of County Commissioners.

The Agent has met with the Code Enforcement Office (Omar Sheppard) multiple times and has met with the Code Enforcement Officer onsite with the property owner to go over the violation and ensure that the remaining violation(s) can be resolved through the modification of Conditions of Approval. Agent also met with Land Development to ensure that proposed language for the modification of the Condition of Approval pertaining to the 5’ sidewalk along Pike Road would be acceptable.

PARADISE TREE PRESERVATION:

Agent performed a site visit of the subject property on November 8, 2023. Pictures were taken to prove that the Paradise Tree was preserved as required by the Conditions of Approval. Pictures were emailed to Donna Adelspherger at that time. Pictures have been provided to Zoning Staff as part of the July 22, 2024 submittal for additional proof. When the site visit was conducted with the Code Enforcement Officer, the property owner was aware that any dead or missing trees required along the property’s perimeter would have to be replaced.



Preserved Paradise Tree



DOA CRITERIA

In accordance with Unified Land Development Code (ULDC) 934 Pike Road is required to comply with all the provision of ULDC Art.2.B.7.B.2 “Standards for Development Order Amendment (DOA)”. Please refer to DOA Standards below:

Consistency with the Plan:

The subject property is located within the Urban Suburban (U/S) Tier. The existing Future Land Use designation on the subject property is IND and the Zoning District is IL. The Zoning Designation and underlying Future Land Use are consistent. The request to Amend Engineering COA#3 and Landscape COA#3 has no impact of the conformity of the properties FLU and Zoning Designation.

Consistency with the Code:

The existing site and the existing structures for the Repair and Maintenance Heavy Use follows the general layout of the previous approval Zoning Site Plan for the Contractor’s Storage Yard with Gas and Fuel Wholesale. Since the previous Approved Site Plan was for a different Use and the new Use is permitted by right, any future revisions to the structures or site layout will have to still comply with all provision of the Unified Land Development Code, however, unless those changes require a higher level Zoning Approval, or are outside of the parameters established by the current Conditions of Approval (R-2015-1731), all revision are subject to building permit only. Additional requirements specific to a Repair & Maintenance Heavy Use:

ULDC.Art.3 – Property Development Regulations (Setbacks for existing structures)

Response: There are two existing structures on the property. Both existed on the property at the time the current property owner purchased the property. See existing setbacks below.

<u>SETBACK CHART (Office) - ULDC ART: 3.D.1.A</u>				
Required	Front: 40’	Side: 15’	Side-Street: N/A	Rear: 20’
Existing	Front: 162.54’	Side: 57.30’	Side-Street: N/A	Rear: 194.41

<u>SETBACK CHART (SHED) - ULDC ART: 3.D.1.A</u>				
Required	Front: 40’	Side: 15’	Side-Street: N/A	Rear: 20’
Existing	Front: 380’	Side: 13.01	Side-Street: N/A	Rear: 23.95

As noted above the Shed is currently in for Building permit and is being made to comply with the setback requirements of the Code. Additionally the shed is located at the southeastern portion of the property, more than



300' from the ROW and is not visible from Pike Road. There is landscape screening/buffers on the North, East and South which screen the shed from view.

ULDC.Art.4 – No Repair & Maintenance within 100' of a Residential FLU or Use.

Response: The property to the north and east to the Subject property is a Place of Worship Use with a FLU of INST. The property immediately south of the subject property is the Cuban American Club and has an FLU of INST. Therefore, the Repair & Maintenance use is complies with the portion of the Code as the subject site is not adjacent to any property with a residential FLU or Use.

ULDC.Art.4 – All repair and maintenance activities shall be conducted within an enclosed structure, except in the IL and IG districts...

Response: The Subject property with the existing Repair & Maintenance Heavy Use is Zoned IL with an IND FLU. Therefore, the repair and maintenance activities are permitted to occur outside.

ULDC.Art.5 – Outdoor Storage & Activities

Response:

A. General: Outdoor Storage and Activities may only be allowed when incidental to the use located on the premises

Response: All activities and storage are part of the principal Repair & Maintenance Heavy Use

B. Location: Outdoor Storage and Activity areas shall not be located in any of the required setbacks...

Response: All repair activities Occur within the setback parameters established by the Code

C. Height: Outdoor Storage material shall not exceed 15 feet in height or the height of the screening, whichever is less.

Response: No Storage onsite exceeds the 15' height limitation

D. Screening: Outdoor Storage and Activity areas shall be completely screened from all property lines by landscaping, fences, walls, or buildings.

