

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



**ZONING COMMISSION VARIANCE
STAFF REPORT
July 02, 2015**

APPLICATION NO.	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
ZV-2015- 00766	(V1) Article 6.B.1.F.3 Roofed Loading Single Tenant over 50,000 in PDD/TDD	Single tenant users over 50,000 square feet shall provide a roof of 55-feet over loading areas	4-foot roof over loading areas for single tenant users over 50,000 square feet	Reduction of 51-feet for the roof over loading areas for single tenant users over 50,000 square feet
	(V2) Article 7.G.2.A - Terminal Landscape Islands	Terminal landscape islands at the end of each row	No terminal islands within the trailer and employee/driver parking area	Elimination of terminal islands within the trailer and employee /driver parking area
	(V3) Article 7.G.2.B - Interior Landscape islands	One interior landscape island every ten parking spaces (maximum 100 feet apart)	No interior landscape islands for the trailer and employee/driver parking spaces	Eliminate the interior landscape islands for the trailer and employee/driver parking spaces
SITUS ADDRESS:	None at this time (Distribution Way is the future situs address) See General Location below			
AGENT NAME & ADDRESS:	Chris Barry Urban Design Kilday Studios 610 Clematis St West Palm Beach FL 33401			
OWNER NAME & ADDRESS:	YTG Palm Beach IL WR LP 15132 Park of Commerce Blvd, Ste 101 Jupiter, FL 33478			
PCN:	00-41-41-17-02-002-0010	S/T/R: 17-41-41		
ZONING DISTRICT:	PIPD			
BCC DISTRICT:	01			
PROJECT MANAGER:	Donna Adelsperger, Site Planner I			
LEGAL AD:	ZV-2015-00766 Title: Resolution approving a Type II Variance application of YTG Palm Beach IL WR LP by Urban Design Kilday Studios, Agent. Request: to allow a reduction in the depth of the required roof over a loading zone; the second to eliminate the terminal islands within the truck and employee/driver parking area; and the third is to eliminate the interior islands within the truck and employee/driver parking			

	area. General Location: Located on the east side of the Bee Line Highway approximately 1,655 lineal feet southeast of Pratt Whitney Road. (PROJECT OSPREY) (1981-00190)		
LAND USE:	IND		
CONTROL #:	1981-00190		
LOT AREA:	72 acres +/-		
LOT DIMENSIONS:	1,367 feet (Width/frontage) by 2,380 feet (Depth)		
CONFORMITY OF LOT:	Yes	CONFORMITY OF ELEMENT:	Request for a reduction in Roof over loading area; and elimination of terminal and interior islands
TYPE OF ELEMENT:	Roof over loading area, terminal and interior islands	ELEMENT SIZE:	55-foot roof over loading area; terminal islands and 1 interior islands every 10 spaces
BUILDING PERMIT #:	N/A	NOTICE OF VIOLATION:	N/A
CONSTRUCTION STATUS:	Vacant		
APPLICANT REQUEST:	to allow a reduction in the depth of the required roof over a loading zone; the second to eliminate the terminal islands within the truck and employee/driver parking area; and the third is to eliminate the interior islands within the truck and employee/driver parking area.		

RECOMMENDATION: Staff recommends approval of the requests subject to 8 Conditions of Approval as indicated in Exhibit C based upon the application of the standards enumerated in Article 2, Section 2.B.3.E of the Palm Beach County Unified Land Development Code (ULDC), which an Applicant must meet before the Zoning Commission who may authorize a variance.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received 0 contacts from the public regarding this project.

APPLICATION SUMMARY: Proposed are three Type II Variances for the Project Osprey development. The subject 72-acre site is located within the Palm Beach Park of Commerce. The overall 1300 acre development was originally approved by the Board of County Commissioners on May 4, 1992. The subject site of the variance was recently approved by the Development Review Officer (DRO) on May 13, 2015 to allow 592,059-square feet (sq. ft.) Warehouse with 25,422 sq. ft. accessory office use and 13,519 sq. ft. General Repair and Maintenance uses for a total of 631,000 sq. ft..

The Applicant is seeking three variances to allow a reduction in the depth of the required roof over a loading zone; the second to eliminate the terminal islands within the truck and employee/driver parking area; and the third is to eliminate the interior islands within the truck and employee/driver parking area. Access to the site will be from Distribution Way which is within the Palm Beach Park of Commerce Development.

PROJECT HISTORY:

Application No.	Request	Approval Date	Resolution No.
Petition 1981-190	a Development of Regional Impact (DRI)	February 2, 1982	R-1982-120
Petition 1981-190	rezoning of the site from AG to IL and PIPD	May 4, 1982	R-1982-468
Petition 1981-190A	Deletion of Lot 1L-2 (3-acres)	May 22, 1990	R-1990-812
Petition 1989-121 (companion to	Rezoned the three-acre parcel from PIPD to IL; SE for Lot1 L-	May 22, 1990	R-1990-827 and R-1990-828

application above)	2 to permit a public and private utility service and accessory buildings and structures		
1981-190B	Withdrawn	N/A	N/A
1980-190C	Modification to Conditions of Approval	March 16, 1993	R-1993-344
1981-190D	Modify Condition of Approval	September 28, 1995	R-1995-1321.15
	County staff restated the PIPD conditions of approval for both the DRI and local government conditions	January 30, 1997	R-1997-160 (local) and R-1997-161 (DRI)
2003-023	Variance for Sidewalk reduction	N/A	Withdrawn
DOA-2005-148	Amend permitted uses to include college/university and hospital/ medical and amend development order conditions concerning research and development uses	September 6, 2005	R-2005-1419 and R-2005-1419.1
PDD/DOA-2006-505	1) Rezoning from the Light Industrial (IL) Zoning District to the Planned Industrial Park Development (PIPD) District; 2) To add land area (80 acres), reconfigure master plan, redesignate land uses, and add access; and 3) DRI Amendment To extend build out date and add land area (80 acres)	November 27, 2006	R-2006-2560; R-2006-2561 and R-2006-2562
SD-141 (80-acre Parcel only)	Reduction in access width for a non-residential use project	November 7, 2013	ZR-2013-035

SURROUNDING LAND USES: The subject parcel is located internal to the Palm Beach Park of Commerce, an area consisting of primarily industrial uses.

