

**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**

**Application No.:** ABN/ZV/Z-2021-01863  
**Application Name:** Windsor Industrial  
**Control No./Name:** 2003-00020 (Stuart Ledis)  
**Applicant:** Shawn Chemtov, 6562 Belvedere LLC  
**Owners:** 6562 Belvedere LLC  
**Agent:** Schmidt Nichols - Josh Nichols  
**Telephone No.:** (561) 684-6141  
**Project Manager:** Imene Haddad, Senior Site Planner

**TITLE:** a Development Order Abandonment **REQUEST:** to abandon a Class A Conditional Use for a Convenience Store with Gas Sales on 2.55 acres

**TITLE:** a Type 2 Variance **Request:** to allow a reduction of the width of a Type 3 Incompatibility buffer; substitute wall with chain link fence and locate it on the property line, reduction in number of palms or pines; elimination of small shrubs; reduction in front setback; and, to replace a 12-foot wall loading area screening with an 8-foot hedge on 2.55 acres

**TITLE:** an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Community Commercial (CC) Zoning District to the Light Industrial (IL) Zoning District with Conditional Overlay Zone (COZ) on 2.55 acre

**APPLICATION SUMMARY:** The proposed requests are for the 2.55-acre Windsor Industrial development. The site was last approved by the Board of County Commissioners (BCC) on August 23, 2007, to allow a rezoning to the Community Commercial (CC) Zoning District along with a Conditional Use for a Convenience Store with Gas Sales. The site is currently developed with a Single Family Home.

The requests will abandon prior use approvals and allow a rezoning to Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ) for the development of a warehouse use. In addition, the Applicant is also requesting Variances, as stated above, for the placement of the structure, buffering and screening. The Preliminary Site Plan indicates a single story structure with 35,022 square feet (sq. ft.) (30,400 sq. ft. warehouse and 4,523 sq. ft. office), a total of 33 parking spaces with access from Jog Road.

These requests are contingent upon a concurrent application for a Small Scale Future Land Use (FLU) Amendment (Planning Application No. SCA-2022-015) to amend the FLU designation from Commercial Low (CLO) to Industrial (IL).

**SITE DATA:**

Location:	Southwest corner of Old Belvedere Road and Jog Road
Property Control Numbers:	00-42-43-27-05-005-0051; 00-42-43-27-05-005-0054
Existing Future Land Use Designation:	Commercial Low, with an underlying 2 units per acre (CL/2)
Proposed Future Land Use Designation:	Industrial with an underlying 2 units per acre (IND/2)
Existing Zoning District:	Community Commercial District (CC)
Proposed Zoning District:	Light Industrial (IL)
Total Acreage:	2.55 acres
Tier:	Urban/Suburban
Overlay District:	Palm Beach International Airport Overlay, Turnpike Aquifer Protection Overlay District
Neighborhood Plan:	Haverhill Neighborhood Plan
CCRT Area:	N/A
Municipalities within 1 Mile:	N/A
Future Annexation Area:	Haverhill, West Palm Beach
Commission District:	District 2, Mayor Gregg K. Weiss

**STAFF RECOMMENDATION:** Staff recommends approval of the requests, with a Conditional Overlay Zone, subject to the Conditions of Approval as indicated in Exhibits C-1 and C-2.

**ACTION BY THE ZONING COMMISSION (ZC):** At the March 2, 2023 ZC Hearing, this item was on the Consent Agenda. Commissioner Kelly made a motion to recommend approval of the item, which was seconded by Commissioner Scarborough. The motion carried by a vote (7-0-0).

**PUBLIC COMMENT SUMMARY:** At the time of publication, Staff had received one contact from the public in support of the requests. The adjacent Property Owner to the west in supports all of the requests, stating it is a better compliment to his property, and the surrounding area (Exhibit F).

**PROJECT HISTORY:** The subject site was previously approved in 2007 when the Small Scale Future Land Use (SCA-2007-0004) and an Official Zoning Map and Class A Conditional Use for a Convenience Store with Gas Sales (Z/CA-2006-01818) were presented to the BCC. Staff recommended denial of all of the requests based on inconsistency with the Plan, incompatibility with the FLU, lack of directives to protect residential areas, and inconsistencies with the Jog Road Corridor Study, PBI Overlay and Haverhill Area Neighborhood Plan. However, at the public hearing, based on the testimony and evidence presented, the BCC adopted the Ordinance to modify the FLU, approved the rezoning with a Conditional Overlay Zone and approved the use Conditions of Approval. Since that approval the Property Owner has not implemented the Development Order for the Convenience Store with Gas Sales, and Conditions of Approval.

