

RESOLUTION NO. ZR-2023-031

RESOLUTION APPROVING ZONING APPLICATION ZV/DOAW-2023-00372
(CONTROL NO. 1979-00106)

TYPE II VARIANCE (*CONCURRENT*)

APPLICATION OF Glades Road West Investments LLC, Boca Pier Assoc Ltd
BY JMorton Planning & Landscape Architecture, AGENT
(LYONS GLADES CENTER)

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/DOAW-2023-00372 the Application of Glades Road West Investments LLC, Boca Pier Assoc Ltd, by JMorton Planning & Landscape Architecture, Agent, for a Type 2 Variance to allow a reduction in the width of a right-of-way buffer, landscape islands, divider medians, and foundation planting; reduction in the building and freestanding sign setback; to allow an easement overlap of landscape islands and right-of-way buffer; to eliminate landscape protection measures and trees in landscape islands; and, to reduce a Type 3 Incompatible Bufer and eliminate the wall on 4.86 acres; and, for a Development Order Amendment to reconfigure the site plan, to add and delete uses, and to add square footage on 4.86 acres was presented to the Zoning Commission at a public hearing conducted on November 2, 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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application ZV/DOAW-2023-00372, the Application of Glades Road West Investments LLC, Boca Pier Assoc Ltd, by JMorton Planning & Landscape

Architecture, Agent, for a Type 2 Variance to allow a reduction in the width of a right-of-way buffer, landscape islands, divider medians, and foundation planting; reduction in the building and freestanding sign setback; to allow an easement overlap of landscape islands and right-of-way buffer; to eliminate landscape protection measures and trees in landscape islands; and, to reduce a Type 3 Incompatible Bufer and eliminate the wall on 4.86 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 November 2, 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 Gromann and, upon being put to a vote, the vote was as follows:

Jess Sowards, Chair	- Aye
Cheri Pavlik, Vice Chair	- Aye
John Kern	- Absent
Michael Kelley	- Aye
Glen Gromann	- Aye
Sheri Scarborough	- Aye
Lisa Reves	- Aye
Alex Brumfield III	- Aye
Mark Beatty	- Recusal

This resolution was filed with the Palm Beach County Zoning Division on November 2, 2023.

This resolution shall only become effective upon the adoption of a resolution approving Zoning Application ZV/DOAW-2023-00372 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

DESCRIPTION:

PARCEL OF LAND LYING WITHIN TRACT 96, BLOCK 77, THE PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA. RECORDED IN PLAT BOOK 2, PAGE 45, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID TRACT 96, BLOCK 77; THENCE NORTH 89 DEGREES 57'17" EAST ALONG THE NORTH LINE OF SAID TRACT 96, A DISTANCE OF 301.08 FEET; THENCE SOUTH 00 DEGREES 00'22" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD, AS DESCRIBED IN OFFICIAL RECORD BOOK 2825, PAGE 18, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 120.00 FEET; THENCE SOUTH 89 DEGREES 59'38" WEST, A DISTANCE OF 35.00 FEET; THENCE SOUTH 55 DEGREES 27'25" WEST, A DISTANCE OF 42.59 FEET; THENCE SOUTH 00 DEGREES 00'22" EAST, A DISTANCE OF 141.00 FEET; THENCE SOUTH 89 DEGREES 59'38" WEST, A DISTANCE OF 120.00 FEET; THENCE NORTH 62 DEGREES 45'40" WEST, A DISTANCE OF 76.33 FEET; THENCE SOUTH 89 DEGREES 59'38" WEST, A DISTANCE OF 43.14 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 96; THENCE NORTH 00 DEGREES 00'22" WEST ALONG SAID WEST LINE OF TRACT 96, A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA. BEARINGS BASED ON THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 2825, PAGE 18, PUBLIC RECORDS OF PALM BEACH COUNTY, HAVING A BEARING OF SOUTH 00 DEGREES 00'22" EAST ALSO DESCRIBED AS

TRACT 96, BLOCK 77, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 29 FEET AND THE SOUTH 65 FEET THEREOF, ALSO LESS AND EXCEPT THE PROPERTY DESCRIBED IN O.R. BOOK 6515, PAGE 281, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL AS RECORDED IN O.R. BOOK 28079, PAGE 868, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THE EAST 60 FEET OF TRACT 95, BLOCK 77, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE SOUTH 65 FEET THEREOF FOR ROAD RIGHT OF WAY.