NORTH:

FLU: Industrial (IND)
Zoning District: Planned Industrial Park Development (PIPD)
Supporting: Vacant (1981-00190 Palm Beach Park of Commerce)

SOUTH:

FLU: Industrial (IND)
Zoning District: Planned Industrial Park Development (PIPD)
Supporting: Vacant (1981-00190 Palm Beach Park of Commerce)

EAST:

FLU: Industrial (IND)
Zoning District: Planned Industrial Park Development (PIPD)
Supporting: Vacant (1981-00190 Palm Beach Park of Commerce)

WEST:

FLU: Rural Residential 20 (RR-20)
Zoning District: Light Industrial (IL)
Supporting: Vacant

Summary of Article 6.B.1.F.3 Single tenant roof over loading areas

The intent of Article 6.B.1.F.3 Single tenant roof over loading areas is to establish the minimum requirements for screening of loading, docks and associated maneuvering areas that are visible from a street Right-of-Way. In addition to the other requirements of Article 6.B.1.F.2, Single tenant users in

excess of 50,000 square feet and are located within a Planned Development District (PDD) are required to provide a roof over loading areas.

The Applicant is providing the required screen wall at the end of the loading spaces as well as the foundation planting; however, only proposes a 4-foot overhang to provide shelter from the weather at the rear of the trucks. The Applicant states that the construction of a 55-foot roof over the loading area will create unsafe maneuvering and ongoing potential of structural damage as the roof will require additional supports throughout the extent (760 feet in length) of the loading area.

Summary of Article 7.G.2.A - Terminal Islands

The purpose and intent of this Article is to establish minimum standards for the design, layout, installation and continued maintenance of landscaping.

Terminal Islands

Each row of parking spaces, in excess of three spaces or four spaces in industrial zoning districts, shall be terminated by a landscape island. Terminal islands shall have a minimum width of eight feet and a length of 15 feet, and include one tree per island.

Summary of Article 7.G.2.B - Interior Islands

Interior landscape islands shall have a minimum width of eight feet and a length of 15 feet of landscape area. If an interior island includes a sidewalk or utilities, the minimum width shall increase by the minimum amount necessary to meet the needs of the utility providers or sidewalk. Interior islands shall contain one tree and appropriate ground coverage. Within the Urban/Suburban Tier the maximum spacing between interior islands is ten spaces or 100 feet.

The Applicant proposes to eliminate the required terminal islands and interior islands within the trailer and employee/driver parking areas due to the size of trailers and operation of the project. The facility will be a 24-hour/365-day operation and moving trailers during limited lighting at night would create an unsafe environment as well the potential for ongoing damage to curbing, landscape material and trailers being moved.

FINDINGS:

Zoning or Subdivision Variances:

The ZC shall consider and find that all seven criteria listed below have been satisfied by the Applicant prior to making a motion for approval, of a Zoning or Subdivision Variance.

ANALYSIS OF ARTICLE 2, SECTION 2.B.3.E VARIANCE STANDARDS

1. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME ZONING DISTRICT:

V1 YES: There are special conditions and circumstances which exist for this development. The use of the building for the loading and unloading of packages and requires the building to be designed with multiple loading zones. The required roof area over the loading area may not be warranted in this case considering the design of the building and the daily operation of the business. The support structures needed for a roof over the loading area may become a safety issue because of the frequency of trucks using the loading areas.

V2 - V3 YES The placement of the required terminal and interior islands within the areas where the trailers are parked may be impractical due to the size of the trailers and the frequency of the use of the trailer parking spaces. The Applicant also states that this facility operates 24 hours a day, and during the night hours it can become more difficult to park in areas directly adjacent to the terminal and interior islands without causing damage to the vehicle or the interior island. Considering the operation and use of the building, there are special conditions and circumstances that are peculiar to the building that are not applicable to other parcels of land, structures or buildings in the same zoning district. The Applicant has indicated that the required plant material will be relocated on the site. Staff recommends Landscape Condition 1 for relocation of the required landscape materials as shown on the Preliminary Site Plan.

2. SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT:

V1-V3 YES: The intent of loading zone screening regulations are to buffer the visual impact of the operation of a loading zone from adjacent residential and ROW's. As noted above, there are no residential uses adjacent to the site and although it is adjacent to ROW's, they do not serve uses that are incompatible with the proposed use. Additionally, when considering the functionality of the site and the frequency of large trucks using the associated trailer and employee/driver parking areas, it seems practical to eliminate the terminal and interior island requirement from the areas where there is trailer and employee/driver parking.

3. GRANTING THE VARIANCE SHALL NOT CONFER UPON THE APPLICANT ANY SPECIAL PRIVILEGE DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES IN THE SAME ZONING DISTRICT:

V1-V3 YES: Granting the variance will not confer upon the Applicant a special privilege for other structures in the same zoning district. Staff notes that other sites consisting of single tenant users over 50,000 square feet have previously requested and been approved for the same variances being requested by this application. Staff is currently processing an amendment to the Unified Land Development Code (ULDC) under Round 15-01 which will delete the requirement for a roof over loading spaces for single tenant users over 50,000 sq.ft.

4. LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN THE SAME ZONING DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:

V1-V3 YES: Literal interpretation would require the building to be designed with a roof area along the entire length of the south facade of the building approximately 55 feet in depth by 1,547feet in length. Staff notes that the Site Plan indicates a front setback of 247feet from the access point of Distribution Way and Corporate Road South, and that the Applicant is retaining the existing vegetation to further assist in the screening of the loading area. In addition, the placement of terminal and interior islands within the trailer parking areas can affect the functionality of these areas. Staff notes that the Site Plan indicates that the Applicant will be relocating the trees/landscape material from the landscape islands to the area south of the truck parking area to provide additional screening from the proposed Right-of-Way to the southeast corner of the site.

5. GRANT OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:

V1-V3 YES: Without granting of the variances, the building would have to be constructed with the roof over the entire length of the south facade of the building which would be approximately 55-feet in depth by 1,547-feet in length, the terminal islands would need to be installed at the end of all trailer parking rows, and interior islands would have to be constructed between every ten trailer parking spaces.

6. GRANT OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:

V1-V3 YES: The requested variances are the minimum variances required to comply with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code. In addition, the Applicant has agreed to relocate the required trees and shrubs from the terminal and interior islands to an area adjacent to the truck parking area to assist in buffering the loading zone from the ROW to the southeast corner of the site. See Landscape Condition 1.

7. THE GRANT OF THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:

V1-V3 YES: Granting of the Type II Variances will not be injurious to the area or detrimental to the public welfare. In fact the granting of the reduction of the roof over the loading spaces would

eliminate any potential damage to the building structure and/or vehicles when backing into the loading spaces as they would not be trying to fit between support columns and as well as any potential injury to persons. The elimination of the terminal and interior islands in the truck and employee/drivers parking spaces would prevent the large trailers/vehicles from running over curbing that could cause damage to the vehicles; curbing and unlikely survival of the landscape materials.

CONDITIONS OF APPROVAL

EXHIBIT C

Type II Variance - Standalone

ALL PETITIONS

1. The approved Preliminary Site Plan is dated May 14, 2015. 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 Zoning Commission. (ONGOING: ZONING - Zoning)

2. No later than September 2, 2015, the Property Owner shall amend the DRO Approved Final Site and Regulating Plans to indicate the relocation of the trees and landscape materials, that is the subject of this Application, to the area south of and adjacent to the truck parking area as shown on the Preliminary Site Plan dated May 14, 2015. (DATE: MONITORING - Zoning)

LANDSCAPE - GENERAL

1. The required trees and landscape materials for the terminal and interior island, that are the subject of this Application, shall be relocated to the area south of and adjacent to the truck parking area as shown on the Preliminary Site Plan dated May 14, 2015, to further assist with screening of the loading area. (ONGOING: LANDSCAPE - Zoning)

VARIANCE-GENERAL

1. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for Application DRO-2015-332. (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 Final Site Plan to the Building Division. (BLDGPM: BUILDING DIVISION - 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 Board of County Commissioners for review under the compliance Condition of this Approval. (ONGOING: ZONING - 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.