Application No.	Request	Resolution	Approval Date
Z-1977-0001	An Official Zoning Map Amendment to rezone from Agricultural District (AG) to RS Residential Single Family District.	R-1977-0136	February 8, 1977
Z/CA-2003-0020	An Official Zoning Map Amendment and a Class A Conditional Use	2003	Withdrawn
ZV-2006-1748	Type 2 Variance to allow variance from the minimum lot depth. <i>Note: This variance was never implemented and no time extensions were granted, thereby rendering the request null and void.</i>	R-2007-0004	January 5, 2007
SCA-2007-00004	Small Scale Future Land Use Amendment from Low Residential, Two units per acre (LR-2 to Commercial Low with underlying residential of two units per acre (CL/2)	ORD-2007-014	August 27, 2007
Z/CA-2006-01818	An Official Zoning Map Amendment to rezone from the Single Family Residential Zoning District (RS) to the Community Commercial Zoning District with a Conditional Overlay Zone (CC).	R-2007-1442	August 27, 2007
	A Class A Conditional Use to allow a convenience store with gas sales in the Community Commercial District.	R-2007-1443	
ZV-2021-02031	Type 2 Variance to allow a reduction on lot depth.	ZR-2022-023	July 7, 2022

**TYPE 2 VARIANCE SUMMARY:** At the March 2, 2023 ZC Hearing the following Variance were approved.

#	ULDC Article	Required	Proposed	Variance
V1	3.D.1.A Front Setback	40 feet	25 feet	15 feet reduction
V2	6.E.4.A.3 Loading Standards	12 foot wall for loading area screening	8 foot hedge loading area screening	Substitution of the 12 foot wall with an 8 foot hedge
V3	7.C.2.C Incompatibility Buffer	-20 feet Type 3 Incompatibility Buffer (West Property Line) - 6-feet high Opaque wall -1 Canopy Tree per 20 linear feet (31 canopy trees) -1 palm or pine per 30 linear feet (21 Palm or Pines) -1 Row of small shrubs- (1 per 2 linear feet) -1 Row of medium shrubs- (1 per 4 linear feet)	-8 foot landscape buffer -chain link fence -1 Canopy tree per 20 linear feet (31 canopy trees) -1 palm or pine per 70 linear feet (9 palm or pines) -1 Row of medium shrubs- 1 per 4 linear feet	-a 12 foot reduction of the buffer width -Substitution of a 6 foot wall with a 6 foot Chain link fence; located on the property line; -Reduction in number of palms or pines from 21 to 9 - Elimination of all small shrubs

**FINDINGS: Official Zoning Map Amendment (Rezoning) to a Standards District:**

When considering a Development Order application for a rezoning to a Standard Zoning District with or without a Conditional Overlay Zone (COZ), the BCC and ZC shall consider Standards a through g listed under Article 2.B.7.A.2, Standards. The Standards and Staff Analyses are indicated below. An amendment that fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

**a. Consistency with the Plan - The proposed amendment is consistent with the Plan.**

o *Consistency with the Comprehensive Plan:* Should the BCC approve the Future Land Use Amendment (FLUA) request, then the proposed amendment would be consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

○ *Concurrent Land Use Amendments:* The site is the subject of a companion small scale, site-specific future land use atlas amendment known as Windsor Industrial (SCA-2022-015). The request is to amend the future land use designation from Commercial Low, with an underlying Low Residential, 2 units per acre (CL/2), to Industrial, with an underlying Low Residential, 2 units per acre (IND/2). If adopted, Staff is recommending it be subject to the following conditions:

The condition adopted by Ord. 2007-014 is proposed to be deleted with deleted text stricken out below and added conditions underlined.

~~Limit the proposed development to 22,215 s.f. of commercial uses~~

1. The site shall be limited to light industrial uses as described in Future Land Use Element Policy 2.2.4-d of the Palm Beach County Comprehensive Plan.
2. Uses identified as Commercial in Article 4 of the Unified Land Development Code are prohibited on the site, with the exception of Self-Service Storage and accessory uses.

The request is consistent with the recommended amendment conditions since the proposed warehouse use is classified as Light Industrial by FLUE Policy 2.2.2-d of the Comprehensive Plan. For additional information, please refer to the summary on the accompanying Small Scale amendment.

○ *Intensity:* The maximum Floor Area Ratio (FAR) for non-residential projects utilizing the IND land use designation in the Urban Suburban Tier is .85 (111,052 surveyed sq. ft. or 2.55 acres x .85 maximum FAR = 94,394 sq. ft. maximum). The request for a total of 35,022 sq. ft. equates to a FAR of approximately 0.32 (35,022 / 111,052 surveyed sq. ft. or 2.55 acres = 0.315 rounded to 0.32). Thus, the requested intensity is consistent with the proposed IND land use designation.

○ *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The request is located within and is consistent with the Comprehensive Plan's PBIA Approach Path Overlay, Turnpike Aquifer Protection Overlay, the 1995 Jog Road Corridor Study, and the 1992 Haverhill Area Neighborhood Plan. A brief analysis for each planning area is provided below:

