

RESOLUTION NO. ZR-2023-001

RESOLUTION APPROVING ZONING APPLICATION ZV-2022-01244
(CONTROL NO. 1981-00190)
TYPE II VARIANCE (*STAND ALONE*)
APPLICATION OF WPB Parcel G Owner, LLC
BY Urban Design Studio, LLC, AGENT
(PALM BEACH PARK OF COMMERCE PIPD PLAT 24)

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-2022-01244 was presented to the Zoning Commission at a public hearing conducted on January 5, 2023;

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-2022-01244, the Application of WPB Parcel E Owner, LLC, by Urban Design Studio, LLC, Agent, for a Type 2 Variance to substitute the six-foot-high opaque wall with an eight-foot-high opaque fence; to substitute required Canopy trees with existing native trees; and, to substitute required small and medium shrubs with one row of large native shrubs installed at the minimum code required height within a Type 3 Incompatibility Buffer on 5.09 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 January 5, 2023, 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 Scarborough 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	- N/A
Sam Caliendo	- Yes
Sheri Scarborough	- Yes
Alex Brumfield III	- N/A
Mark Beatty	- Yes
Jess Sowards	- N/A

The Chair thereupon declared the Resolution was duly passed and adopted on January 5, 2023.

This Resolution is effective when filed with the Palm Beach County Zoning Division on January 5, 2023.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

PARCEL A, OF PALM BEACH PARK OF COMMERCE, P.I.P.D. – PLAT 24, AS RECORDED IN PLAT BOOK 130, PAGE 114, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 222,000 SQUARE FEET/5.0964 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