Figure 1 Land Use Map



Figure 2 Zoning Map

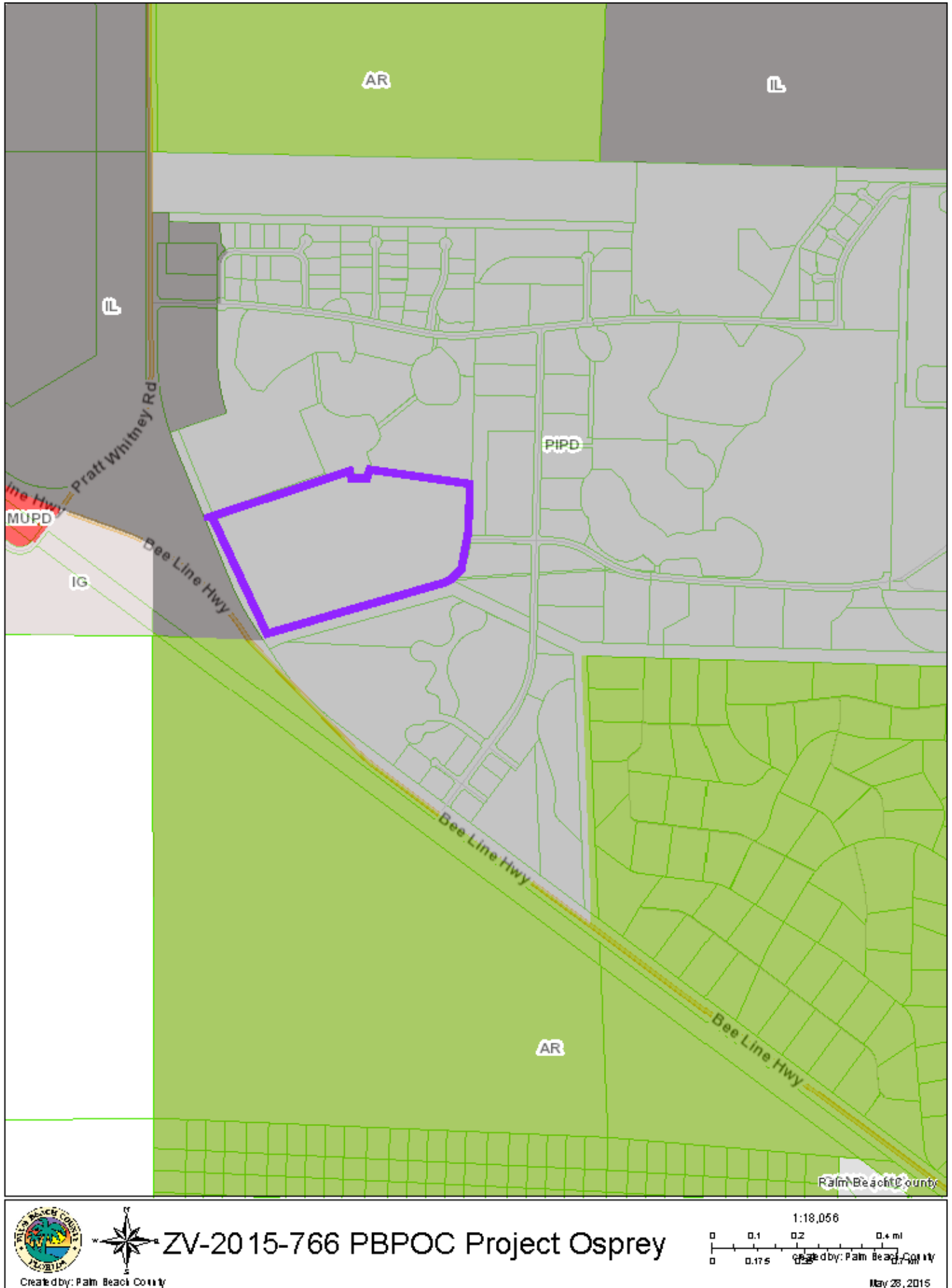
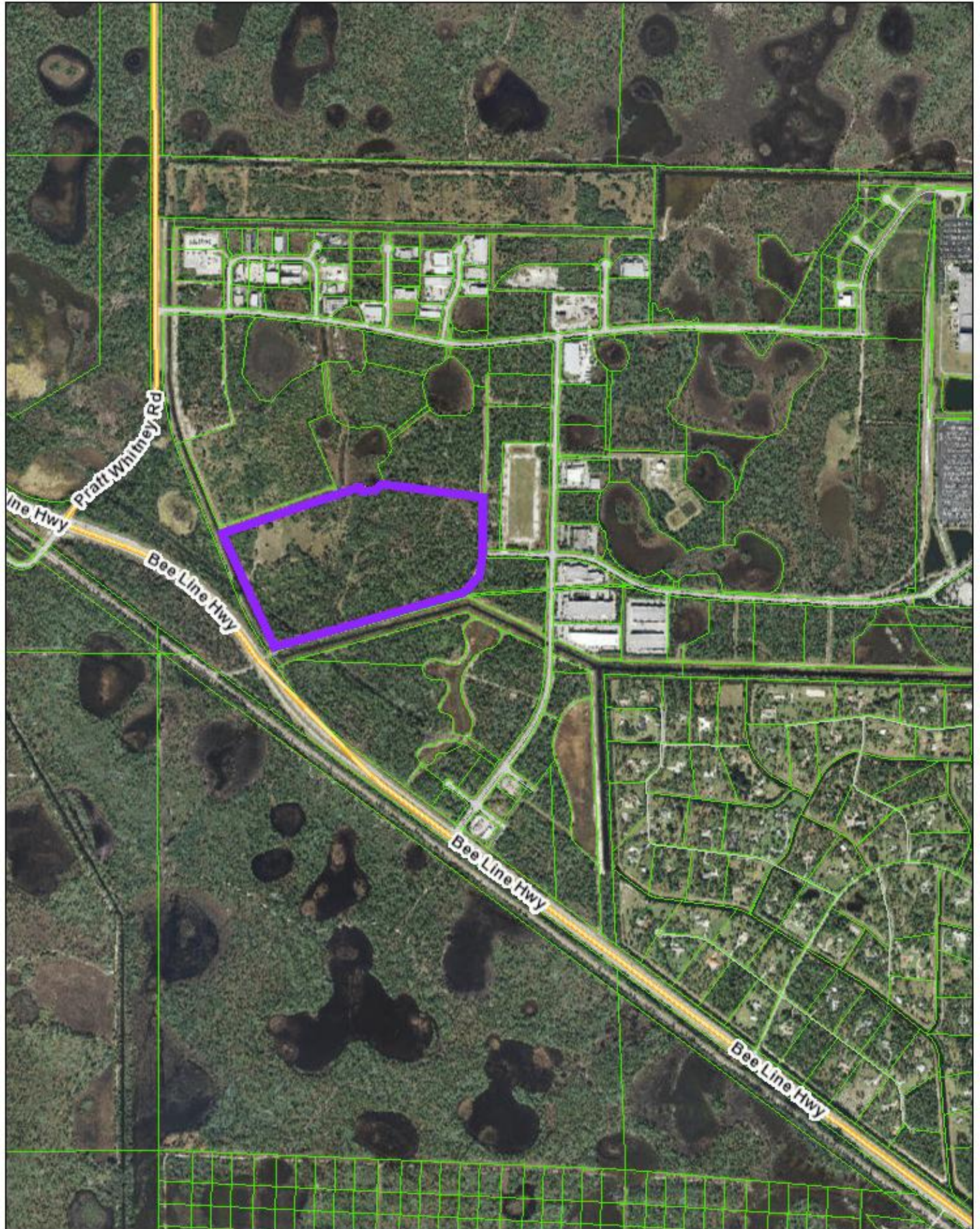