ALSO KNOWN AS

A PORTION OF TRACTS 95 AND TRACT 96, BLOCK 77, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EAST 60.00 FEET OF SAID TRACT 95; THENCE N.89°36'50"E. ALONG THE NORTH LINE OF SAID TRACTS 95 AND 96, A DISTANCE OF 361.02 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 2825, PAGE 18 OF SAID PUBLIC RECORDS; THENCE S.00°28'42"E. ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 291.67 FEET; THENCE S.02°31'18"W. ALONG THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 6515, PAGE 281 AND OFFICIAL RECORD BOOK 7322, PAGE 510 ALL OF SAID PUBLIC RECORDS, A DISTANCE OF 265.55 FEET; THENCE S.46°01'18"W ALONG THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 6515, PAGE 281 AND OFFICIAL RECORD BOOK 7322, PAGE 510 ALL OF SAID PUBLIC RECORDS, A DISTANCE OF 54.80 FEET TO A POINT OF INTERSECTION WITH

THE NORTH RIGHT-OF-WAY LINE OF GLADES ROAD(STATE ROAD 808), AS RECORDED IN OFFICIAL RECORD BOOK 3129, PAGE 1606 AND OFFICIAL RECORD BOOK 7322, PAGE 510 ALL OF SAID PUBLIC RECORDS; THENCE S.89°38'08"W. ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 307.37 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF AFORESAID EAST 60.00 FEET OF TRACT 95; THENCE N.00°28'42"W. ALONG SAID WEST LINE, A DISTANCE OF 594.55 FEET TO THE POINT OF BEGINNING.
CONTAINING 211,548 SQUARE FEET/4.8565 ACRES MORE OR LESS.
LYING IN SECTION 18, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA

EXHIBIT B
VICINITY SKETCH

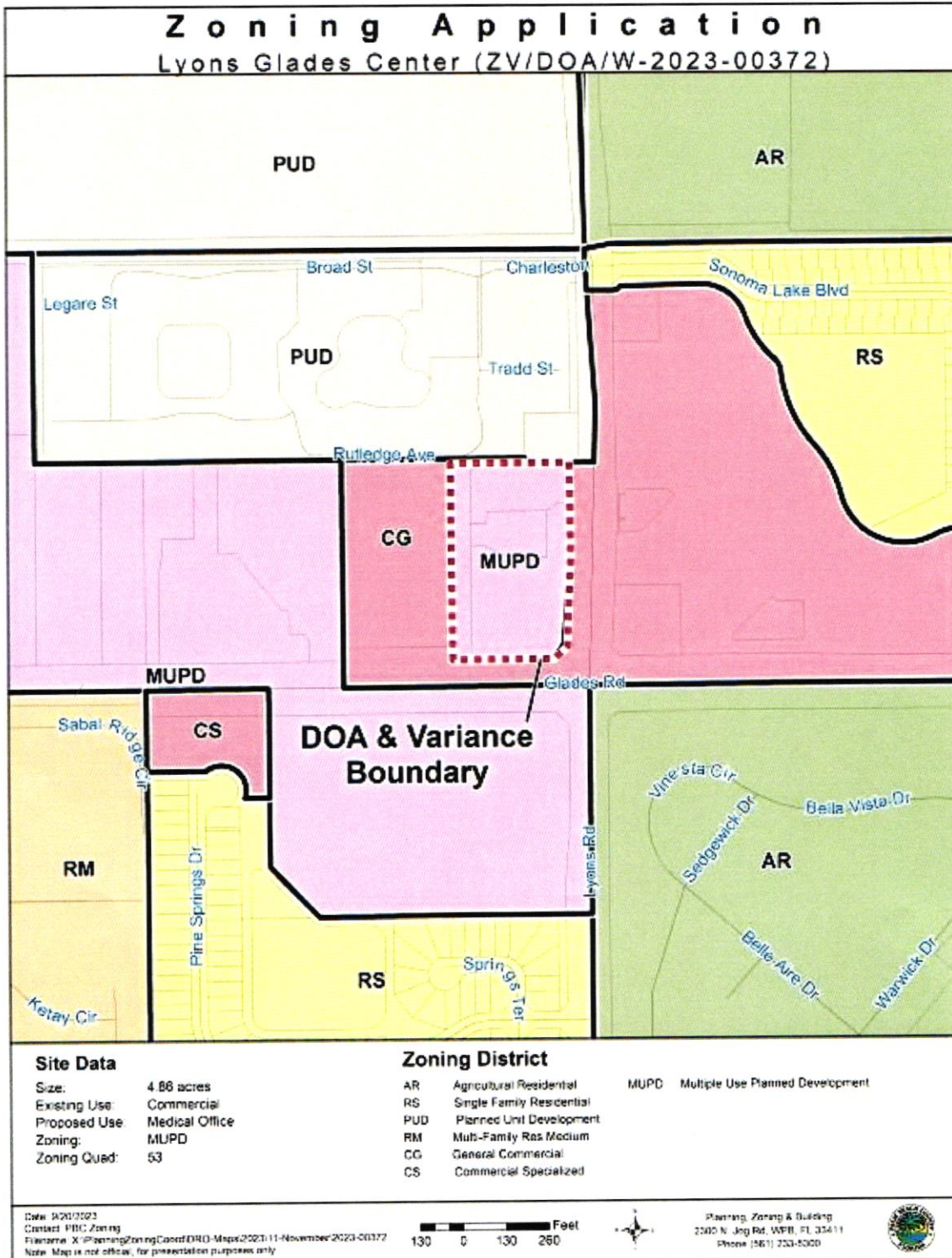


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

ALL PETITIONS

1. This Variance is approved based on the layout as shown on the Preliminary Site Plan dated September 13, 2023. Only minor modifications by Zoning Commission or Development Review Officer shall be permitted provided the changes are consistent with this Preliminary Site Plan. (ONGOING: ZONING - Zoning)

