

RESOLUTION NO. ZR-2023-032

RESOLUTION APPROVING ZONING APPLICATION ZV/SV/PDD/CA-2023-00374
(CONTROL NO. 1973-00237)
TYPE II VARIANCE (CONCURRENT)
APPLICATION OF Northlake 3540
BY WGINC, AGENT
(NORTHLAKE COMMERCIAL)

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/SV/PDD/CA-2023-00374 the Application of Northlake 3540, by WGINC, Agent, for a Type 2 Variance to allow a reduction of the lot size and side-street setback, a Subdivision Variance to allow secondary access from a non-plan collector road with 22 foot wide pavement and sidewalk only on one side of the street, an Official Zoning Map Amendment to allow a rezoning from the Light Industrial (IL) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District and a Class A Conditional Use to allow a Type 1 Restaurant with drive-through on 2.02 acres was presented to the Zoning Commission at a public hearing conducted on November 2, 2023;

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 Process) 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, 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/SV/PDD/CA-2023-00374, the Application of Northlake 3540, by WGINC, Agent, for a Type 2 Variance to allow a reduction of the lot size and side-street setback on 2.02 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 November 2, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof; and Type 2 Variance Request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Pavlik moved for the approval of the Resolution.

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

Jess Sowards, Chair	- Aye
Cheri Pavlik, Vice Chair	- Aye
John Kern	- Absent
Michael Kelley	- Aye
Glen Gromann	- Aye
Sheri Scarborough	- Aye
Lisa Reves	- Aye
Alex Brumfield III	- Aye
Mark Beatty	- Aye

The Chair thereupon declared the resolution was duly passed and adopted on November 2, 2023.

This resolution shall only become effective upon the effective date of a resolution approving Zoning Application ZV/SV/PDD/CA-2023-00374 by the Board of County Commissioners.

This resolution was filed with the Palm Beach County Zoning Division on November 2, 2023.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

THE EAST 331.69 FEET OF THE NORTH 367 FEET OF THE EAST ONE-HALF (E-1/2) OF THE NORTHEAST ONE- QUARTER (NE-1/4) OF THE NORTHEAST ONE-QUARTER (NE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 30 FEET AND THE NORTH 75 FEET FOR ROAD RIGHTS OF WAY.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 19; THENCE S01°32'37"W, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 19, A DISTANCE OF 367.00 FEET; THENCE N88°27'27"W, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N88°27'27"W, A DISTANCE OF 301.69 FEET; THENCE N01°32'37"E, A DISTANCE OF 292.00 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY OF NORTHLAKE BOULEVARD; THENCE S88°27'27"E, ALONG SAID SOUTH RIGHT-OF- WAY LINE , A DISTANCE OF 301.69 FEET TO THE INTERSECTION WITH THE WEST RIGHT- OF-WAY OF BURMA ROAD; THENCE S01°32'37"W, ALONG SAID WEST RIGHT – OF- WAY LINE, A DISTANCE OF 292.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 88,093 SQUARE FEET, OR 2.02 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