Figure 3 Aerial




  **ZV-2015-766 PPOC Project Osprey** 1:18,056
0 0.1 0.2 0.4 mi
0 0.175 0.35
Created by: Palm Beach County
May 28, 2015

Figure 4 Preliminary Site Plan dated May 14, 2014

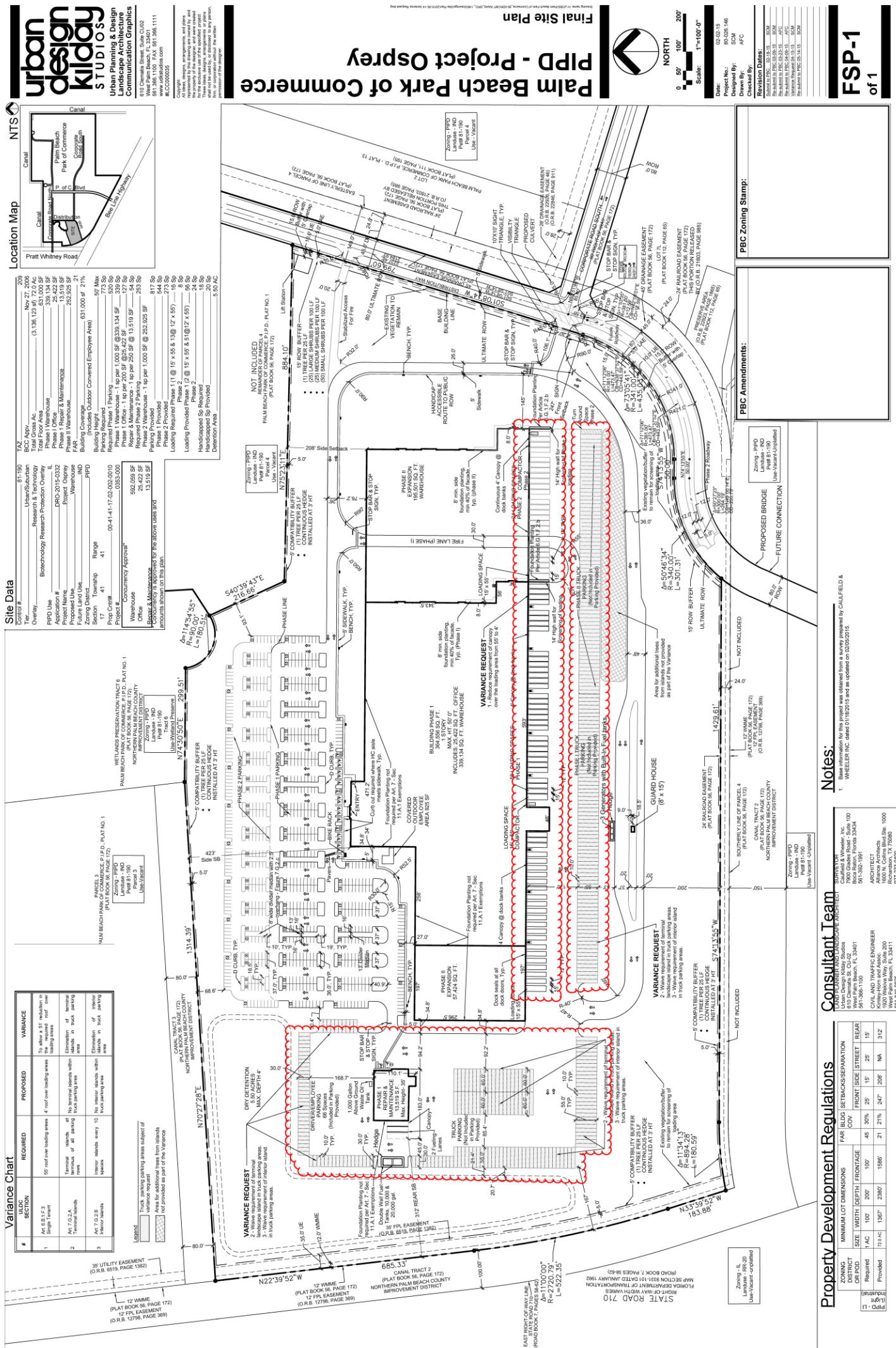


Figure 5 Site photos



East property line (west side of proposed ROW) looking west



East property line looking north



East property line looking west



Southeast corner looking west

Exhibit D – Disclosures

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared J. Bradford Smith, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [] individual or [] Manager of YTG Florida LLC (see note) [position - e.g., president, partner, trustee] of YTG Florida LLC (see note) [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County. *General Partner of YTG Palm Beach ILWR, LP
- 2. Affiant's address is: 3350 Riverwood Parkway, Suite 750
Atlanta, GA 30339
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.