Response: All Storage and Activities will be screened by the required landscape material within the perimeter buffers and 8' Opaque wall as required by the current Conditions of Approval. The existing Repair & Maintenance Heavy Use is subject to the Previous Conditions of Approval (R-2015-1731) as it pertains to the Landscape Buffer widths and landscape material. Any and all dead or missing landscaping will be replaced.



E. Industrial FLU:

1) Outdoor Storage and Activity areas adjacent to parcels of land with an industrial FLU designation or use and not visible from any street shall be exempted from the screening requirements. [Ord. 2017-007]

Response: N/A – Subject property has and FLU of IND, surrounding FLU for the properties to the North, East, and South is INST.

2) Outdoor Activity areas in industrial uses shall have a Type 3 Incompatibility Buffer along property lines adjacent to parcels with a civic, conservation, commercial, recreational, or residential FLU designation, or use, or where visible from a public R-O-W. The Incompatibility Buffer shall be a minimum of 25 feet in width. [Ord. 2017-007]

Response: N/A- Subject site and the existing Repair & Maintenance Use is subject to the Landscape Conditions of approval in resolution R-2015-1731 until this DOA application for the Deletion of Landscape Conditions #3 & #4 have been approved by the Board of County Commissioners.

3) Outdoor Activities such as chipping, crushing, grinding, manufacturing, or processing shall be restricted to uses in the IG Zoning District and Industrial General Pod of PIPD unless approved as a Class A Conditional Use. [Ord. 2017-007]

Response: N/A – Repair & Maintenance Heavy Use with an IL Zoning Designation.

F. Exceptions: The following uses or material are exempt from this Section:

1) Storage and sales of landscape plant material.

Response: N/A

2) Temporary storage of material used for road construction on a lot directly adjacent to the roadway under construction

Response: N/A

G. Parking /Storage: The parking and storage of vehicles and trailers, used in operation of a business, shall be on an improved surface as described in Art. 6.B.3.B.1, Paved, Art. 6.B.3.A.2.e, Drainage or Art. 6.B.3.A.2.f, Maintenance. [Ord. 2019-039]

Response: All parking, storage and operation of the Repair & Maintenance Heavy business is conducted on an improved surface. There is no new development on site which requires an update to the drainage that was previously established on site.



ULDC.Art.6 – Parking – Repair & Maintenance Heavy: $1/250 \times 1,295\text{SF} = 5$ Spaces

Response: The current property is 1.89ac and provides a minimum of 5 parking spaces

ULDC.Art.6 – Loading – Repair & Maintenance Heavy: 1 Loading Space

Response: The current property is 1.89ac and provides a minimum of 3 Loading Areas

ULDC.Art.7 – Landscape – Buffers subject to R-2015-1731

Response: All required perimeter buffers have been provided. During a site visit with the property owner was informed that any dead or missing landscaping must be replaced. As noted above, as also required by the conditions of Approval, the Paradise Tree has been preserved. Refer to page 6 of the Justification Statement.

ULDC.Art.8 – Signage

Response: The property does not have any signage. If in the future the property owner elects to construct a sign they will apply to the required permits and comply with the provision of the ULDC at that time.

Compatibility with the Surrounding Uses:

The proposed amendments do not visually impact the surrounding uses as the existing Use is compatible and consistent with the surrounding area. The adjacent properties and character of the surrounding area will not change since as a result of the “Deletion” of Landscape COA #3 & #4, or tying the construction of the required 5’ sidewalk to be prior to the issuance of the building permit for the next habitable structure. There are established institutional use (Place of Worship) to the north and east, which currently is in the process of being rezoned from RM to IL. The other institutional Use to the South (Cuban American Club), to the west across Pike Road are other industrial uses. The previous Concurrency Reservation was approved as part of Zoning Site Plan Approval. Refer to previously approved Zoning Site Plan Control: 2010-352; Exhibit: 1. The change in Use from, the Contractor’s Storage Yard with Gas and Fuel Wholesale to Repair and Maintenance Heavy provided no compatibility issues with the surrounding Uses. As noted, there is a Place of Worship Use the north and east of the subject property and the Cuban American Club to the South. Both of the adjacent uses were in existence when the previous Contractor’s Storage Yard with Gas and Fuel Wholesale was in use. The current owner purchased the property in 2018 and has been using the property for Repair and Maintenance Heavy without the Gas and Fuel Wholesale,



there has been no negative impact on the compatibility of the “Permitted By Right” Use with the surrounding Uses.