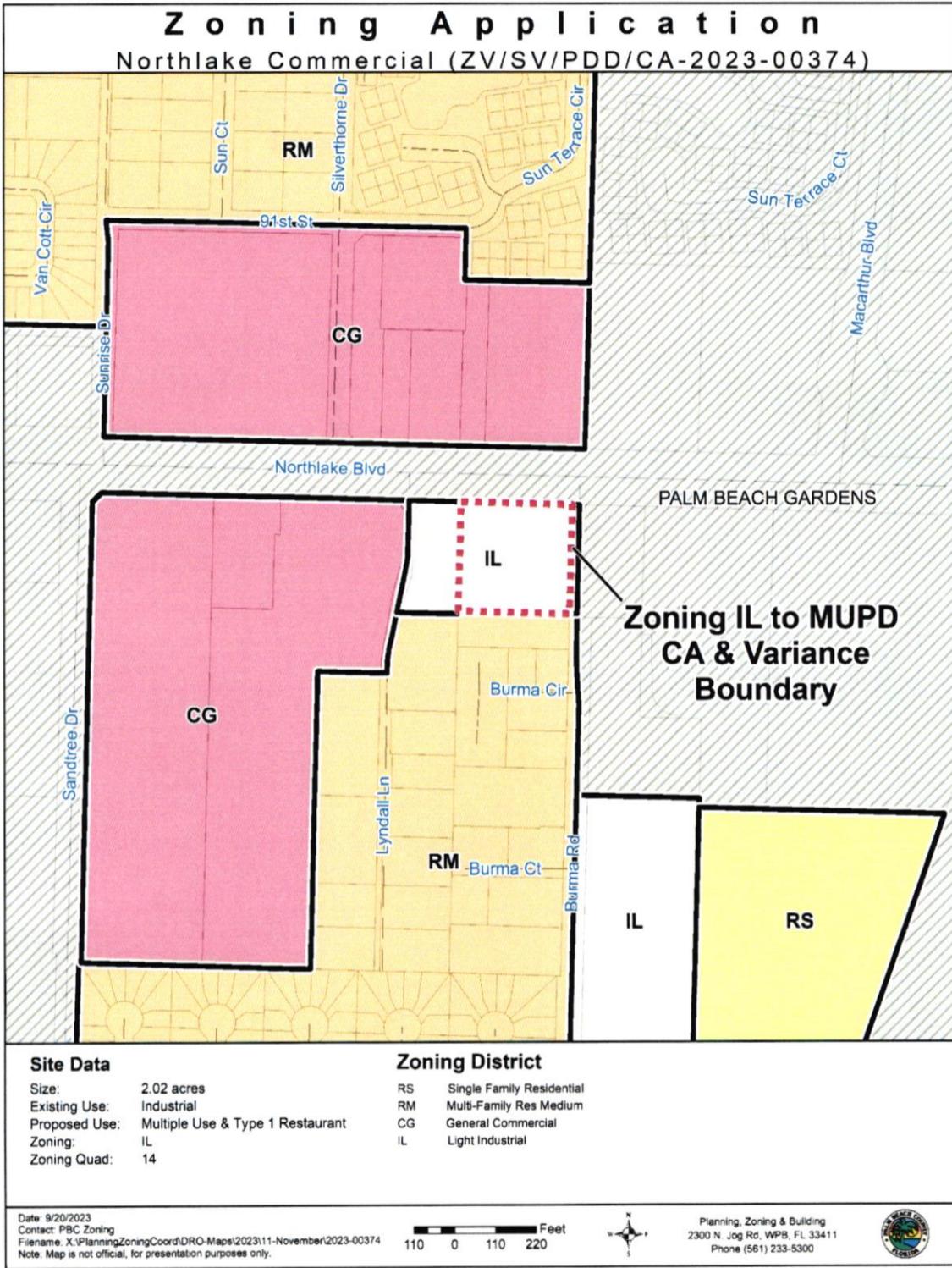


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

ALL PETITIONS

1. This Variance is approved based on the layout as shown on the Preliminary Site Plan dated September 14, 2023. Only minor modifications by Zoning Commission or Development Review Officer shall be permitted provided the changes are consistent with this Site Plan. (ONGOING: ZONING - Zoning)

VARIANCE

1. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for ZV/SV/PDD/CA-2023-00374. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING - Zoning)

2. 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. (ONGOING: BUILDING DIVISION - Zoning)

3. 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 Site Plan. (DRO/ONGOING: ZONING - 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; 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: ZONING - 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
3.E.3.D MUPD Property Development Regulations	3.0 acres	2.02 acres	reduction of 0.98 acres
3.E.3.D MUPD Property Development Regulations	25 foot side setback	21 foot side setback	reduction of 4 feet

SITUS ADDRESS:	3540 Northlake Blvd West Palm Beach 33403 3550 Northlake Blvd West Palm Beach 33403		
OWNER NAME & ADDRESS:	Northlake 3540 360 S Rosemary Ave, Ste 400 West Palm Beach, FL 33401-6052		
PCN:	00-43-42-19-00-000-3024		
ZONING DISTRICT:	Light Industrial (Industrial Light)		
BCC DISTRICT:	District 1		
PROJECT MANAGER:	Donna Adelsperger, Senior Site Planner		
LAND USE:	INDustrial	S/T/R: 19-42-43	
CONTROL #:	1973-00237		
LOT AREA:	2.02 acres +/-		
APPLICANT REQUEST:	to allow a reduction of the lot size and side-street setback on 2.02 acres		