- *PBIA Approach Path Conversion Area Overlay (PBIAO)* – Per Future Land Use Element Sub-Objective 1.2.4, the stated purpose of the PBIA Approach Path Conversion Area Overlay is to provide for future land uses that are compatible with existing neighborhoods and the future operations at PBIA. The site has an existing future land use of Commercial Low with an underlying Low Residential, two units per acre (CL/2). In addition, the parcel abuts Jog Road, which is shown as 120 feet on the County's Thoroughfare Right-of-Way Identification Map. The site is currently vacant Single Family residence, and not adjacent to any lands that are developed residentially (there is a public civic pod of a residential PUD to the south), and therefore existing neighborhoods are protected from incompatible uses. However, the site is less than 5 acres and is therefore not eligible to convert to industrial uses without a future land use amendment. As the application is the companion request for an amendment to Industrial (IND/2) land use, the proposed use is consistent with the intent of the Overlay.
- *Turnpike Aquifer Protection Overlay (TAPO)* – The nonresidential project does not require a well dedication as it is less than the 10-acre or 75,000 sq. ft. minimum size identified by FLUE Policy 5.5-b, and the site will be restricted by condition from storing or handling regulated substances. As the project does not exceed the regulatory thresholds identified in this Overlay, the provisions do not apply.
- *Jog Road Corridor Study (JRCS)* - The site is located within Sub-Area VI of the 1995 JRCS, which recognized that while a majority of the subarea was vacant, several wellhead locations and established residential uses existed along the Belvedere Corridor. Since publication of the Study, the area has undergone significant growth that has changed this sub-area, including a planned industrial development at the northwest corner of Belvedere and Jog Roads, and a prior land use amendment that granted the subject site's current nonresidential FLU designation.
- *Haverhill Area Neighborhood Plan (HANP)* - The Haverhill Neighborhood Plan recommended maintaining the existing residential future land use designations for the area located at the Belvedere Road and Jog Road intersection, which included the subject site (Map, Page 52a, Haverhill Neighborhood Plan). However, since adoption of the Neighborhood Plan, the planning area has experienced significant growth and development than originally envisioned. To date, no comments have been received from the Town of Haverhill.

**b. Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

○ *Property Development Regulations (PDR):* Per Table 3.D.1.A – Property Development Regulations, a lot depth of 200 feet is required. The PSP indicates a lot depth of 173.80 feet per approved variance (ZR-2022-023). The Applicant has requested a variance to allow for the reduction for the front

setback and the PSP indicates a front setback of 25 feet where 40 feet is required and provided sufficient justification for the need of the requested variance. Staff is in support of the variance request.

○ **Conditional Overlay Zone (COZ):** The purpose of a COZ is to modify or restrict the use and site development regulations authorized in the underlying Standard Zoning District to prevent, minimize, or mitigate adverse impacts upon the surrounding land uses. In application of the COZ, the BCC shall find that the proposed Rezoning is appropriate only if the applicable regulations are modified. The BCC shall find one or more of the following reasons for the COZ district:

1. Potential impact to surrounding land uses requires mitigation;
2. Compatibility will be furthered between the requested zoning district and adjacent zones if uses and PDRs are modified.
3. Intensity limits reflect available capacity of public facilities.

Although the Applicant is proposing one use at this time, the Planning Division has proposed Conditions of Approval that need to apply to the proposed zoning to ensure consistency with the Comprehensive Plan.

The Engineering Division is also proposing conditions of approval to provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for the Jog Road and to configure the property into a legal lot of record in accordance with provisions of Article 11. The conditions are added to document the increase in the Right of Way on the required documents.

These conditions, as described in Exhibit C-1, are the reason for the COZ and is to mitigate potential impact to surrounding uses, that compatibility is furthered between the adjacent zoning districts, and to ensure the capacity of public facilities.

○ **Landscape/Buffering:** The Preliminary Site Plan indicates a 20 ft. right-of-way buffer on the eastern property line along Jog Road and a 10 ft. right-of-way buffer on the northern property line along Old Belvedere Road. This buffer is reduced from the required 20 ft. pursuant to Art. 7.C.2.A.3.A, landscape buffer and interior landscape requirement, allowing the required buffer width to be reduced by 50 percent when a project is separated from R-O-W by a canal, lake, retention, open space area provided there is no reduction in canopy trees and no easement overlap. The buffer meets all the requirements for the reduction as it is located on L.W.D.D. L-3 canal with no easement overlap and no reduction to the required canopy trees. An 8 foot compatibility buffer is required along the southern property buffer abutting the Government use parcel to the south. The buffer meets the requirements in 7.C.2.A.3.A, landscape buffer and interior landscape requirement.

As previously described, the Applicant is requesting a variance for the buffer along the western property line. The 8 foot Type 3 incompatibility buffer includes reductions in plant material, modification to the type of barrier and its location. Reductions for this buffer are supported by staff, and would be locked into the request and detail as depicted on the buffer plan, and modified at Final DRO.

○ **Parking and Loading:** The PSP complies with Table 6.B.1.B – Minimum Parking and Loading Requirements. The minimum number of parking required for the Warehouse use is 1 space per 2000 sq. ft. and 1 space per 250 sq. ft. of the accessory office use. According to the proposed use the development will require a total of 33 parking spaces. The site plan shows a total of 34 spaces which meets the requirement in Table 6.B.1.B. The PSP shows eight loading spaces and the Applicant is requesting a Type 1 waiver to reduce the loading spaces dimensions as required in Article 6.E.4.1.d from the required 15'x55' to 17'x24'. The waiver will be finalized during the review by DRO review at time of Final Site Plan approval.

○ **Signs:** The Preliminary Master Sign Plan (PMSP) indicates compliance with Table 8.G.1.A - Wall Sign Standards in the U/S Tier. The PMSP indicates a proposed freestanding monument sign, and according to the Applicant, the Freestanding Sign shall comply with Table 8.G.2.A – Freestanding Sign Standards.