VARIANCE

1. 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. (BLDG/PMT/ONGOING: ZONING - Zoning)

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

3. Prior to the issuance of a Certificate of Completion, the Property Owner shall install any missing or dead landscaping to mitigate the potential impacts as a result of the Variance approvals. (CO: BUILDING DIVISION - Zoning)

4. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for ZV/DOA/W-2023-00372. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (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
V1	7.C.2.A.3 Width of Right-of-Way (ROW) Buffer	20-feet (ft.) Minimum width of R.O.W Buffer, where Right-of-Way (R-O-W) is greater than or equal to 100 ft. (Lyons Road)	Minimum width of 11.8 ft. along Lyons Road R-O-W	Reduction of 8.2 feet in width
V2	7.C.4.A Landscape Islands	Minimum width of 8 ft	0 ft for existing islands	Reduction of 8 ft
V3	7.C.4.A Divider Medians	10-foot wide divider medians	8.5 foot divider medians (existing)	Reduction of 1.5 feet in width for existing divider medians
V4	7.C.3.B Foundation Planting and Dimensional Requirements	Foundation Planting width and facades	Foundation Planting width Bldg 1 - 7.7 ft wide;	Reduction of 0.3 ft wide Foundation for Bldg 1
			Bldg 2 no Foundation planting on east facade;	Elimination of Foundation planting for Bldg 2 east facade
			Bldg 3 no Foundation planting on south and west facades	Elimination of Foundation planting for Bldg 3 on south and west facades
V5	3.E.3.D MUPD Property Development Regulations	Rear Setback adjacent to Residential 30-feet	Rear Setback adjacent to Residential 20-feet	Reduction of 10-feet rear setback
V6	8.G.2.A Freestanding Sign Standards	5-foot setback (Sign B)	0-foot setback (Sign B)	Elimination of 5-foot setback (Sign B)
V7	3.E.3.D MUPD Property Development Regulations	Minimum lot size 5-acres	4.86 acres	Reduction of 0.14 acres
V8	7.C.4.A Landscape Islands width	8-foot wide excluding curbs, easements and sidewalks. Increase width for more than 10-spaces	No increase in width where exceeding 10-spaces	No increase in width where exceeding 10-spaces
V9	7.C.5 Easements in Landscape Buffers	Easement overlap no greater than 5 ft	10 foot easement overlap along Lyons Road	to allow 10 foot easement overlap along Lyons Road
V10	7.C.4.A Landscape Islands – curbing	Landscape areas subject to vehicle encroachment 6-inch non-mountable curb	Landscape areas subject to vehicle encroachment no non-mountable curb	Elimination of 6-inch non-mountable curbing where existing
V11	7.C.4.A Landscape Islands - trees	1 tree per island	No trees where existing PBCWUD easements	Elimination of trees where existing

				PBCWUD easements
V12	3.E.3 MUPD, Multiple Use Planned Development. Property Development Regulations.	Type 3 Incompatibility Buffer 20-feet in width with a wall	Type 3 Incompatibility Buffer 15-feet in width and no wall	Reduction of 5-feet in width and elimination of the wall

SITUS ADDRESS:	20655 Lyons Rd Boca Raton 33434 9033 Glades Rd Boca Raton 33434 20665 Lyons Rd Boca Raton 33434 20665 Lyons Rd 1 Boca Raton 33434 20665 Lyons Rd 2 Boca Raton 33434 20665 Lyons Rd 3 Boca Raton 33434	
OWNER NAME & ADDRESS:	Boca Pier Assoc Ltd Glades Road West Investments Llc 215 N Federal Hwy Boca Raton, FL 33432-3992	
PCN:	00-42-43-27-05-077-0961; 00-42-43-27-05-077-0962 00-42-43-27-05-077-0963; 00-42-43-27-05-077-0951	
ZONING DISTRICT:	MUPD	
BCC DISTRICT:	5	
PROJECT MANAGER:	Donna Adelsperger, Senior Site Planner	
LAND USE:	CH/5	S/T/R: 27-43-42
CONTROL #:	1979-00106	
LOT AREA:	4.8 acres +/-	
APPLICANT REQUEST:	to allow a reduction in the width of a right-of-way buffer, landscape islands, divider medians, and foundation planting; reduction in the building and freestanding sign setback; to allow an easement overlap of landscape islands and right-of-way buffer; to eliminate landscape protection measures and trees in landscape islands; and, to reduce a Type 3 Incompatible Bufer and eliminate the wall on 4.86 acres	