

RESOLUTION NO. R-2024- 1697

RESOLUTION APPROVING ZONING APPLICATION DOA/W-2024-01074
(CONTROL NO. 2003-00830)

a Type 2 Waiver

APPLICATION OF Hoerbiger Corporation of America, Inc. - Arek Dyrdol
BY JMorton Planning & Landscape Architecture, AGENT
(Mountain Business Center MUPD - Project Hotel)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA/W-2024-01074 was presented to the Board of County Commissioners at a public hearing conducted on December 12, 2024;

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

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners 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 Waiver;

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 the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application DOA/W-2024-01074, the Application of Hoerbiger Corporation of America, Inc. - Arek Dyrdol, by JMorton Planning & Landscape Architecture, Agent, for a Type 2 Waiver to allow extended hours of operation for a business within 250 feet of a parcel of land with a Residential Future Land Use designation or use; and to allow hours of operation on Sunday on 14.23 acres, 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 December 12, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof, and subject to the Waiver Chart as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Baxter moved for the approval of the Resolution.

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

Commissioner Maria G. Marino, Mayor	-	Aye
Commissioner Sara Baxter, Vice Mayor	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Joel Flores	-	Aye
Commissioner Marci Woodward	-	Aye
Commissioner Maria Sachs	-	Absent
Commissioner Bobby Powell, Jr.	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on December 12, 2024.

Filed with the Clerk of the Board of County Commissioners on December 12th, 2024

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:



COUNTY ATTORNEY

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY:



DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

ALL OF MOUNTAIN BUSINESS CENTER MUPD PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 136, PAGE 76, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH NON-EXCLUSIVE EASEMENTS BENEFITING THE ABOVE DESCRIBED PARCEL AS CREATED BY AND SET FORTH IN THE DECLARATION OF CROSS ACCESS EASEMENT RECORDED IN OFFICIAL RECORD BOOK 33709, PAGE 1844, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 619,733 SQUARE FEET/14.2271 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