○ **Concurrent Land Use Amendment:** Should the BCC deny the future land use change (Windsor Industrial SCA-2022-015), the subject rezoning request would not be allowed as it would be inconsistent with the Comprehensive Plan. The request is to amend the future land use designation from Commercial Low with an underlying 2 units per acre (CL/2) to Industrial with an underlying 2 units per acre (IND/2). Planning Staff is recommending Conditions of Approval to limit the use of the parcel to light industrial uses, and Self Service Storage. As a result, Heavy industrial uses such as salvage and junkyards, storage or regulated substances, asphalt and concrete mixing and product manufacturing, heaving manufacturing, construction and demolition recycling, and equestrian waste management would not be permitted on the site.

**c. Compatibility with Surrounding Uses - The proposed amendment is compatible, and generally**

*consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The proposed rezoning from the Community Commercial (CC) Zoning District to the Light Industrial (IL) Zoning District is compatible and consistent with the surrounding zoning districts uses. The site is located at the southwest corner of Belvedere Road and Jog Road approximately 1/2 mile east of the Florida Turnpike. To the north of the property is the Turnpike Crossing East PIPD (Control No. 2005-00456). To the east across North Jog Road is the "Life Church", a place of worship (Control No. 2000-00027). To the west of the property is a wholesale nursery. To the south of the property is the Government services building with in the Johnson Property PUD civic pod (Control No. 2001-076). The site is located along a corridor with residential, industrial and utility/transportation land uses. Considering the low impact (low noise, low activity, and low trip generation) of the proposed warehouse use, and the nature of the corridor, the IL Zoning district is an appropriate zoning district for the subject parcel because it is consistent with the surrounding parcels. As part of the analysis prepared by the Planning Division for the proposed FLU amendment, they are recommending approval of the modification to the IND FLU with Conditions of Approval restricting the uses of the site.

- d. Effect on Natural Environment** – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

**ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:**

- **Vegetation Protection:** The site contains native vegetation that is regulated by the ULDC, Article 14.C.7.C. There are native strangler figs, oaks, pines, and sabal palms. Species that cannot be relocated or preserved in place are being mitigated for in accordance with Table 14.C.7.C. of the ULDC. A Protection of Native Vegetation Approval application will need to be submitted prior to the final approval by the DRO.
- **Wellfield Protection Zone:** This property is located within Wellfield Protection Zone 2, 3, and 4. An Affidavit of Notification will be required prior to the final approval by the DRO and any tenant with applicable Uses or Regulated Substances will need to meet with ERM Wellfield Staff and may need to seek and obtain a Wellfield Permit as pursuant to the ULDC, Article 14.B.
- **Irrigation Conservation Concerns and Surface Water:** All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non-storm water discharge or the maintenance or use of a connection that results in a non-storm water discharge to the storm water system is prohibited pursuant to Palm Beach County Storm water Pollution Prevention Ordinance No. 93-15.
- **Environmental Impacts:** There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

- e. Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The subject site is located in a corridor with a mix of residential, utility/Transportation and industrial FLU and Zoning. The modification to the Industrial Zoning District would be consistent with the pattern established in the area. Planning Staff have indicated in their analysis for the change of the Future Land Use that the proposed site to industrial is compatible and would generate less traffic than the previously approved Convenience Store with Gas Sales. The Applicant states the development patterns along North Jog Road are generally industrial. The proposed warehouse use and accessory office space is an appropriate use based on both the land uses in the general vicinity, and the existing uses surrounding the subject site.

- f. Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

**ENGINEERING COMMENTS:**

The proposed Warehouse development is expected to generate 55 net daily trips, 5 net AM peak hour trips, and 6 net PM peak hour trips. The build out is expected to happen by 2025.

The trips from the development will have insignificant traffic impacts within the radius of influence, as per the definition of Palm Beach County Traffic Performance Standards.

The Property Owner shall dedicate ROW to be consistent with the PBC Thoroughfare Identification Map and configure the property into a legal lot of record prior to the issuance of the building permit.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project has met the requirements of the Florida Department of Health

SCHOOL IMPACTS:

