

RESOLUTION NO. R-2021- 1595

RESOLUTION APPROVING ZONING APPLICATION W-2020-01915

(CONTROL NO. 1998-40143)

a Type 2 Waiver

APPLICATION OF Brightwork Real Estate, Inc., Local Union 728 Building Corp
BY Dunay, Miskel and Backman, LLP, AGENT
(International Electrical Union)

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 as amended, have been satisfied;

WHEREAS, Zoning Application W-2020-01915 was presented to the Board of County Commissioners at a public hearing conducted on October 28, 2021;

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 W-2020-01915, the Application of Brightwork Real Estate, Inc., Local Union 728 Building Corp., by Dunay, Miskel and Backman, LLP, Agent, for a Type 2 Waiver to reduce Priority Redevelopment Area (PRA) Block Building Property Development Regulations (PDRs); reduce minimum requirements for Fenestration, Storefronts and Greens; relocate the Primary Entrance from the primary frontage; allow access from an internal drive aisle in lieu of an Internal Street and Alley; and, increase the number of permitted freestanding signs, 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 October 28, 2021, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof and Waiver request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Weinroth 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	-	Aye
Commissioner Robert S. Weinroth, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Maria Sachs	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 28, 2021.

Filed with the Clerk of the Board of County Commissioners on November 1st, 2021.

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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

THE NE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, LESS THE NORTH 53.0 FEET THEREOF, AND LESS THE RIGHT-OF-WAY OF MILITARY TRAIL (S. R. 809) AS SAID RIGHT OF WAY IS RECORDED IN ROAD PLAT BOOK 3, PAGES 72 THROUGH 76 INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; TOGETHER WITH THE SOUTH 1/2 OF THE NW 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 12; LESS THE NORTHERLY 200.7 FEET OF THE EASTERLY 155.20 FEET OF THE NE 1/4 OF NE 1/4 OF NW 1/4, WEST OF MILITARY TRAIL AND SOUTH OF DILLMAN ROAD.

TOGETHER WITH:

THE SOUTH 2.72 FEET OF THE NORTH 55.77 FEET OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, PER CHANCERY CASE 407, AS RECORDED IN OFFICIAL RECORDS BOOK 6495, PAGE 1165 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, LESS AND EXCEPT THEREFROM THE EAST 155.20 FEET OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 12, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL (STATE ROAD 809) AS SHOWN ON THE STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT OF WAY MAP, SECTION 93590-2603 AND RECORDED IN ROAD PLAT BOOK 3, PAGES 72 THROUGH 76, INCLUSIVE, OF SAID PUBLIC RECORDS OF PALM BEACH COUNTY.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 568,862 SQUARE FEET OR 13.0593 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

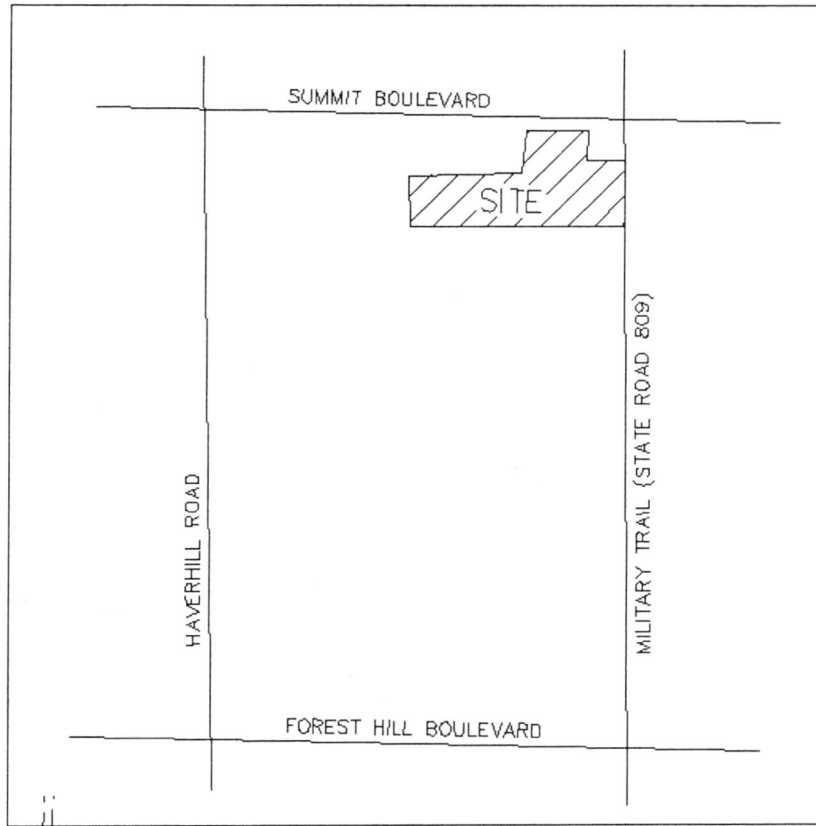


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Waiver

ALL PETITIONS

1. The approved Preliminary Site Plan is dated August 23, 2021. 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)

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
W.1	Table 3.B.16.F, PRA Block Building PDRs	50% Building Frontage.	43.6% Building Frontage.	-6.4%
W.2	3.B.16.F.6.d.1, Primary Entrances	Primary Entrance must directly face a street, courtyard, plaza, square or open space.	Primary Entrance to face parking lot.	To allow the Primary Entrance to face a parking lot.
W.3	3.B.16.F.6.d.3, Fenestration	Transparent windows covering minimum 35% of wall area facing street.	Transparent windows covering 3.9% of wall area facing street.	-31.1%
W.4	3.B.16.F.6.d.4.a, Storefronts	Storefronts shall extend across 70% of the non-residential space.	Storefront to extend across 35.5% of the non-residential space.	-34.5%
W.5	3.B.16.F.6.d.4.b, Storefronts	Storefronts shall have transparent glazing of at least 70% of the linear width of the applicable façade area, comprised of storefront windows and doors	24.9% transparent glazing.	-45.1%
W.6	Table 3.B.16.F – PRA Dimensions for Usable Open Space	100 ft. minimum width for Greens (Open Space)	26 ft. minimum width	-74 ft.
W.7	Art. 3.B.16.F.11, Signage Standards	No freestanding signs permitted.	3 freestanding signs.	3 freestanding signs.
W.8	Art. 3.B.16.F.4.b, Internal Streets	Provide access via internal street.	No proposed internal street.	Eliminate requirement to provide access via an internal street.
W.9	Art. 3.B.16.F.4.c, Alleys	Alleys to provide primary access to parking lots and service areas.	No proposed alleys.	Eliminate requirement to provide access via alleys.