Design Minimizes Adverse Impact:

The proposed requests have no adverse impacts and do not visually impact the surrounding uses. At the time the previous property owner received approval for the Development Order and Site Plan for the Contractor Storage Yard with Gas & Fuel Sales, the Institutional Use to the North and East, and the Institutional Use to the South already existed. The previous property owner *never* installed the buffers or the 8’ Concrete Wall per the Condition of the Approval. It was the current property owner that installed the 8’ Wood fence and landscape buffer material. There are no additional buildings, no additional square footage being added and no revisions to the site layout that is being impacted by the DOA request to “Delete” Engineering Condition of Approval#3 & #4, and to “Amend” Engineering COA to: Tie the construction and installation of the 5’ sidewalk to the issuance of a building permit of the next new habitable structure.

Development Patterns:

The existing Repair & Maintenance Heavy Use is consistent with the development pattern for the area. The Use is a Permitted Use by right and any future construction of habitable structures on site will result in a logical, orderly and efficient development pattern. The requested modifications of Conditions has no effect on the development pattern of the area. Since the previous Approved Site Plan was for a different Use and the new Use is permitted by right, all any revisions to the structures or site layout are subject to building permit only.

Design Minimizes Environmental Impact:

VEGETATION PROTECTION: As noted, the existing large Paradise Tree has been preserved

WELLFIELD PROTECTION ZONE: The property is not located with 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 Water and Irrigation Conservation Ordinance No. 93 3. 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 environmental issues associated with this petition beyond compliance with ULDC requirements.

The existing site and the existing structures for the Repair and Maintenance Heavy Use. Since the previous Approved Site Plan was for a different Use and the new Use is permitted by right, all any revisions to the structures or site layout are subject to building permit only. The existing Repair and Maintenance Heavy Use provides no additional Environmental impacts than the previous Approved Use. There is a slight reduction of the Environmental Impact from the previous Use as the Repair and Maintenance Heavy Use does not do Gas or Fuel Wholesale. There will be no additional impact on the surrounding Institutional Uses to the North, East, and South than has existed since prior to the current property owner's purchase of the subject property.

Adequate Public Facilities:

The previous Concurrency Reservation was approved as part of Zoning Site Plan Approval. Refer to previously approved Zoning Site Plan Control: 2010-352; Exhibit: 1. The change in Use from the Contractor's Storage Yard with Gas and Fuel Wholesale to Repair and Maintenance Heavy provided no increase in the LOS required for the subject site. Therefore, the current LOS and Public facilities are still adequate.

Changes in Conditions & Circumstances:

The amendment seeks to primarily "Delete" specific Landscape Conditions of Approval #3 & #4, and to "Amend" Engineering Condition of Approval for the 5' Sidewalk along Pike Road required by the COZ. The previous Property Owner elected not to develop the Site in accordance with the previous approved Site Plan and abandoned the previous approval for the Contractor Storage Yard with Wholesale Gas and Fuel Sales Use. Then later in 2018 sold the property to the current property owner. The use on the site has moved from a Class-A Special Exception use requiring Board of County Commissioner Approval to a Permitted-By-Right Use, which requires no Zoning Approvals.

The change in circumstance is tied to the fact that all conditions of approval ties to the Site were imposed based on a previously approved Use. Once that use was abandoned, the very circumstances which led to the imposition of the conditions of approval for the 8' concrete wall stipulated in COA#3 & #4 were no longer present. Any "Permitted-By-Right Use is only subject to Building Permit Review, and therefore, should only be subject to the provision of the ULDC applicable at the time the Use became operational.

In addition, the property immediately to the north of the subject site is currently being rezoned from RM to IL for the purposes and receiving Site Plan Approval for an Light Industrial Use. The rezoning for the property located at 7430 Belvedere Road and the change of Use from Place of Worship to a compatible Light Industrial Use



changes the dynamic of the area to nearly all industrial. Changing the adjacent properties from incompatible Uses to compatible Uses. As such, should only be subject to current Code requirements for perimeter buffers.