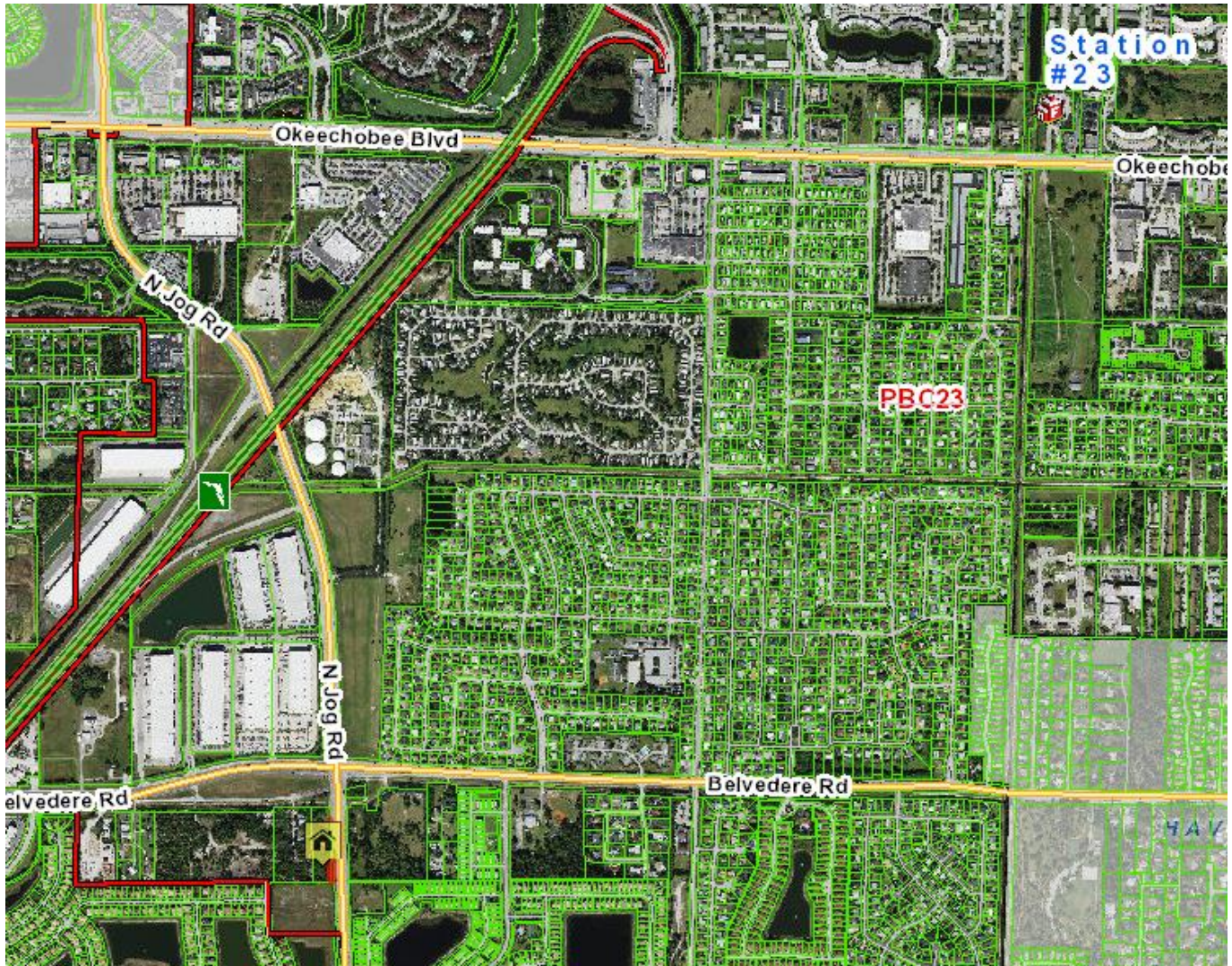
The School Board has no comment regarding this non-residential application.

PARKS AND RECREATION:

This is a non-residential project, therefore the Parks and Recreation Department ULDC standards do not apply.

FIRE PROTECTION:

Staff has reviewed this application and have no comment. The subject development is located within the boundaries of PBC Fire Station #23.



- g. Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

As indicated by the Applicant’s Justification Statement, “The proposed use will be compatible with surrounding uses. The site is currently underutilized as vacant single family. The proposed Warehouse use would better serve the site and remain consistent with the impact and intensity of the surrounding uses. Due to the current COV-ID pandemic, the applicant is also proposing a warehouse use on the subject property as there has been a higher demand for warehouse and distribution.” According to the analysis provided in the FLUA Planning Staff Report, the assessment and recommendation states there has been a change along the corridor since the approval of the CL/2, including the development of a 67 acre industrial land to the north in 2008. The proposed industrial uses would decrease trips than the CL land use, and thus has satisfied changed conditions for the FLU amendment. This modification of the zoning would allow for the site to be consistent with the FLU.

**CONCLUSION:** Staff has evaluated the Applicant’s justification and responses for Standards of Article 2.B. for the Type 2 Variance and an Official Zoning Map Amendment with a Conditional Overlay Zone (COZ), and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the request subject to a Conditional Overlay Zone and subject to the recommended Conditions of Approval as indicated in Exhibit C-1 and C-2.

## CONDITIONS OF APPROVAL

### EXHIBIT C-1 - Type 2 Variance - Concurrent

#### ALL PETITIONS

1. The approved Preliminary Site Plan and Preliminary Landscape Plan are dated December 15, 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 the Zoning Commission. (ONGOING: ZONING - Zoning)
2. Prior to Final Approval by the Development Review Officer, the Landscape Plan shall be updated to include the medium shrubs. (DRO: 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. (BLDG PERMIT: BLDG - Zoning)
4. Use of large commercial vehicles, such as semi-tractor trailers or dump trucks, is prohibited on site, based on the configuration of the building, reduction of screening, and size of the loading areas. (ONGOING: CODE ENFORCEMENT – 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.