J. Bradford Smith, ~~Manager~~, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 20 day of MAY, 2015, by J Bradford Smith, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Notary Public

JUDY B BYRD

(Print Notary Name)

NOTARY PUBLIC

~~State of Florida at Large~~

My Commission Expires: 9/6/2016

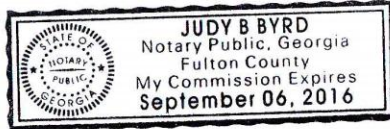


EXHIBIT "A"

PROPERTY

A PORTION OF PARCEL 4, PALM BEACH PARK OF COMMERCE P.I.P.D., PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 56, PAGES 172 THROUGH 176 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID PARCEL 4; THENCE N.70°27'28"E. ALONG THE WESTERLY LINE OF SAID PARCEL 4, A DISTANCE OF 1,314.39 FEET; THENCE N.74°30'50"E., CONTINUING ALONG THE WESTERLY LINE OF SAID PARCEL 4, A DISTANCE OF 299.51 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.65°58'02"E., A RADIAL DISTANCE OF 90.00 FEET; THENCE EASTERLY ALONG THE ARC OF THE WESTERLY LINE OF SAID PARCEL 4, THROUGH A CENTRAL ANGLE OF 114°54'55", AN ARC DISTANCE OF 180.51 FEET; THENCE S.40°39'43"E., A DISTANCE OF 216.66 FEET; THENCE N.75°23'11"E., A DISTANCE OF 884.10 FEET; THENCE S.01°08'14"W. ALONG A LINE 149.00 FEET WESTERLY OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EASTERLY LINE OF SAID PARCEL 4, A DISTANCE OF 799.60 FEET TO A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 341.00 FEET AND A CENTRAL ANGLE OF 73°05'41"; THENCE SOUTHWESTERLY ALONG THE ARC, A DISTANCE OF 435.03 FEET; THENCE S.74°13'55"W., A DISTANCE OF 50.00 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 340.00 FEET AND A CENTRAL ANGLE OF 50°46'34"; THENCE SOUTHWESTERLY ALONG THE ARC, A DISTANCE OF 301.31 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY LINE OF A 24.00 WIDE RAILROAD EASEMENT, AS SHOWN ON SAID PLAT; THENCE S.74°13'55"W. ALONG THE NORTHERLY LINE OF SAID RAILROAD EASEMENT, A DISTANCE OF 1429.61 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 894.28 FEET AND A CENTRAL ANGLE OF 11°34'13"; THENCE WESTERLY CONTINUING ALONG THE NORTHERLY LINE OF SAID RAILROAD EASEMENT, AN ARC DISTANCE OF 180.59 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY LINE OF SAID PARCEL 4; THENCE N.33°39'52"W. ALONG THE WESTERLY LINE OF PARCEL 4, A DISTANCE OF 159.73 FEET TO A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 2,720.79 FEET AND A CENTRAL ANGLE OF 11°00'00"; THENCE NORTHWESTERLY, CONTINUING ALONG THE WESTERLY LINE OF SAID PARCEL 4, AN ARC DISTANCE OF 522.35 FEET; THENCE N.22°39'52"W., CONTINUING ALONG THE WESTERLY LINE OF SAID PARCEL 4, A DISTANCE OF 685.33 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 3,136.123 SQUARE FEET OR 71.9955 ACRES MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
100% YTG Ventures, LP	3350 Riverwood Parkway, Suite 750, Atlanta, GA 30339
5% or more James Dinan	c/o YCM, 767 Park Ave, 17th Floor, New York, NY 10153
5% or more Daniel Schwartz	c/o YCM, 767 Park Ave, 17th Floor, New York, NY 10153
5% or more CFL NY LLC (Harry Koschitzky)	c/o 3 Columbus Cir., 15th Floor, New York, NY 10019
5% or more Tamar Goldstein	400 West End Ave., Apt 18A, New York, NY 10024
5% or more Briar Hill Israel Ltd (Johnathan Koschitzky)	5 Hatayasim, Ra'anana, Isreal 43264
5% or more G. Leelach Investments Ltd. (Leelah Gitler)	Achi Dakar 29, Ra'anana, Israel 43259
5% or more Lemai Holdings Ltd (David Koschitzky)	19 Yorkdowns Drive, Toronto ON

**PALM BEACH PARK OF COMMERCE PIPD
– PROJECT OSPREY
JUSTIFICATION STATEMENT**

Request: Stand Alone Type II Zoning Variance
Control Number: 1981-190
Application Number: ZV-2015-00766
Re-Submittal 1: May 14, 2015



Urban Planning and Design
Landscape Architecture
Communication Graphics

OVERVIEW OF REQUESTS & PROPERTY INTRODUCTION

On behalf of the applicant and property owners, YTG Palm Beach IL WR, LP, Urban Design Kilday Studios (UDKS) has prepared and hereby respectfully submits this application for the approval of Stand Alone, Type II Zoning Variance requests. These Type II Zoning Variance requests are being submitted as a follow up to the requests currently in process listed below:

- Final Master Plan (FMP) (Application [App.] No. DRO-2015-0329) approval to allow the following amendments:
 - Reflect conservation easements;
 - Reconfigure an internal roadway; and
 - Change the official name of the project from Florida Research Park PIPD to Palm Beach Park of Commerce.
- Final Subdivision Plan (FSBP) (App. No. DRO-2015-00330) approval to allow for the subdivision of Parcel 4.
- Final Site Plan (FSP) (App. No. DRO-2015-0332) request to allow for the construction of a 631,000 square foot industrial facility on a 72+/- acre portion of Parcel 4 of the Palm Beach Park of Commerce P.I.P.D. Plat No. 1 as recorded in Plat Book (PB) 56, Pages (PG) 172 through 176.

The requested variances are applicable to the FSP referenced above.

PALM BEACH PARK OF COMMERCE PIPD

The Palm Beach Park of Commerce PIPD (POC) is located on the north side of Beeline Highway and the east side of Seminole Pratt Whitney Road and is approximately 1,323 acres in size. The land use on the overall property is Industrial (IND) and the Zoning Designation is Planned Industrial Park Development (PID). A portion of the subject property is located within the boundaries of the United Technologies Corporation Protection Area (UT) Overlay and is part of a Limited Urban Service Area.

