

4.B.2.0

RESOLUTION NO. R-2024- 1699

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/W-2024-00529
(CONTROL NO. 2024-00036)

a Type 2 Waiver

APPLICATION OF Investment Corporation of Palm Beach
BY Urban Design Studio, Dunay, Miskel and Backman, LLP, AGENT
(Palm Beach Kennel Club)

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 ZV/PDD/W-2024-00529 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 ZV/PDD/W-2024-00529, the Application of Investment Corporation of Palm Beach, by Urban Design Studio, Dunay, Miskel and Backman, LLP, Agent, for a Type 2 Waiver to allow extended hours of operation from 11:00 p.m. to 6:00 a.m. for a Commercial use (Type 2 Kennel) within 250 feet of a parcel of land with a residential future land use designation, and to allow alternative buffer along the south property line on 5 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 the Request described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Weiss moved for the approval of the Resolution.

The motion was seconded by Commissioner Woodward 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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE NORTH 88°22'59" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 30, A DISTANCE OF 64.75 FEET; THENCE DEPARTING SAID SOUTH LINE, NORTH 01°37'01" EAST A DISTANCE OF 61.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD AS RECORDED IN ROAD PLAT BOOK 4, PAGE 201, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE THROUGH THE FOLLOWING THREE COURSES; NORTH 88°22'59" WEST A DISTANCE OF 776.63 FEET; THENCE NORTH 01°27'23" EAST A DISTANCE OF 5.00 FEET; THENCE NORTH 88°22'59" WEST A DISTANCE OF 50.00 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE EAST 50 FEET OF THE WEST 3/4 OF THE WEST 1/2 OF THE EAST 1/2 OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 30, SAID LINE ALSO BEING THE SOUTHERLY PROLONGATION OF THE EAST LINE OF PLAT NO. 3 OF GOLFVIEW HEIGHTS AS RECORDED IN PLAT BOOK 23, PAGE 234, SAID PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE NORTH 01°27'23" EAST, ALONG SAID EAST LINE AND ITS SOUTHERLY PROLONGATION THEREOF, A DISTANCE OF 2093.26 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE ALONG THE EAST LINE OF SAID PLAT NO. 3, NORTH 01°27'23" EAST A DISTANCE OF 255.65 FEET TO THE SOUTHWEST CORNER OF THE REPLAT OF PLAT NO. 4 OF GOLFVIEW HEIGHTS AND THE SOUTH RIGHT-OF-WAY LINE OF CHERRY ROAD AS RECORDED IN PLAT BOOK 24, PAGE 79, SAID PUBLIC RECORDS; THENCE SOUTH 88°37'33" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID CHERRY ROAD, A DISTANCE OF 822.07 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF NORTH CONGRESS AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 4041, PAGE 37, SAID PUBLIC RECORDS, SAID POINT ALSO BEING THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 87°30'21"; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.18 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 5783.60 FEET, A CENTRAL ANGLE OF 00°25'37" AND A RADIAL BEARING AT THIS POINT OF NORTH 88°52'47" EAST; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 43.08 FEET TO A POINT OF TANGENCY WITH THE FOLLOWING DESCRIBED LINE; THENCE SOUTH 01°32'49" EAST, ALONG SAID TANGENT LINE, A DISTANCE OF 188.95 FEET; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE OF NORTH CONGRESS AVENUE, NORTH 88°37'33" WEST A DISTANCE OF 859.08 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 217,800 SQUARE FEET OR 5.000 ACRES, MORE OR