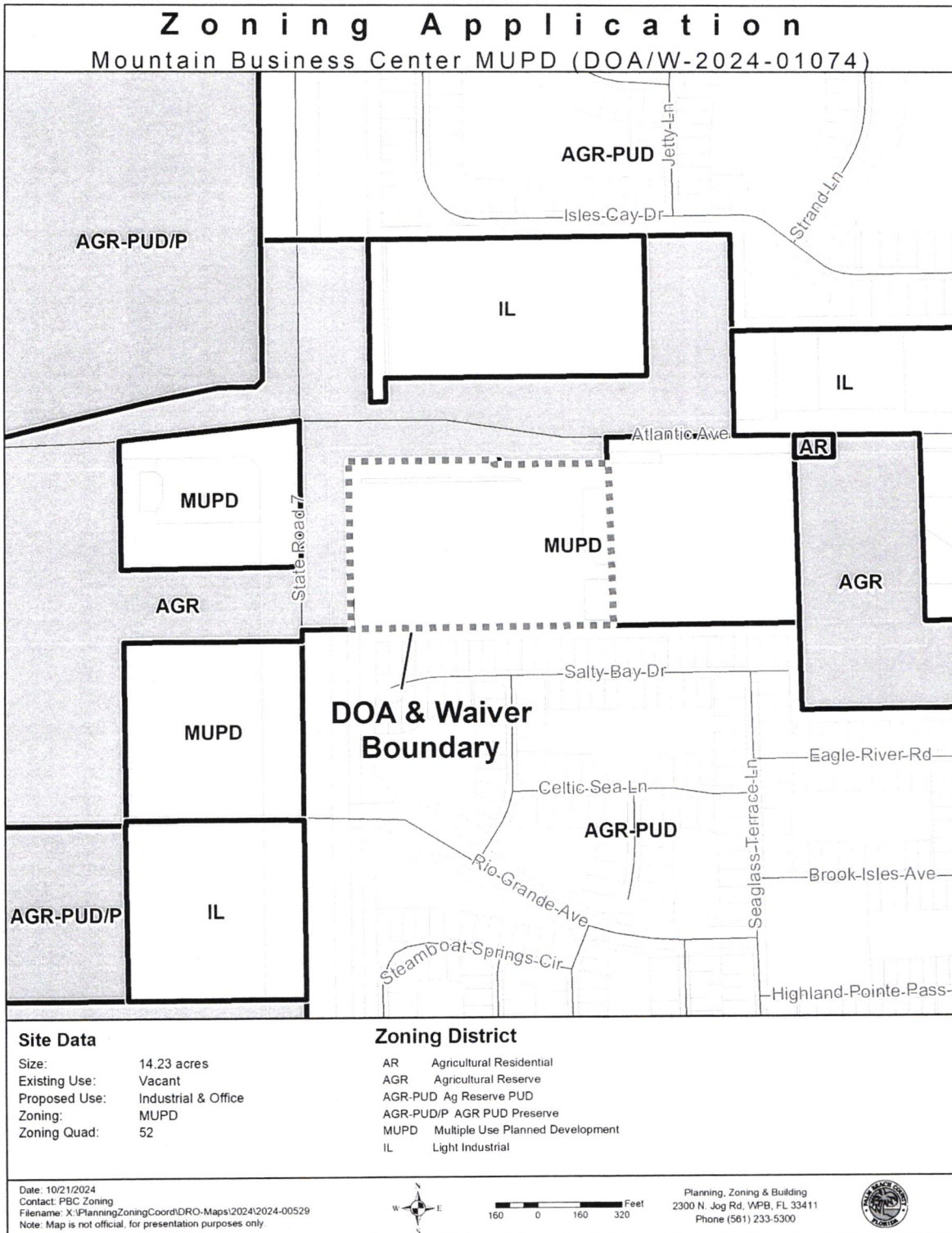


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Waiver

ALL PETITIONS

1. The approved Preliminary Site Plan is dated October 9, 2024. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners.
(ONGOING: ZONING - Zoning)

USE LIMITATION

1. The extended Hours of Operation between 11:00 pm to 6:00 a.m. are limited to operation interior to the building. Parking during 11:00 p.m. and 6:00 a.m. shall be limited to the north, east, and west sides of the building no closer than within 225 feet of the southern property line. Deliveries to the site and loading/unloading is prohibited during this time frame. Ingress/egress to the site from SR-7 is prohibited during this time frame. (ONGOING: ZONING - Zoning)

2. The Hours of Operation on Sundays are limited to operation interior to the building. Parking on Sundays limited to the north, east, and west sides of the building no closer than within 225 feet of the southern property line. Deliveries to the site and loading/unloading is prohibited on Sundays. Ingress/egress to the site from SR-7 is prohibited on Sundays. (ONGOING: ZONING - Zoning)

3. Delivery and loading/unloading of merchandise shall be prohibited between the hours of 11:00 p.m. to 6:00 a.m. daily. (ONGOING: ZONING - Zoning)

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

Type 2 Wavier Chart

ULDC SECTION	REQUIRED	PROPOSED	WAIVER
Article 5, Table 5.E.5.A Hours of Operation	1 - Industrial without Outdoor Activities – Hours of Operation from 6:00 a.m. to 11:00 p.m.	1 - Industrial without Outdoor Activities – Hours of Operation 24-hours a day	To allow Hours of Operation between 11:00 pm to 6:00 a.m., limited to operation interior to the building and excludes loading and deliveries, with parking limited to the north, east, and west sides of the building no closer than within 225 feet of the southern property line.
	2 - Industrial without Outdoor Activities – Hours of Operation from Monday through Saturday	2 - Industrial without Outdoor Activities – Hours of Operation from Monday through Sunday	To allow Hours of Operation on Sunday limited to operation interior to the building and excludes loading and deliveries, with parking on Sundays limited to the north, east, and west sides of the building no closer than within 225 feet of the southern property line.