## CONDITIONS OF APPROVAL

### EXHIBIT C-2: Official Zoning Map Amendment with Conditional Overlay Zone

#### ALL PETITIONS

The approved Preliminary Site Plan dated December 15, 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. (ONGOING: ZONING - Zoning)

#### ENGINEERING

1. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

2. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for the Jog Road, 60 feet, measured from centerline of the proposed right of way on an alignment approved by the County Engineer.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the cleanup. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering)

3. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2025, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

#### PLANNING

1. Per SCA-2022-015, Condition 1: The site shall be limited to light industrial uses as described in Future Land Use Element Policy 2.2.4-d of the Palm Beach County Comprehensive Plan. (ONGOING: PLANNING - Planning)

2. Per SCA-2022-015, Condition 2: Uses identified as Commercial in Article 4 of the Unified Land Development Code are prohibited on the site, with the exception of Self-Service Storage and accessory uses. (ONGOING: PLANNING - Planning)

#### 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; 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.

Figure 1 - Land Use Map



Figure 2 - Zoning Map

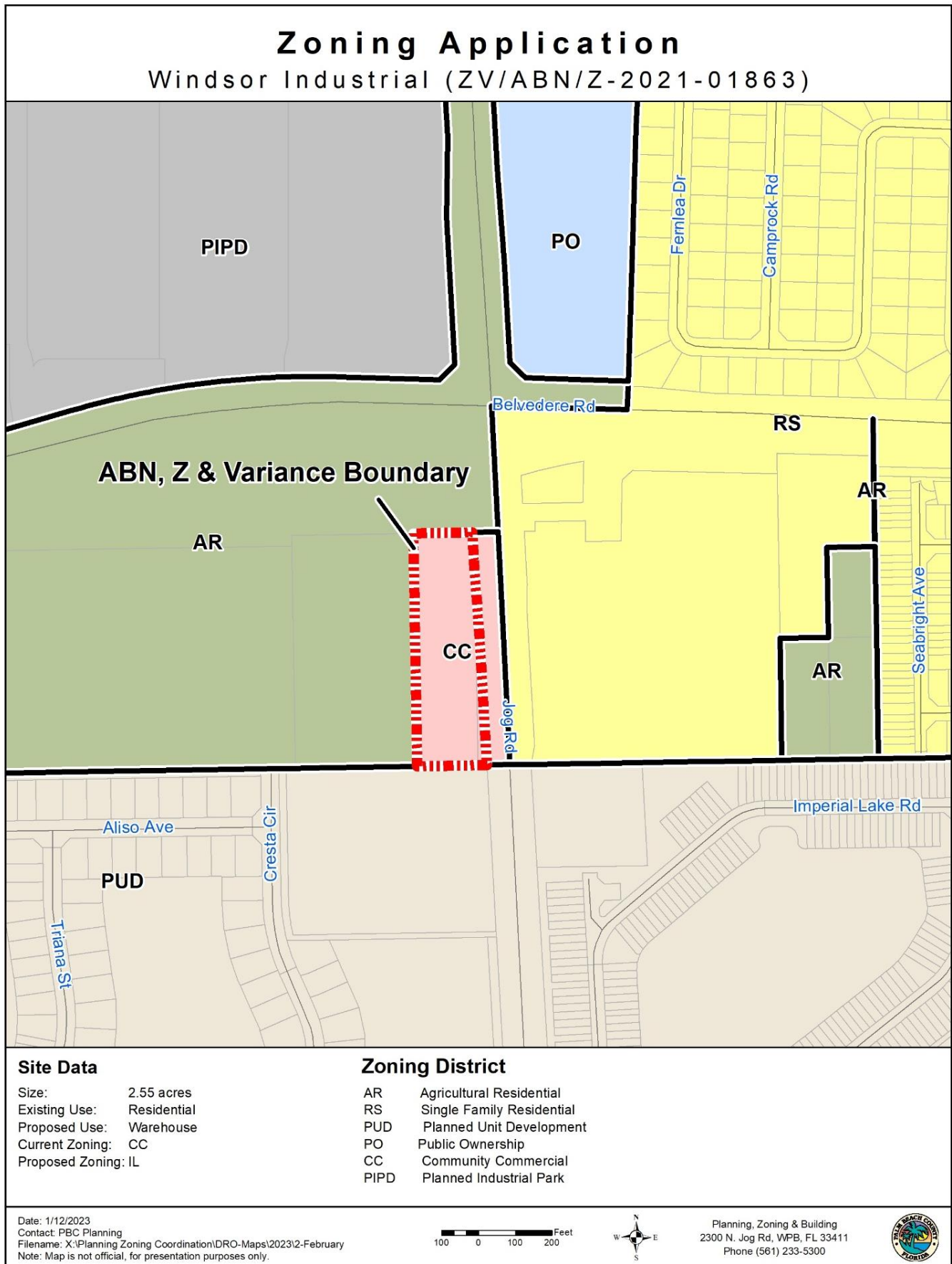








Figure 5 – Preliminary Master Sign Plan dated December 15, 2022

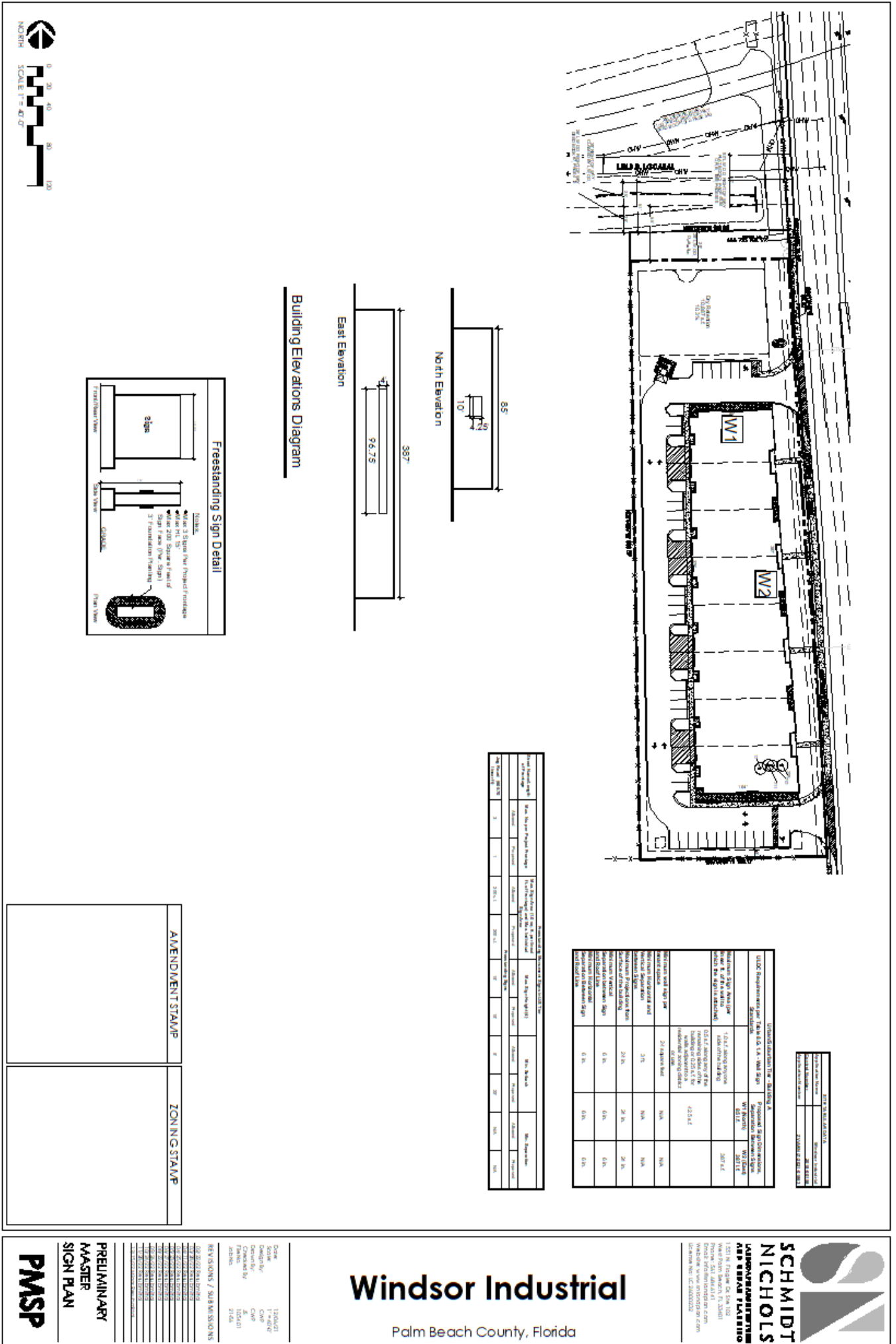
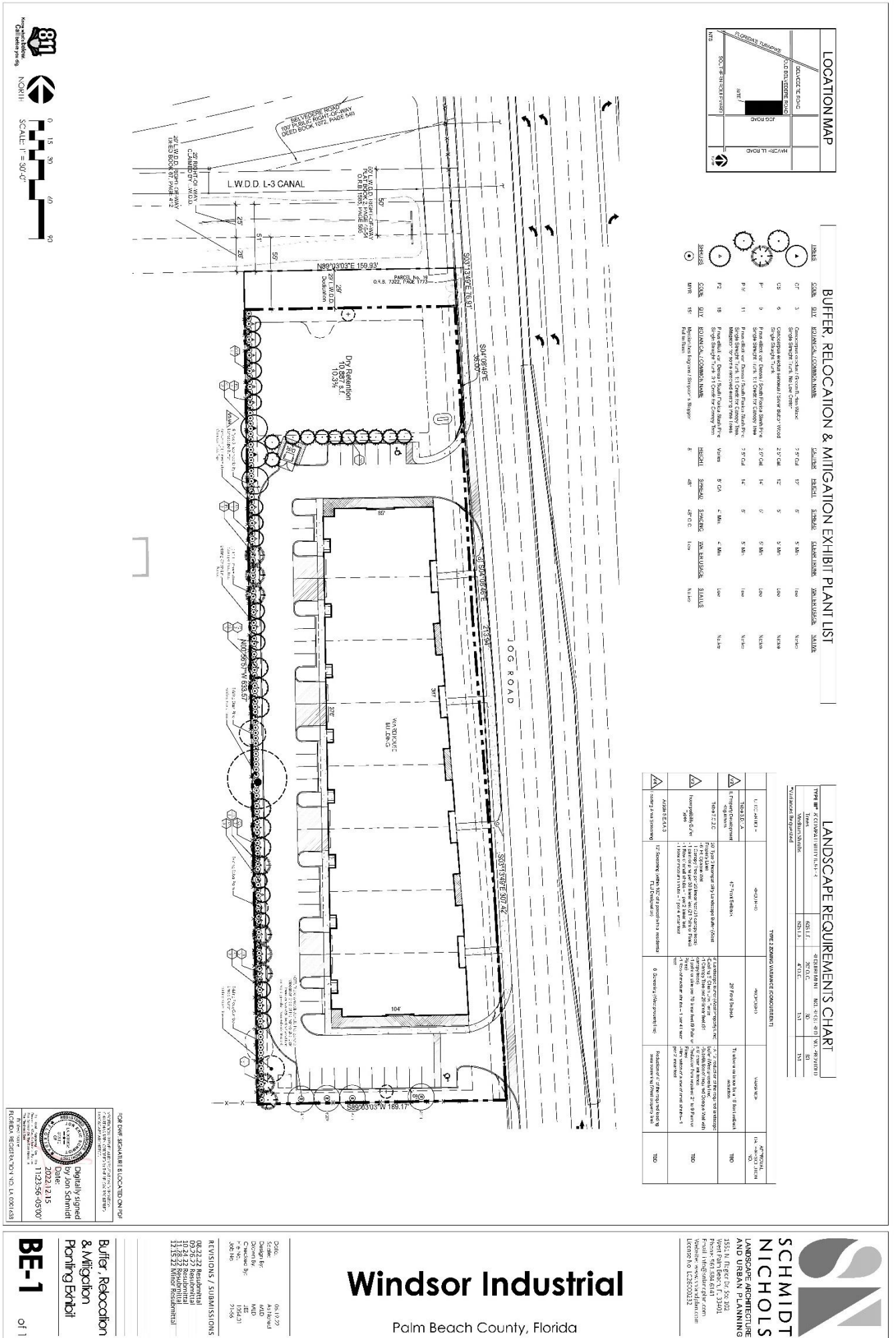
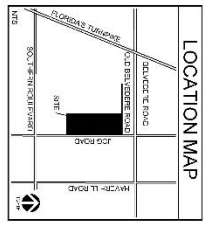