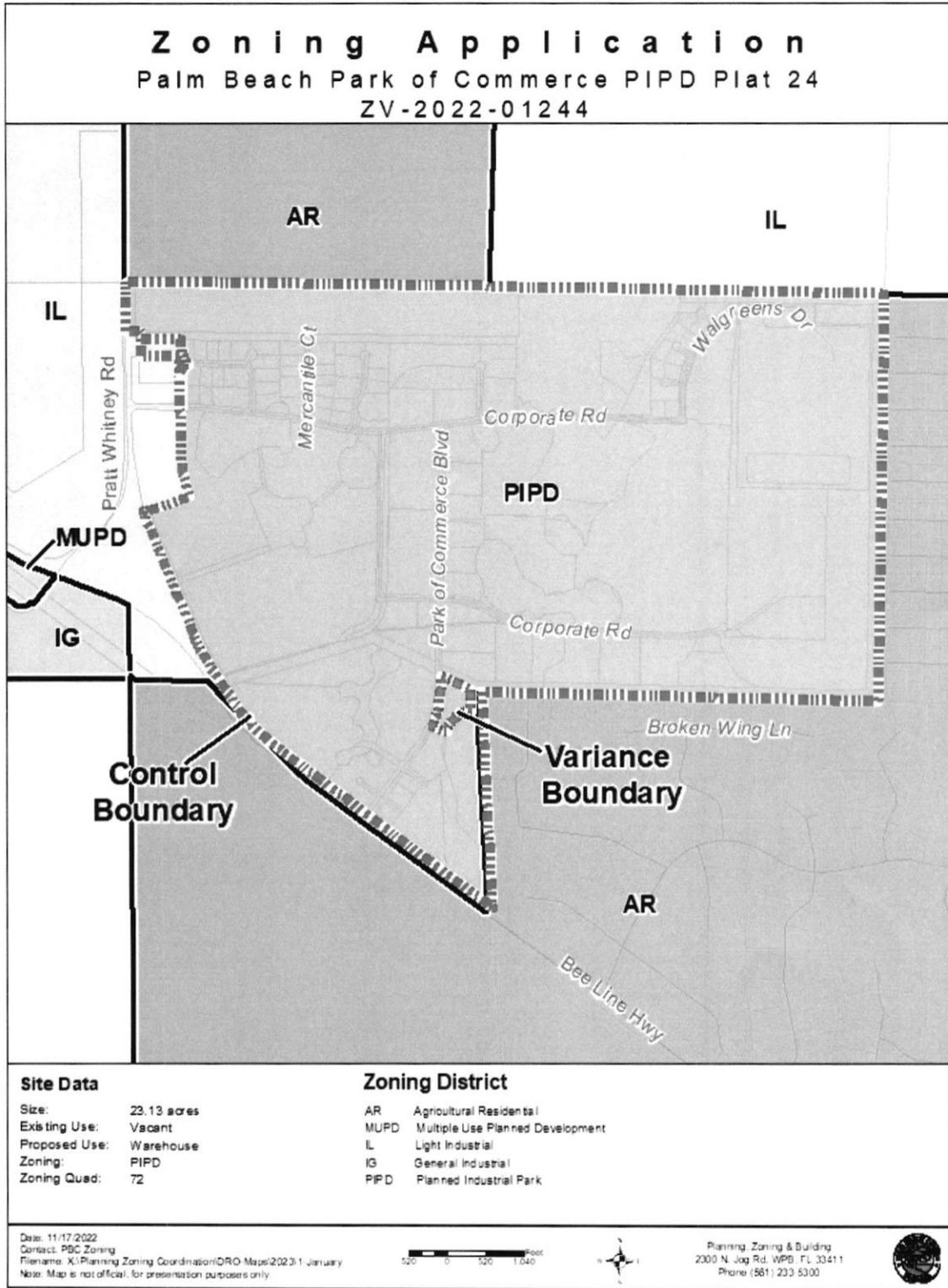


EXHIBIT C

CONDITIONS OF APPROVAL

EXHIBIT C – Type 2 Variance – Standalone

ALL PETITIONS

1. The approved Preliminary Site Plan and Preliminary Alternative Landscape Plan are dated November 14, 2022. 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)
2. The Development Order for this Standalone Variance shall be tied to the Time Limitations of the Development Order for DRO-2022-00976. (ONGOING: MONITORING – Zoning)

VARIANCE

1. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance and any associated Conditions of Approval shall be shown on the Final Site Plan. (DRO: ZONING – Zoning)
2. 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 Final Site Plan to the Building Division. (BLDGPM: BUILDING DIVISION – Zoning)
3. The Applicant shall install an eight-foot opaque fence within the landscape buffer. (BLDGPM/DRO: ZONING – Zoning)

COMPLIANCE

1. In granting this Variance, 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 Variance 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 “Palm Beach County Unified Land Development Code” (ULDC) at the time of the finding of noncompliance, 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 ULDC Article 2.E, 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

ULDC Article	Required	Variance Approved
Art 3.E.4.B.2 – Performance Standards and Table 7.C.2.C – Incompatibility Buffer Landscape Requirements	Type 3 Incompatibility Buffer includes: <ul style="list-style-type: none"> • 25-foot width; • Six-foot (6') high opaque wall; • One Canopy tree per 20 linear feet; • One palm or pine per 30 linear feet; • One row of small shrubs, One per two linear feet (2'); • One row of medium shrubs, one per four linear feet (4') 	<ul style="list-style-type: none"> • 25-foot width overlapping the interior side of the preserve • Substitute the six-foot (6') high opaque wall for an eight-foot (8') high opaque fence; • Credit for existing pines in the conservation area in lieu of new Canopy trees; • One row of large native shrubs in lieu of small and medium shrubs i

SITUS ADDRESS:	Vacant	
OWNER NAME & ADDRESS:	WPB Parcel G Owner, LLC 100 Passaic Ave., Ste. 240 Fairfield, NJ 07004-3508	
PCN:	00-41-41-18-16-001-0000	
ZONING DISTRICT:	PIPD	
BCC DISTRICT:	1, Commissioner Maria G. Marino	
PROJECT MANAGER:	Alexander Biray, Site Planner II	
LAND USE:	IND	S/T/R: 18-41-41
CONTROL #:	1981-00190	
LOT AREA:	5.09 acres +/-	