The ULDC provides varying approval process levels based on the density and intensity of Use. Uses which have a greater density, intensity or impact are required to be processed through higher level Zoning approvals (Public Hearing – BCC). Less intensive Uses are processed through Zoning Development Review approvals. The Least intensive Uses are, “Permitted-by-Right” and are processed through Building Permit review. As such, the Change in circumstance which justifies the “Deletion” of Landscape COA#3 & #4, are as follows:

1. The Condition of Approval was specifically tied to a previously approved Development Order for a more intense Use which required and higher-level approval.
2. Repair & Maintenance Heavy is a Permitted-By-Right Use, which, according to the Code is less intensive, is only subject to Building Permit Review and like any other “Permitted-by-Right” Use, is only subject to the provisions of the ULDC, not Zoning Review.
3. The rezoning for the property located at 7430 Belvedere Road and the change of Use from Place of Worship to a compatible Light Industrial Use changes the dynamic of the area to nearly all industrial. Changing the adjacent properties from incompatible Uses to compatible Uses.

Fact: If the subject property never had a previous approved Class-A Conditional Use, where Conditions were imposed, the current Repair & Maintenance Heavy Use would never have been required to construct an 8’ Concrete Wall. The property owner would only be subject to apply for Building Permits for any new structure and would have to comply with other provisions of the ULDC pertaining the Use. Therefore, the current Permitted-By-Right vested Use (*refer to LBTR: 2020-124973*) should be allowed to have the same right as any other Permitted-By-Right Use and not be held to an 8’ Concrete Wall Condition of Approval that was carried forward from the resolution of a previously approved Use. As with all other Permitted-By-Right Uses, the current property owner should be allowed to simply comply with the Code. Reminder: The owner intends to keep the existing wooden fence. They will just replace any dead or missing trees and/or landscape material.

The current property owner sought to provide a tall opaque screen (via Wooden Fence) along the north property line. Which was the intent of the previously approved Condition of Approval. The owner did install the fence without the proper permits, but did seek to correct this error by pulling the proper permits for the existing 8’ opaque Wood Fence. The proposed Amendment to the existing Conditions of Approval provides the intended opaque screening between the subject property and adjacent property to the north. The Amendment to Engineering Condition#3 on ties the requirement for the 5’ sidewalk to the issuance of the next Building Permit for any new habitable structures. The intent of the current Conditions of Approval is still met.



Development Order Amendment to a Standard District with a COZ:

The property immediately to the north of the subject site has been rezoned from RM to IL for the purposes and receiving Site Plan Approval for an Light Industrial Use. The rezoning for the property located at 7430 Belvedere Road and the change of Use from Place of Worship to a compatible Light Industrial Use changes the dynamic of the area to nearly all industrial. Changing the adjacent properties from incompatible Uses to compatible Uses. As such, should only be subject to current Code requirements for perimeter buffers.

The ULDC provides varying approval process levels based on the density and intensity of Use. Uses which have a greater density, intensity or impact a required to be processed through higher level Zoning approvals (Public Hearing – BCC). Less intensive Uses are processed through Zoning Development Review approvals. The Least intensive Uses are, “Permitted-by-Right” and are processed through Building Permit review. As such, the Change in circumstance which justifies the “Deletion” of Landscape COA#3 & #4, are as follows:

1. The Condition of Approval was specifically tied to a previously approved Development Order for a more intense Use which required and higher-level approval, and was incompatible with the existing Place of Worship Use to immediately to the north.
2. The existing Repair & Maintenance Heavy is a Permitted-By-Right Use, which, according to the Code is less intensive, is only subject to Building Permit Review and like any other “Permitted-by-Right” Use, is only subject to the provisions of the ULDC, not Zoning Review. As stated, the current property owner, POWER DIESEL TRUCK PARTS II CORPORATION purchased the property in December of 2018 and discontinued the previous use of on the property and has been utilizing the property for: Repair and Maintenance Heavy, which is a permitted use in accordance with ULDC Art.4.B.2.A. The property owner applied for a received a Business Tax Receipt for the Repair and Maintenance Use in 2020, which was signed-off by the Zoning Division, Inspected and Signed-Off by both the Code Enforcement and Fire Marshall (*refer to LBTR: 2020-124973*). Which proves the current Repair and Maintenance Use is a legally established/vested Use.
3. The rezoning for the property located at 7430 Belvedere Road and the change of Use from Place of Worship to a compatible Light Industrial Use changes the dynamic of the area to nearly all industrial. Changing the adjacent properties from incompatible Uses to compatible Uses.

On behalf of the property owner, POWER DIESEL TRUCK PARTS II CORPORATION we thank you in advance for your review and consideration of the approval of our Development Order Amendment application.