The POC was originally approved as a Development of Regional Impact (DRI) by the Palm Beach County (PBC) Board of County Commissioners (BCC) on January 26, 1982. The most recent amendment to the DRI Development Order was approved on November 27, 2006 via Resolutions R-2006-2560, R-2006-2561 and R-2006-2562. This approval amended the master plan to add approximately 80 acres to the northwest of the PIPD, as well as an additional access point. This land area has since received

610 Clematis Street
Suite CU02
West Palm Beach, FL 33401
561.366.1100 561.366.1111 fax
www.udkstudios.com
LCC000035

subdivision plan approval, as well as a subdivision variance in regard to access requirements.

Undeveloped land with Conservation Future Land Use designations (a.k.a. Pine Glades Natural Area) is located to the north of the site. Single-family residences; orchard groves and parcels of land with cattle farming activities are located to the south, across Beeline Highway. Single-family residences of the Jupiter Farms and Caloosa subdivisions are to the northeast and east of the PIPD. Vacant land with Conservation Industrial and RR-20 Future Land Use designations is located to the west of the site. Under the original approval of this PIPD, there is a 900-foot wide Limited Development Zone (LDZ) established along the residential property lines of the project. The intent of this LDZ is to restrict certain types of uses from being located in close proximity to the adjacent residences. No revisions to the LDZ are proposed as part of this request.

SITE DESIGN

Access to the 72+/- acre parcel, which is the subject of the variance requests, will be provided from the east via one ingress/egress point from/to the proposed, realigned Corporate Park South with a secondary emergency fire access also provided in the north portion of the site to Distribution Way. The main ingress/egress point will provide vehicular access to the 815-space parking spaces and 80-space loading spaces that will service the proposed facility. The 631,000 s.f. facility will consist of the following uses and square footages:

- Warehouse 592,059 s.f.
 - Phase 1 339,134 s.f.
 - Phase 2 252,925 s.f.
- Office 25,422 s.f.
- Repair & Maintenance Facility 13,519 s.f.

This facility is intended to be a large-scale warehouse distribution center and, as such, the internal drive aisles were designed in a manner to allow vehicular traffic, especially truck traffic, to easily navigate through the property. The layout of the vehicular use area is intended to channel truck traffic to the south and west whereas the personal vehicle traffic will be channelized to the north. As such, the vehicular use area on the south side of the proposed warehouse/office structure was designed to accommodate a large volume of truck traffic that will be loading, parking and driving through the property.

Both the structures and the vehicular use areas are proposed in two (2) phases as indicated on the FSP.

Side foundation planting is provided along the east façades of both phases of the warehouse building as this is the only façade visible from a public street. Per PBC ULDC Article 7.D.11.A.1, industrial buildings not visible from a public street or residential zoning district are exempt from foundation planting requirements. As such, foundation planting is not provided along the north (front) and west (side) façades.

There is an outdoor employee area being provided which will be covered and have fixed bench seating for the employees to enjoy.

The proposed facility will operate 24 hours a day for 365 days a year.

TYPE II VARIANCE REQUEST & STANDARDS

As stated previously the applicant is requesting the approval of three (3) concurrent, Type II Variances as follows:

#	ULDC SECTION	REQUIRED	PROPOSED	VARIANCE
1	Art. 6.B.1.F.3 Single Tenant	55' roof over loading areas	4' roof over loading areas	To allow a 51' reduction in the required roof over loading areas
2	Art. 7.G.2.A Terminal Islands	Terminal islands at terminus of all parking rows	No terminal islands within truck parking area and driver/employee parking	Elimination of terminal islands in truck parking area and driver/employee parking
3	Art. 7.G.2.B Interior Islands	Interior islands every 10 spaces	No interior islands within truck parking area and driver/employee parking	Elimination of interior islands in truck parking area and driver/employee parking

Per PBC ULDC Art. 2.B.2.G.3, Standards, the proposed Type II Variances requests will meet the seven (7) standards listed as follows:

1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district;

RESPONSE:

- **V1:** There are special conditions and circumstances that are peculiar to the parcel of land. First, the agent's understanding is that the intent of the roofing over the loading spaces is to contribute to the screening of the loading zones from adjacent residential districts and public rights-of-way (R-O-W). There are no adjacent residential districts and, as proven in the processing of the FSP application, the loading zones will not be visible from a public R-O-W. As such, the fact that there is no need to provide additional screening (beyond that being provided by existing and proposed vegetation) is a special condition peculiar to the subject property. Of note, it is the applicant's understanding that this ULDC section has been recognized as problematic for industrial uses and a ULDC amendment will be processed in the near future to address this issue.

Next, the proposed warehouse building is proposed at a total of 592,059 square feet which is a substantial warehousing facility. As such, the entire southern side of the building is designed with 80 loading zones to support the operations of the facility. Each one of these loading zones will be equipped with dock seals that will provide a seal around the back of each trailer when loading/unloading is occurring so that inclement weather does not impact the operations. In addition, the applicant is proposing a continuous, four (4) foot wide canopy over every loading space.

Finally, the industrial nature of the operations are a special circumstance that warrants the variance and is consistent with Staff's identification of the issue with this ULDC section.

- **V2/V3:** The provision of terminal and interior islands within the area that will be dominated by truck traffic is impractical due to the size of the trailers, the frequency of the use of the trailer parking spaces and the need for maximum maneuverability throughout the area and should be considered a special circumstance associated with the use. Considering the operation and use of the building, there are special conditions and circumstances that are peculiar to the building that are not applicable to other parcels of land, structures or buildings in the same zoning district.

