RESOLUTION NO. ZR-2022-023

RESOLUTION APPROVING ZONING APPLICATION ZV-2021-02031
CONTROL NO. 2003-00020
TYPE II VARIANCE (*STAND ALONE*)
APPLICATION OF 6562 Belvedere Llc
BY Schmidt Nichols, AGENT
(WINDSOR INDUSTRIAL)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), 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-2021-02031 was presented to the Zoning Commission at a public hearing conducted on July 7, 2022;

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV-2021-02031, the Application of 6562 Belvedere Llc, by Schmidt Nichols, Agent, for a Type 2 Variance to allow a reduction in lot depth, 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 July 7, 2022, 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 Kern moved for the approval of the Resolution.

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

Marcelle Griffith Burke, Chair	-	Yes
John Kern, Vice Chair	-	Yes
Cheri Pavlik	-	Yes
Michael Kelley	-	Yes
Sam Caliendo	-	Yes
Sheri Scarborough	-	Yes
Alex Brumfield III	-	Yes
Mark Beatty	-	Yes
Jess Sowards	-	Yes

The Chair thereupon declared the resolution was duly passed and adopted on July 7, 2022.

This resolution is effective when filed with the Palm Beach County Zoning Division on July 7, 2022.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: _____
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: M. A. Burke
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:
THE WEST HALF (W 1/2) OF THE EAST HALF (E 1/2) OF TRACT 5, BLOCK 5, "THE PALM BEACH FARMS CO. PLAT No. 3", WHICH LIES SOUTH OF THE PALM BEACH CANAL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 26 FEET THEREOF AS CONVEYED IN DEED BOOK 67, PAGE 412.
TOGETHER WITH:
PARCEL 2:
THE EAST QUARTER (E 1/4) OF TRACT 5, BLOCK 5, LYING WEST OF THE JOG ROAD RIGHT-OF-WAY, "THE PALM BEACH FARMS CO. PLAT No. 3", WHICH LIES SOUTH OF THE PALM BEACH CANAL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
ALSO DESCRIBED AS:
A PORTION OF THE EAST HALF OF TRACT 5, BLOCK 5, "PALM BEACH FARMS COMPANY PLAT No. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45-54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF TRACT "R", "TERRACINA TRACT "R-1" REPLAT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 109, PAGE 117 OF SAID PUBLIC RECORDS, SAID POINT BEING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF JOG ROAD WITH THE SOUTH LINE OF SAID TRACT 5; THENCE SOUTH 89°03'03" WEST ALONG SAID SOUTH LINE, ALSO BEING THE NORTH LINE OF SAID TRACT "R" 189.17 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF SAID TRACT 5; THENCE NORTH 00°56'57" WEST ALONG THE WEST LINE OF THE EAST HALF OF SAID TRACT 5 FOR 633.57 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-3 CANAL; THENCE NORTH 89°03'03" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE 159.93 FEET TO A POINT ON THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF JOG ROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES AND DISTANCES; 1) SOUTH 03°13'49" EAST 76.91 FEET; 2) SOUTH 04°08'49" EAST 36.00 FEET; 3) SOUTH 04°08'46" EAST 213.94; 4) SOUTH 03°13'49" EAST 307.42 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 111,052 SQUARE FEET (2.5494 ACRES), MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

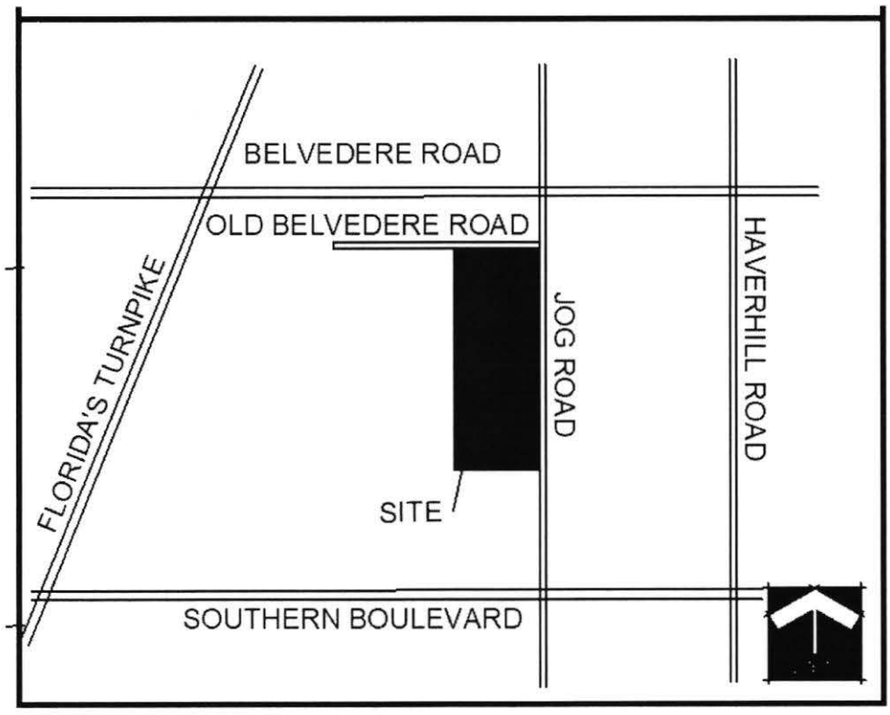

EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Standalone

ALL PETITIONS

1. The Development Order for this Standalone Variance shall be tied to the following:
   A. Time Limitation
      1) If the Future Land Use and Rezoning applications, contained in applications SCA-2022-00015 and ZV/ABN/Z-2021-01863 are denied, this variance shall be null and void.
      2) If the Future Land Use and Rezoning applications are approved, prior to July 8, 2023, the Applicant shall receive approval of a plat or subdivision plan. (DATE/DRO: Zoning- Zoning/Engineering)

2. 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 Final Site Plan. (DRO/ONGOING: ZONING - Zoning)

3. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPMT/ONGOING: BUILDING DIVISION - Zoning)

4. The approved Boundary Survey is dated December 06, 2021. Modifications to this Development Order inconsistent with the Conditions of Approval, or modifications to the lot frontage that go beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Zoning Commission. (ONGOING: ZONING - 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: ZONING - 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
3.D.1.A Lot Depth	200 feet	173.80 feet	26.20 feet

SITUS ADDRESS:	6562 Belvedere Rd West Palm Beach 33413	
OWNER NAME & ADDRESS:	6562 Belvedere Llc 11410 SW 95th Ave Miami, FL 33176-4242	
PCN:	00-42-43-27-05-005-0051 00-42-43-27-05-005-0054	
ZONING DISTRICT:	IL (proposed)	
BCC DISTRICT:	02	
PROJECT MANAGER:	Imene Haddad, Senior Site Planner Donna Adelsperger, Site Planner II	
LAND USE:	IND/2 (proposed)	S/T/R: 27-43-42
CONTROL #:	2003-00020	
LOT AREA:	2.55 acres +/-	
APPLICANT REQUEST:	to allow a reduction in lot depth	