

RESOLUTION NO. ZR-2020- 007

RESOLUTION APPROVING ZONING APPLICATION ZV/DOAW-2019-01231
(CONTROL NO. 1981-00190)
TYPE 2 VARIANCE (*CONCURRENT*)
APPLICATION OF YTG Palm Beach GC LP, YTG Palm Beach II NR LP
BY Urban Design Kilday Studios, AGENT
(PALM BEACH PARK OF COMMERCE)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, (ULDC), Ordinance 2003-067, Supplement 25, as amended is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application ZV/DOAW-2019-01231 was presented to the Zoning Commission at a public hearing conducted on February 6, 2020;

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

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Type 2 Variance;

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, this approval shall only become effective upon the adoption of a resolution approving Zoning Application ZV/DOAW-2019-01231 by the Board of County Commissioners;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/DOAW-2019-01231, the Application of YTG Palm Beach GC LP, YTG Palm Beach II NR LP, by Urban Design Kilday Studios, Agent, for a Type 2 Variance to eliminate the requirement for continuous non-vehicular pedestrian circulation system within a PDD, and eliminate cross access to adjacent internal properties, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on February 6, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part

hereof and variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Caliendo moved for the approval of the Resolution.

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

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

Filed with the Palm Beach County Zoning Division on March 5, 2020.

This resolution shall not become effective unless or until the effective date of the resolution approving Zoning Application No. ZV/DOAW-2019-01231 by the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION: (Proposed PARCEL PLAT A):

BEING A PARCEL OF LAND LYING IN SECTION 18 AND 19, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL 6C, PLAT OF PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 1, AS RECORDED IN PLAT BOOK 56, PAGES 172 THROUGH 176, PUBLIC RECORDS OF SAID COUNTY, SAID POINT OF BEGINNING ALSO BEING A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF BEELINE HIGHWAY (A 200 FOOT WIDE RIGHT OF WAY); THENCE NORTH 53°39'52" WEST, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 772.09 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2808.79 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, DEPARTING SAID NORTHEASTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 20°00'00", AND ARC DISTANCE OF 980.45 FEET TO THE POINT OF TANGENCY; THENCE NORTH 33°39'52" WEST, A DISTANCE OF 129.56 FEET TO A POINT ON THE SOUTH LINE OF SAID PLAT OF PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 1, AND A POINT ON A NON-TANGENT CURVE, HAVING A RADIUS OF 720.28 FEET, THROUGH WHICH A RADIAL LINE BEARS SOUTH 33°46'53" EAST; THENCE NORTHEASTERLY ALONG SAID SOUTH LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°49'55", AN ARC DISTANCE OF 199.03 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 19 AND THE SOUTH LINE OF SAID SECTION 18; THENCE CONTINUE ON SAID CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 720.28 FEET; THE FOLLOWING EIGHT (8) COURSES ARE ALONG THE SOUTHERLY AND WESTERLY LINES OF SAID PLAT OF PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 1; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°10'53", AN ARC DISTANCE OF 27.42 FEET TO THE POINT OF TANGENCY; THENCE NORTH 74°13'55" EAST, A DISTANCE OF 1,873.70 FEET; THENCE SOUTH 64°54'03" EAST, A DISTANCE OF 146.42 FEET; THENCE SOUTH 70°38'10" WEST, A DISTANCE OF 78.65 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 125.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 88°38'33", AN ARC DISTANCE OF 193.39 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 18°00'23" EAST, A DISTANCE OF 83.77 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 175.00 FEET; THENCE SOUTHERLY, SOUTHWESTERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 131°35'04", AN ARC DISTANCE OF 401.90 FEET TO THE POINT OF TANGENCY; THENCE NORTH 66°25'19" WEST, A DISTANCE OF 80.95 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 110.00 FEET; THENCE WESTERLY, AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 95°37'35", AN ARC DISTANCE OF 183.59 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 18 AND THE NORTH LINE OF SAID SECTION 19; THENCE CONTINUE ALONG SAID CURVE HAVING A RADIUS OF 110.00 FEET; THENCE CONTINUE ALONG THE WESTERLY LINE OF SAID PLAT NO. 1; THENCE SOUTHWESTERLY, SOUTHERLY, SOUTHEASTERLY, AND EASTERLY DEPARTING SAID SECTION LINE, AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 112°58'14", AN ARC DISTANCE OF 216.89 FEET TO THE POINT OF TANGENCY; THENCE NORTH 84°58'53" EAST, A DISTANCE OF 49.68 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHEASTERLY, SOUTHERLY, AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE

THROUGH A CENTRAL ANGLE OF 127°53'43", AN ARC DISTANCE OF 223.22 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 32°52'35" WEST, A DISTANCE OF 148.20 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 60.00 FEET; THENCE SOUTHEASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 91°38'15", AN ARC DISTANCE OF 95.96 FEET; THENCE SOUTH 36°09'19", WEST ALONG THE WEST LINE OF PRESERVE # 14 AS RECORDED IN OFFICAL RECORD BOOK 24145 PAGE 660 PUBLIC RECORDS OF SAID COUNTY, A DISTANCE OF 563.52 FEET; THENCE SOUTH 53°39'52" EAST ALONG THE SOUTH LINE OF SAID PRESERVE, A DISTANCE OF 133.03 FEET TO THE BEGINNING OF A NON- TANGENT CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 100.00 FEET TO WHICH A RADIAL LINE BEARS NORTH 45°08'49" EAST, THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°18'57", AN ARC DISTANCE OF 30.22 FEET. THENCE SOUTH 36°20'08" WEST ALONG THE WEST LINE OF PARCEL 6C, SAID PLAT OF PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 1, A DISTANCE OF 307.98 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,904,964 SQUARE FEET/43.7320 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

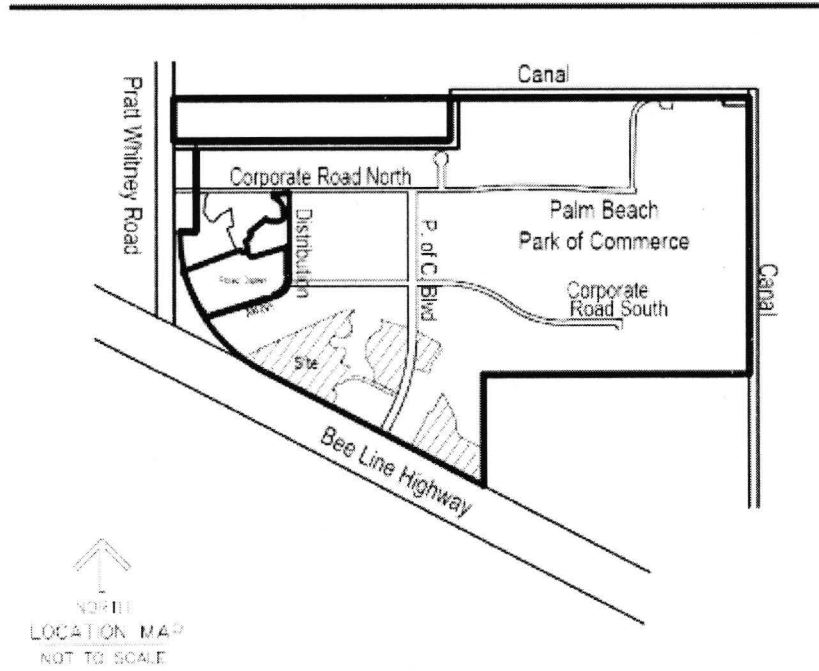


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

ALL PETITIONS

1. The approved Preliminary Master Plan is dated November 12, 2019. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

VARIANCE

1. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Preliminary Master Plan. (DRO/ONGOING: ZONING - Zoning)

2. This Variance to eliminate the vehicular and pedestrian cross-access to the north is approved only for the 43.72 acre General Industrial Parcel. Any change to the use or Zoning Designation shall require reconsideration of the Variance by the Zoning Commission. (ONGOING: ZONING - Zoning)

4. Prior to Issuance of a Certificate of Occupancy, a pedestrian connectivity shall be established between the 43.72 acre General Industrial parcel to Commercial uses to the east. This connectivity may be gated to allow for access to the Commercial uses, but restricted entry to the General Industrial parcel. (CO-ZONING – Zoning)

5. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for ZV/DOA/W-2019-01231. (ONGOING: MONITORING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Zoning Commission for review under the compliance Condition of this Approval. (ONGOING: MONITORING – Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other Permit, License or Approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or,

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other Zoning Approval; and/or,

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of Conditions reasonably related to the failure to comply with existing Conditions; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section

2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

EXHIBIT D
REQUEST

TYPE II VARIANCE SUMMARY

	ULDC Article	Required	Proposed	Variance
V.1.	3.E.1.C.1.b., Planned Development District Regulations - Access and Circulation	Continuous non- vehicular circulation	Eliminate non- vehicular circulation for the 43.72-acre Industrial General Pod to balance of the PDD.	Eliminate non- vehicular circulation for the 43.72-acre Industrial General Pod to balance of the PDD.
V.2.	3.E.1.C.2.h.4.Planned Development Districts (PDDs)	Cross Access between adjacent internal uses or pods	Eliminate Cross Access between adjacent internal uses or pods for the 43.72-acre Industrial General Pod to balance of the PDD.	Eliminate Cross Access between adjacent internal uses or pods for the 43.72-acre Industrial General Pod to balance of the PDD.