

RESOLUTION NO. R-2020- 1237

RESOLUTION APPROVING ZONING APPLICATION DOA/CA/W-2020-00263  
(CONTROL NO. 1996-00007)  
a Type 2 Waiver  
APPLICATION OF Pan York Glades, LLC, EOS Fitness Florida, LLC  
BY Urban Design Kilday Studios, AGENT  
(EOS Fitness @ Mission Bay Corporate Park MUPD)

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 27, have been satisfied;

WHEREAS, Zoning Application DOA/CA/W-2020-00263 was presented to the Board of County Commissioners at a public hearing conducted on August 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 DOA/CA/W-2020-00263, the Application of Pan York Glades, LLC, EOS Fitness Florida, LLC, by Urban Design Kilday Studios, Agent, for a Type 2 Waiver to allow 24 Hour Operations for a Non-Residential Use located within 250 feet of a parcel of land with a Residential Future Land Use designation or Use, 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 August 27, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

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

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

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

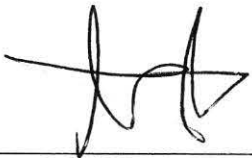
Filed with the Clerk of the Board of County Commissioners on September 9th, 2020

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

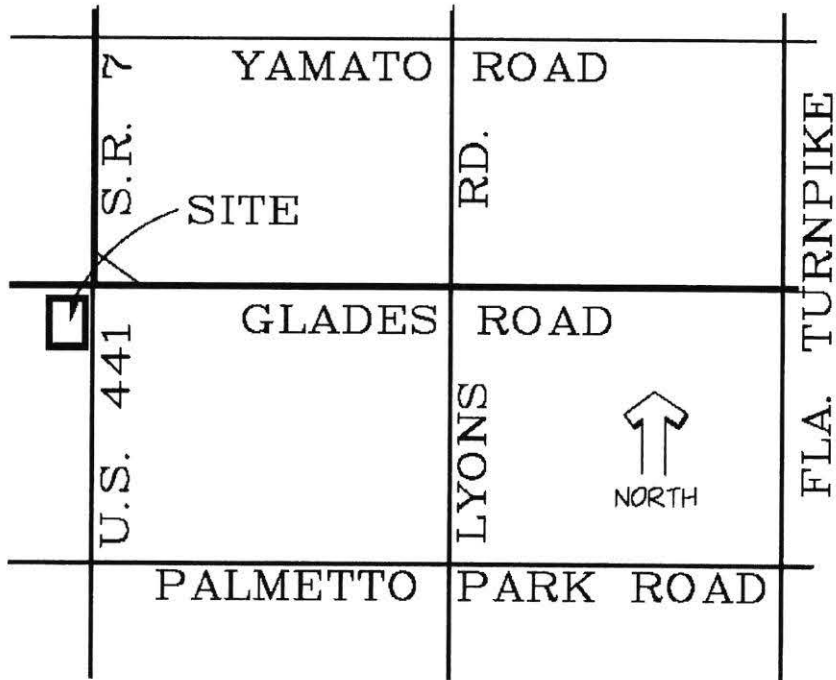
LEGAL DESCRIPTION

ALL OF THE PLAT OF MISSION BAY CORPORATE PARK AS RECORDED IN PLAT BOOK 79 PAGES 133 THRU 135 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.  
CONTAINING 11.22 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

# LOCATION MAP

SEC 13 TWP 47 RNG 41



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Exhibit C-3 - Type 2 Waiver (Hours of Operation)**

##### **ALL PETITIONS**

1. The approved Preliminary Site Plan is dated July 15, 2020. 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)

##### **ACCESS**

1. Access shall be restricted to the northeast or eastern facades from 11:00 p.m. to 7:00 a.m. (ONGOING: CODE ENF - Zoning)

##### **USE LIMITATIONS**

1. This Waiver is approved for the 41,732 square foot Fitness Center only. Any change to the use(s) shall require reconsideration of the Waiver by the Board of County Commissioners. (ONGOING: CODE ENF - 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.

**TYPE 2 WAIVER SUMMARY**

<b>ULDC Article</b>	<b>Required</b>	<b>Proposed</b>	<b>Waiver</b>
Art. 5.E.5.A Hours of Operation - Proximity to Residential Residential District	Hours of Operation between 6:00 a.m. to 11:00 p.m. for commercial uses within 250 feet of a Residential Use or FLU designation.	Hours of operation to be 24 hours / 7 days a week	+ 7 hours ( 11:00 p.m. - 6:00 a.m.)