Exhibit E-4 - Concurrency Reservation



**Letter for
Concurrency Reservation**

**To: Zoning Division
PBC Planning, Zoning, & Building Department**

**From: Ebony M. Foreman, Director
Finance and Administration
PBC Water Utilities Department**

Date: February 10, 2026

Control # 00314

**Re: PZ&B Application #: DOA-2024-254
Project Name – 934 Pike Road**

The Palm Beach County Water Utilities Department is willing and able to provide the following utility service(s) to the property identified below, and will reserve the indicated utility capacity, in Equivalent Residential Connections (ERCs), for a period not to exceed five (5) years from the date of this letter:

<u>Service Type</u>	<u>Capacity (in ERCs)</u>
Potable Water	<u>N/A</u>
Wastewater	<u>1.70</u>
Reclaimed Water	<u>N/A</u>

An Equivalent Residential Connection represents a system capacity equivalency unit that corresponds to the peak design demand of the 5/8 x 3/4 inch meter sub-category of customer usage. This system capacity equivalency unit is utilized to establish the system demand for various sized connections for the purpose of assessing fees and designing the capacity of capital facilities.

The above capacity is reserved for the following property:

00-42-43-33-17-001-0000

Before the five (5) year period expires, the Developer must pay all Service Initiation Fees and connect to the Department's facilities, or for projects greater than 18.3 ERCs, enter into a Standard or Non-Standard Development Agreement to maintain this capacity reservation. This memorandum does not represent a contract for service, and the Developer remains obligated to meet all of the requirements of the Water Utilities Department prior to obtaining utility service.

Approved By: *Ebony Foreman*
Director of Finance & Administration

Date: 10-Feb-26

Exhibit E-5 - 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**

Maria G. Marino, Mayor

Sara Baxter, Vice Mayor

Greg K. Weiss

Joel G. Flores

Marci Woodward

Maria Sachs

Bobby Powell Jr.

Interim County Administrator

Todd Bonalarron

*"An Equal Opportunity
Affirmative Action Employee"*

February 2, 2026

Aaron Taylor
Arc Developmental Global

Re: Service Availability
934 Pike Rd
West Palm Beach, 33411
00-42-43-33-17-001-0000

To Whom It May Concern,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area.

The nearest point of connection to Potable Water is an 8" water main along the Pike Rd, adjacent to the subject property. The nearest point of connection to sanitary sewer is a 6" force main within Pike Road adjacent to the subject property. The connection to sanitary sewer will require the applicant to construct offsite utility improvements.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD. The addition of new developments/customers prior to service initiation to the property may affect the available capacity. PBCWUD does not make any representations as to the availability of capacity as of the future service initiation date.

If you have any questions, please do not hesitate to contact me at HMelendez@pbcwater.com

Sincerely,

Henry Melendez P.E
Senior Professional Engineer

Exhibit E-6 - Prior Preliminary Site Plan (Sept. 18, 2015)

Exhibit F-1 - Correspondence

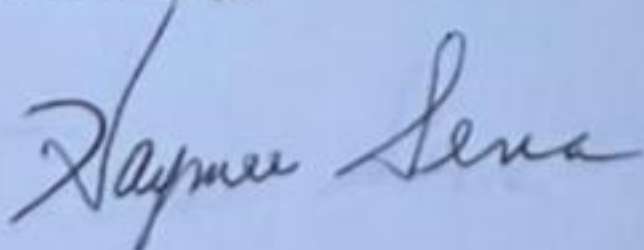
March 18, 2025

Lisa Amara
Zoning Division Director
Palm Beach County Zoning Division
2300 N. Jog Rd., 2nd Floor
West Palm Beach, FL 33411

RE: LETTER OF SUPPORT - 934 PIKE ROAD (DOA-2024-254)

My name is Haymee Serra, I am the President of the Club Cubano Americano. The business address is 886 Pike Road, West Palm Beach, FL 33411. My property is located immediately south of 934 Pike Road, and I have been informed that the current property owner has a Zoning application currently in review to "Delete" certain Conditions of Approval. Specifically, those that pertain to the inclusion of an 8' high concrete wall along the property north, east, and south property lines. The 934 Pike Road property was never build-out to what the previous owner was planning, and I was informed that their previous Zoning Approval was voided. The current owner of 934 Pike Road, bought the property sometime in 2018 and is the one that installed the existing landscaping between our properties. We have a good relationship and see no reason or purpose for an 8' concrete wall between our properties. As such, I have no objection of you allowing the "Deletion" of the previous Conditions of Approval.

Sincerely,

A handwritten signature in cursive script that reads "Haymee Serra".

Haymee Serra
President