

RESOLUTION NO. ZR-2024- 010

RESOLUTION APPROVING ZONING APPLICATION ZV/PDDM/-2024-00529
(CONTROL NO. 2024-00036)
TYPE II VARIANCE (CONCURRENT)
APPLICATION OF Investment Corporation of Palm Beach
BY Urban Design Studio, Dunay, Miskel and Backman, LLP, AGENT
(PALM BEACH KENNEL CLUB)

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/PDD/W-2024-00529 was presented to the Zoning Commission at a public hearing conducted on December 5, 2024;

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, this approval shall only become effective upon the adoption of a resolution approving Zoning Application ZV/PDD/W-2024-00529 by the Board of County Commissioners;

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/PDD/W-2024-00529, the Application of Investment Corporation of Palm Beach, by Urban Design Studio, Dunay, Miskel and Backman, LLP, Agent, for a Type 2 Variance to allow reduction of MUPD width and frontage, to allow the longest side facing the secondary frontage, to increase the setback from the build-to-line of Congress Ave and Cherry Road (WCRAO), and to allow an increase in maximum building length on 5 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 December 5, 2024, subject to the Conditions of Approval described in EXHIBIT C, and Request described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Kelley moved for the approval of the Resolution.

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

Cheri Pavlik, Chair	_ Aye
John Kern, Vice Chair	_ Aye
Michael Kelley	- Aye
Sam Caliendo	- Aye
Lori Vinikoor	- Aye
William Reicherter	- Aye
Alex Brumfield III	- Aye
Susan Kennedy	- Aye
James Williams	- Aye

The Chair thereupon declared that the resolution was duly passed and adopted on December 5, 2024

Filed with the Palm Beach County Zoning Division on December 5, 2024.

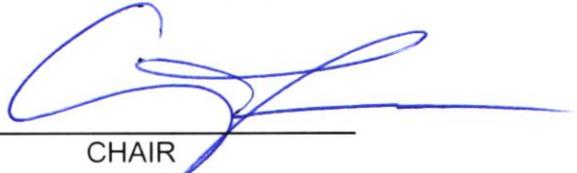
This resolution shall not become effective until the adoption of resolutions approving Zoning Application ZV/PDD/W-2024-00529 by the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 

COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 

CHAIR

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE NORTH 88°22'59" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 30, A DISTANCE OF 64.75 FEET; THENCE DEPARTING SAID SOUTH LINE, NORTH 01°37'01" EAST A DISTANCE OF 61.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD AS RECORDED IN ROAD PLAT BOOK 4, PAGE 201, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE THROUGH THE FOLLOWING THREE COURSES; NORTH 88°22'59" WEST A DISTANCE OF 776.63 FEET; THENCE NORTH 01°27'23" EAST A DISTANCE OF 5.00 FEET; THENCE NORTH 88°22'59" WEST A DISTANCE OF 50.00 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE EAST 50 FEET OF THE WEST 3/4 OF THE WEST 1/2 OF THE EAST 1/2 OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 30, SAID LINE ALSO BEING THE SOUTHERLY PROLONGATION OF THE EAST LINE OF PLAT NO. 3 OF GOLFVIEW HEIGHTS AS RECORDED IN PLAT BOOK 23, PAGE 234, SAID PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE NORTH 01°27'23" EAST, ALONG SAID EAST LINE AND ITS SOUTHERLY PROLONGATION THEREOF, A DISTANCE OF 2093.26 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE ALONG THE EAST LINE OF SAID PLAT NO. 3, NORTH 01°27'23" EAST A DISTANCE OF 255.65 FEET TO THE SOUTHWEST CORNER OF THE REPLAT OF PLAT NO. 4 OF GOLFVIEW HEIGHTS AND THE SOUTH RIGHT-OF-WAY LINE OF CHERRY ROAD AS RECORDED IN PLAT BOOK 24, PAGE 79, SAID PUBLIC RECORDS; THENCE SOUTH 88°37'33" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID CHERRY ROAD, A DISTANCE OF 822.07 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF NORTH CONGRESS AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 4041, PAGE 37, SAID PUBLIC RECORDS, SAID POINT ALSO BEING THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 87°30'21"; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.18 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 5783.60 FEET, A CENTRAL ANGLE OF 00°25'37" AND A RADIAL BEARING AT THIS POINT OF NORTH 88°52'47" EAST; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 43.08 FEET TO A POINT OF TANGENCY WITH THE FOLLOWING DESCRIBED LINE; THENCE SOUTH 01°32'49" EAST, ALONG SAID TANGENT LINE, A DISTANCE OF 188.95 FEET; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE OF NORTH CONGRESS AVENUE, NORTH 88°37'33" WEST A DISTANCE OF 859.08 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 217,800 SQUARE FEET OR 5.000 ACRES, MORE OR LESS