EXHIBIT B
VICINITY SKETCH

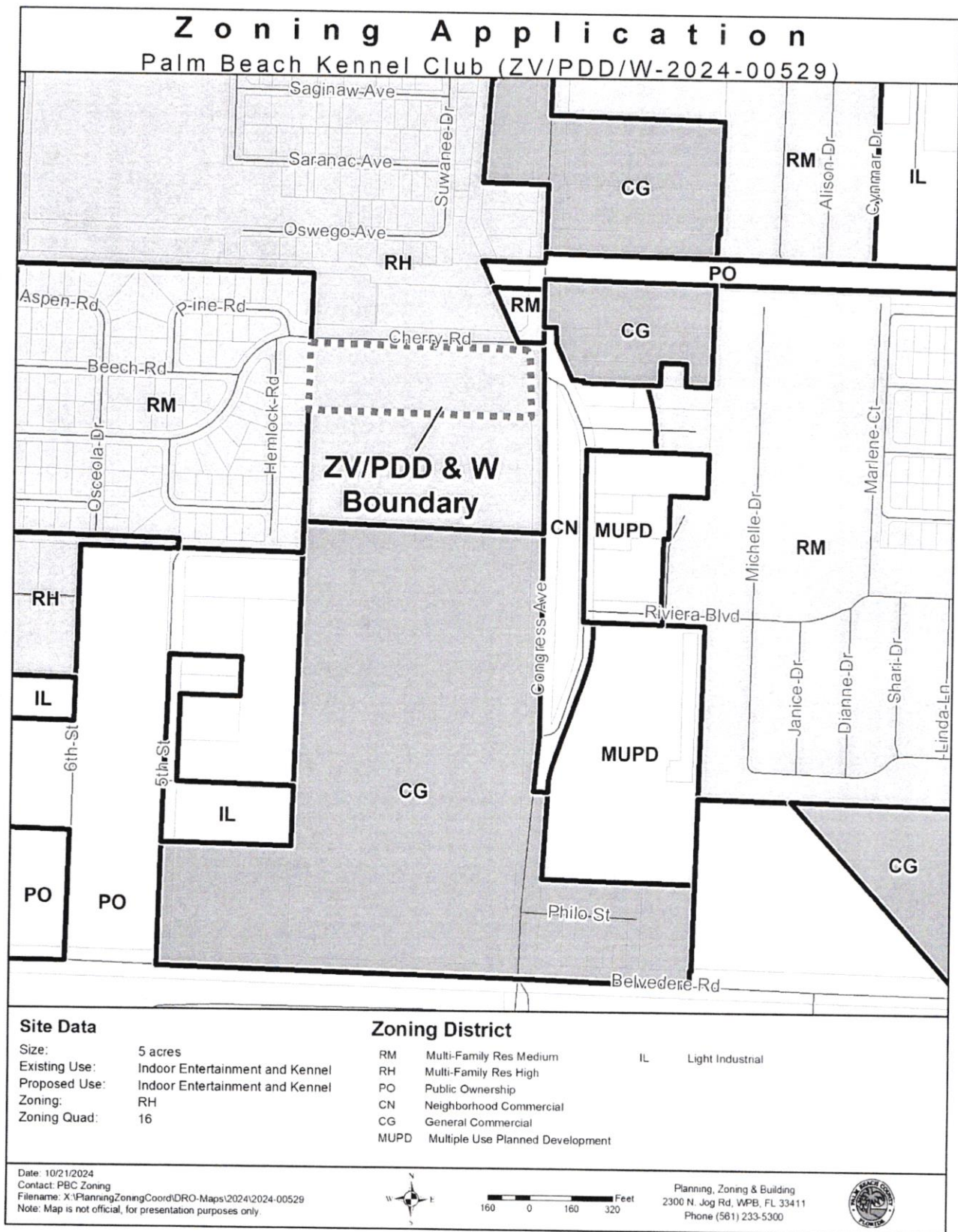


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Waiver - Hours of Operation, and Alternative Buffer (south property line)

ALL PETITIONS

1. The approved Site Plan is dated October 8, 2024, and Regulating Plans are dated August 26, 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)

2. Prior to Development Review Officer (DRO) final approval of the Site Plan, the approved Waiver Chart and any associated Conditions of Approval shall be shown on the plans. (DRO: ZONING - Zoning)

LANDSCAPE - INTERIOR

1. A minimum of four canopy trees shall be planted within the 15 foot landscape area, adjacent to the openings of the western building facade, where the dog run is proposed. (BLDGPMT/DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER- SOUTH PROPERTY LINE

1. In addition to the Code requirements, landscaping along the south perimeter property line of the MUPD shall replace the required wall in the Type 3 Incompatible Buffer with a 6-foot-high hedge, installed at 4-feet and maintained at 6-feet to ensure effective screening for the adjacent properties in the south. (BLDGPMT/ONGOING: ZONING - Zoning)

USE LIMITATIONS-TYPE 2 KENNEL

1. Outdoor activities shall be limited to 7:00 am to 9:00 pm unless under the restraint or control of a person by means of a leash. (ONGOING: CODE ENF - 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

REQUEST

TYPE II WAIVER SUMMARY

ULDC Article	Required	Proposed	Variance
1 - Art. 5.E.5. Hours of Operations	1 - Commercial Use – hours of Operation from 6:00 a.m. to 11:00 p.m.	Commercial Use 24-hour operation for Type 2 Kennel use	Allow 24-hour operation for Type 2 Kennel use located at the NW corner of the site.
2 - Table 7.C.2.C – Incompatibility Buffer Landscape Requirements	2 - Type 3 Incompatibility Buffer with a 6 ft. wall along south property line	10-foot Type 3 Incompatibility buffer with 6 ft. hedge, installed at 4 ft.	To substitute the required wall in Type 3 Incompatibility buffer with 6 ft hedge, and to allow the hedge to be planted at a minimum height of 4 ft, and then grow to the height of 6 ft. The planted material to be installed in proximity to create an opaque barrier.

SITUS ADDRESS:	1111 N Congress Ave West Palm Beach 33409	
OWNER NAME & ADDRESS:	Investment Corporation Of Palm Beach 1111 N Congress Ave West Palm Beach, FL 33409-6317	
PCN:	00-43-43-30-00-000-5190	
ZONING DISTRICT:	CG, RH	
BCC DISTRICT:	2, Commissioner Gregg K. Weiss	
LAND USE:	CH/5	S/T/R: 30-43-43
CONTROL #:	2024-00036	
LOT AREA:	5 acres +/-	
REQUEST:	to allow extended hours of operation from 11:00 p.m. to 6:00 a.m. for a Commercial use (Type 2 Kennel) within 250 feet of a parcel of land with a residential future land use designation, and to allow alternative buffer along the south property line on 5 acres	