

RESOLUTION NO. R-2020- 0181

RESOLUTION APPROVING ZONING APPLICATION ZV/DOAW-2019-01231
(CONTROL NO. 1981-00190)
a Type 2 Waiver
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 Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, (ULDC), Ordinance 2003-067 Supplement 25, have been satisfied;

WHEREAS, Zoning Application ZV/DOAW-2019-01231 was presented to the Board of County Commissioners at a public hearing conducted on February 27, 2020;

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

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners 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 Waiver;

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 the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS 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 Waiver to eliminate the requirement for a wall in a Type 3 Incompatibility Buffer, 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 27, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	-	Absent
Commissioner Robert S. Weinroth, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on February 27, 2020.

Filed with the Clerk of the Board of County Commissioners on March 13th, 2020.


This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK




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

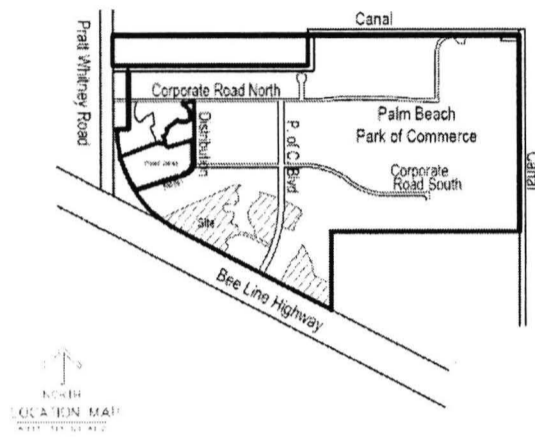


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Waiver

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)
2. Prior to the submittal for Final Approval by the Development Review Officer, the approved Type 2 Waiver and any associated Conditions of Approval shall be shown on the Preliminary Master Plan. (DRO: ZONING - Zoning)

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 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 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 2 WAIVER SUMMARY

ULDC Article	Required	Proposed	Waiver
3.E.5.B.2.a Planned Industrial Park Development (PIPD) Perimeter Buffers	25 foot Type 3 Incompatibility Buffer with a 6 foot high wall	No wall- Adjacent to the Bee Line Highway: PIPD Perimeter of the 43.72 Industrial General Parcel. Provide 6 foot vegetative screening or hedge/berm combination	No wall- Adjacent to the Bee Line Highway: PIPD Perimeter of the 43.72 Industrial General Parcel. Provide 6 foot vegetative screening or hedge/berm combination
7.F.1.C Landscape - Incompatible Buffers	20 foot Type 3 Incompatibility with a 6 foot high wall	No wall- Adjacent to the Bee Line Highway: PIPD Perimeter of the 43.72 Industrial General Parcel. Provide 6 foot vegetative screening or hedge/berm combination	No wall- Adjacent to the Bee Line Highway: PIPD Perimeter of the 43.72 Industrial General Parcel. Provide 6 foot vegetative screening or hedge/berm combination