EXHIBIT B

VICINITY SKETCH

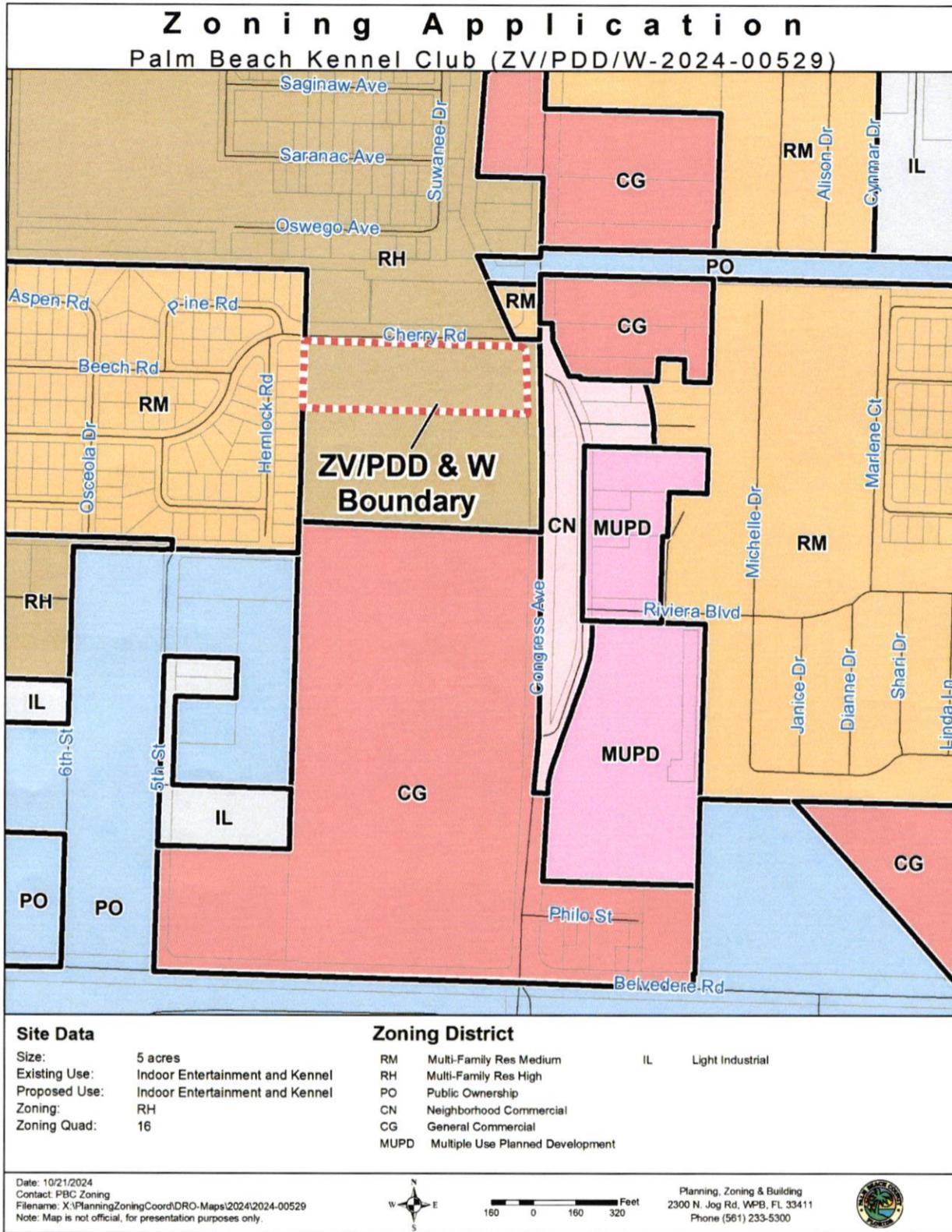


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

ALL PETITIONS

The approved Preliminary Site Plan is dated October 8, 2024. Modifications to the Development Order for the Type 2 Variance which is inconsistent with the Conditions of Approval, or beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Zoning Commission. (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. (BLDGPM: BUILDING DIVISION - 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 Final Site Plan. (DRO: ZONING - Zoning)

3. The Development Order for this concurrent Variance shall be tied to the Time Limitations of the Development Order for ZV/PDD/W-2024-00529. (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 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 II VARIANCE SUMMARY

	ULDC Article	Required	Proposed	Variance
1	Table 3.B.14.F. WCRAO Non-Residential & Mixed-Use Sub-Area PDR's	10 – 25 feet Build-to-Line at Cherry Road	Increase the build-to line to 45.6 feet (Building 1) & 30 feet (Building 2)	+20.6 feet, and +5 feet (45.6 ft setback from Cherry Road Building 1 and 30 ft Building 2)
2		10 – 25 feet Build-to-Line at Congress Road	Increase the build-to line to 72.4 feet (Building 1)	+47.4 feet (72.4 ft setback from Congress Rd for Building 1)
3	Table 3.B.14.F. WCRAO Non-Residential & Mixed-Use Sub-Area PDR's	Maximum building length UG = 300 feet	Building length 431.1 ft Building 2	+131.1 feet (431.1 feet in length for Building 2)
		Note 9: Buildings shall be articulated so that the longest side faces the front build-to line. Where a parcel is located at the intersection of two or more streets, at least one building shall be placed at a corner ... and comply with the build-to-line for both streets	Allow Building 1 longest side to face the side street Cherry Road Building 1 not at the build to line for Cherry Road and Congress Ave, but setback back as described in Variance 1 and 2.	Building 1 longest side to face the side street Cherry Road (215 ft.) Building 1 not at the build to line for Cherry Road and Congress Ave, but setback back as described in Variance 1 and 2.
4	Table 3.E.3.D. MUPD Lot Width and Frontage	300 feet MUPD Lot Width and Frontage	231 feet	-69 feet

SITUS ADDRESS:	1111 N Congress Ave West Palm Beach 33409	
OWNER NAME & ADDRESS:	Investment Corporation Of Palm Beach 1111 N Congress Ave West Palm Beach, FL 33409-6317	
PCN:	00-43-43-30-00-000-5190	
ZONING DISTRICT:	CG, RH	
BCC DISTRICT:	2, Commissioner Gregg K. Weiss	
LAND USE:	CH/5	S/T/R: 30-43-43
CONTROL #:	2024-00036	
LOT AREA:	5 acres +/-	
REQUEST:	to allow reduction of MUPD width and frontage, to allow the longest side facing the secondary frontage, to increase the setback from the build-to-line of Congress Ave and Cherry Road (WCRAO), and to allow an increase in maximum building length on 5 acres	