Furthermore, the truck parking spaces are spaces provided in excess of the minimum parking spaces required per the uses proposed on the subject property. As shown on the attached Final Site Plan (Sheet FSP-1 of 1) prepared by UDKS the number of parking spaces required (for both phases) is 773 spaces and the number provided (not including the truck parking spaces) is 815 spaces.

2. Special circumstances and conditions do not result from the actions of the applicant;

RESPONSE:

- **V1:** The applicant's facility design has allowed the necessary screening of the loading spaces from a public R-O-W and, as such, the applicant's actions have resulted in negating the purpose of the roofing over the loading zones. Additionally, the design is typical of industry and the requirement to completely cover the loading area for an industrial use is not reasonable.
- **V2/V3:** While the applicant is proposing a warehousing facility that generates the demand for the number of truck parking spaces the nature of a vehicular use area dominated by truck traffic is not a result of the actions of the applicant but of the operational requirement of the use. Furthermore, the applicant has provided the required terminal and interior islands within the 817-space (exclusive of the truck parking spaces) parking lot on the north side of the proposed building.

3. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district;

RESPONSE:

- **V1:** Other projects in the same or similar zoning districts that received similar variances are as follows:
 - **Federal Express Distribution Center (Control No. 1996-00041):** Elimination of the roof over loading areas for single tenant users over 50,000 square feet in the Multiple Use Planned Development (MUPD) Zoning District was approved by the PBC Zoning Commission (ZC) on November 6, 2014 through Resolution No. ZR-2014-045.
 - **Turnpike Crossing East Industrial Property (Control No. 2005-00455):** Elimination of the roof over loading areas for single tenant users over 50,000 square feet in the PIPD Zoning District was approved by the PBC ZC on March 5, 2009 through Resolution No. ZR-2009-014.

These variance approvals have resulted in the aforementioned ULDC section amendment currently being considered by Staff.

- **V2/V3:** Another project in a similar zoning district that received similar variances are as follows:
 - **Federal Express Distribution Center (Control No. 1996-00041):** Elimination of the interior landscape islands for the trailer parking spaces in the MUPD Zoning District was approved by the PBC ZC on November 6, 2014 through Resolution No. ZR-2014-045.

Granting of the variances would not confer a special privilege as any other project has the ability to be granted similar variances upon adequately justifying the request.

4. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship;

RESPONSE:

- **V1:** Literal interpretation of the Code would deprive the applicant the rights enjoyed by other PIPD's that were granted variances to allow for the elimination of the roof over the loading zone. As such, this would cause an unnecessary and undue hardship as the applicant would be required to provide a 55-foot deep roof over the loading zones. This roof would necessitate significant, structural support that would reduce the number of provided loading zones which, would in turn, negatively impact the

efficiency of the facility and provide no operational benefit above the proposed four (4) foot canopy area.

- **V2/V3:** Literal interpretation of the Code would deprive the applicant the rights enjoyed by other PIPD's that were granted variances to allow for the elimination of landscape islands. Furthermore, if landscape islands are required within the truck parking area the vegetation will more than likely be harmed from time to time by the trailers and/or trucks accidentally running into them even though, in theory, they are to be protected by curbing. The literal intent of this ULDC section is being met in all the parking areas other than the truck parking area.
5. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure;

RESPONSE:

- **V1:** Granting the requested variance for the reduction of the roof over the loading zone is the minimum variance needed to allow for the applicant to provide efficient and effective loading zones.
 - **V2/V3:** Granting the requested variances to allow the elimination of terminal and interior islands in the truck parking area are the minimum variances needed to allow for the applicant to provide an efficient layout for a very active vehicular use area without encumbering maneuverability with islands.
6. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code; and

RESPONSE:

- **V1:** As stated previously, the agent's understanding is that the intent of the roofing over the loading spaces is to contribute to the screening of the loading zones from adjacent residential districts and public R-O-W's. Since there are no adjacent residential districts and, as proven in the processing of the FSP application, the loading zones will not be visible from a public R-O-W. As such, the variance is consistent with the purposes, etc. of the ULDC which implements the goals and policies of the Plan.
- **V2/V3:** While the applicant is requesting to eliminate 31 landscape islands within the truck parking area, there will be landscape islands provided within the 817-space (exclusive of the truck parking spaces) parking lot on the north side of the proposed building. Furthermore, similar with the intent of LANDSCAPE – GENERAL condition 1 in Resolution No. ZR-2014-045, the applicant is willing to agree to provide the 31 trees that would have been planted within the islands elsewhere on the subject property. As shown on the attached Final Site Plan (Sheet FSP-1 of 1)

prepared by UDKS the applicant is proposing an area adjacent to the phase 2 truck parking spaces to plant these trees.

7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

RESPONSE:

- **V1:** Granting the requested variances for the reduction in the roof over the loading zones will not be injurious to the area involved as the loading zones will still be screened from public R-O-W's.
- **V2/V3:** Granting the requested variances to allow the elimination of the landscape islands will not be injurious since the applicant is willing to still provide the 31 trees on-site.

On behalf of the applicant and property owners, YTG Palm Beach IL WR, LP, UDKS respectfully requests favorable review and consideration of this Stand Alone, Type II Zoning Variance requests application for the 631,000 square foot industrial facility on a 72+/- acre portion of Parcel 4 of the Palm Beach Park of Commerce P.I.P.D. Plat No. 1. The agent at Urban Design Kilday Studios is Chris Barry who can be reached at the numbers above or via email at cbarry@udkstudios.com. Please feel free to contact the agent with any questions or for additional information in support of the requested applications.