Figure 6 – Preliminary Alternative Landscape Plan dated December 15, 2022



LOCATION MAP



BUFFER, RELOCATION & MITIGATION EXHIBIT PLANT LIST

PLANT	CODE	QTY	RELOCATION/REQUIREMENT	RELOCATION	RELOCATION	RELOCATION	RELOCATION	RELOCATION	RELOCATION	RELOCATION
1	07	3	Common Yellow Throat	2' P. Cal.	1' P.	5' M.	10'	10'	10'	10'
2	08	6	Common Yellow Throat	2' P. Cal.	1' P.	5' M.	10'	10'	10'	10'
3	09	9	Common Yellow Throat	2' P. Cal.	1' P.	5' M.	10'	10'	10'	10'
4	10	18	Common Yellow Throat	2' P. Cal.	1' P.	5' M.	10'	10'	10'	10'
5	11	15	Common Yellow Throat	2' P. Cal.	1' P.	5' M.	10'	10'	10'	10'

LANDSCAPE REQUIREMENTS CHART

TYPE 1 - BUFFER	TYPE 2 - BUFFER	TYPE 3 - BUFFER	TYPE 4 - BUFFER
1' P. Cal.	1' P. Cal.	1' P. Cal.	1' P. Cal.
5' M.	5' M.	5' M.	5' M.
10'	10'	10'	10'
10'	10'	10'	10'
10'	10'	10'	10'

**Windsor Industrial**  
Palm Beach County, Florida

**SCHMIDT NICHOLS**  
LANDSCAPE ARCHITECTURE AND URBAN PLANNING  
3551 N. FEDERAL ST., SUITE 102  
PALM BEACH, FLORIDA 33409  
Phone: 561-838-6143  
Fax: 561-838-6144  
www.schmidtnichols.com  
License No. LC2500032

DATE: 08/19/22  
DRAWN BY: JMS  
CHECKED BY: MJD  
SCALE: 1/8"=1'-0"  
JOB NO: 21054

REVISIONS / SUBMISSIONS  
08-22-22 Residential  
09-28-22 Residential  
11-18-22 Residential  
12-15-22 Minor Resubmittal

Buffer, Relocation & Mitigation Planting Exhibit

**BE-1** of 1





Exhibit D – Disclosure of Ownership

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]


TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Shawn Chemtov, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [ ] individual or [x] President of 6562 Belvedere LLC [position - e.g., president, partner, trustee] of 6562 Belvedere LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 11410 S.W. 95th Avenue Miami, FL 33176
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.  
  
\_\_\_\_\_  
Shawn Chemtov, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA  
COUNTY OF PALM BEACH

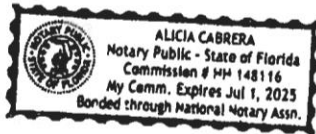
The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 24 day of October, 2021 by Shawn Chemtov (name of person acknowledging).  He/she is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and did  take an oath (circle correct response).

Alicia Cabrera  
(Name - type, stamp or print clearly)

Alicia Cabrera  
(Signature)

My Commission Expires on: 7-1-25

NOTARY'S SEAL OR STAMP



**EXHIBIT "A"**

**PROPERTY**

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.

DEED LEGAL:

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.

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.

**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

<b>Name</b>	<b>Address</b>	
Shawn Chemtov	11410 S.W. 95th Avenue, Miami, FL 33176	100%

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