

RESOLUTION NO. R-2019- 0700

RESOLUTION APPROVING ZONING APPLICATION SV/ABN/Z/W-2018-01211
(CONTROL NO. 1984-00020)
a Type 2 Waiver
APPLICATION OF Deliceto LLC
BY Kimley Horn and Associates, Inc., AGENT
(ETC Office/Warehouse)

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 23, have been satisfied;

WHEREAS, Zoning Application SV/ABN/Z/W-2018-01211 was presented to the Board of County Commissioners at a public hearing conducted on May 23, 2019;

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 SV/ABN/Z/W-2018-01211, the Application of Deliceto LLC, by Kimley Horn and Associates, Inc., Agent, for a Type 2 Waiver to allow for the elimination of the Planting Amenity Zone; reduction of the Pedestrian Circulation Zone; and, the elimination of Civic and Usable Open Space, 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 May 23, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on May 23, 2019.

Filed with the Clerk of the Board of County Commissioners on June 4th, 2019.

The Mayor thereupon declared that this resolution shall not become effective until the approval of Zoning Application SV/ZBN/Z/W-2018-1211 and until the Small Scale Land Use Amendment No. SCA-2019-00002 is effective.

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

The seal is circular with a double-line border. The outer ring contains the text "PALM BEACH COUNTY COMMISSIONERS" at the top and "BO" at the bottom. The inner ring contains "PALM BEACH COUNTY" at the top and "FLORIDA" at the bottom. A five-pointed star is located at the bottom center of the seal.

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTIONS

LOT 5, LESS THE WEST 10 FEET THEREOF CONVEYED TO PALM BEACH COUNTY IN O.R. BOOK 4565, PAGE 1713 AND THE SOUTH 228.54 FEET OF LOT 6, PLAT OF MORRISON SUBURBAN DEVELOPMENT, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 40, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 1.311 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

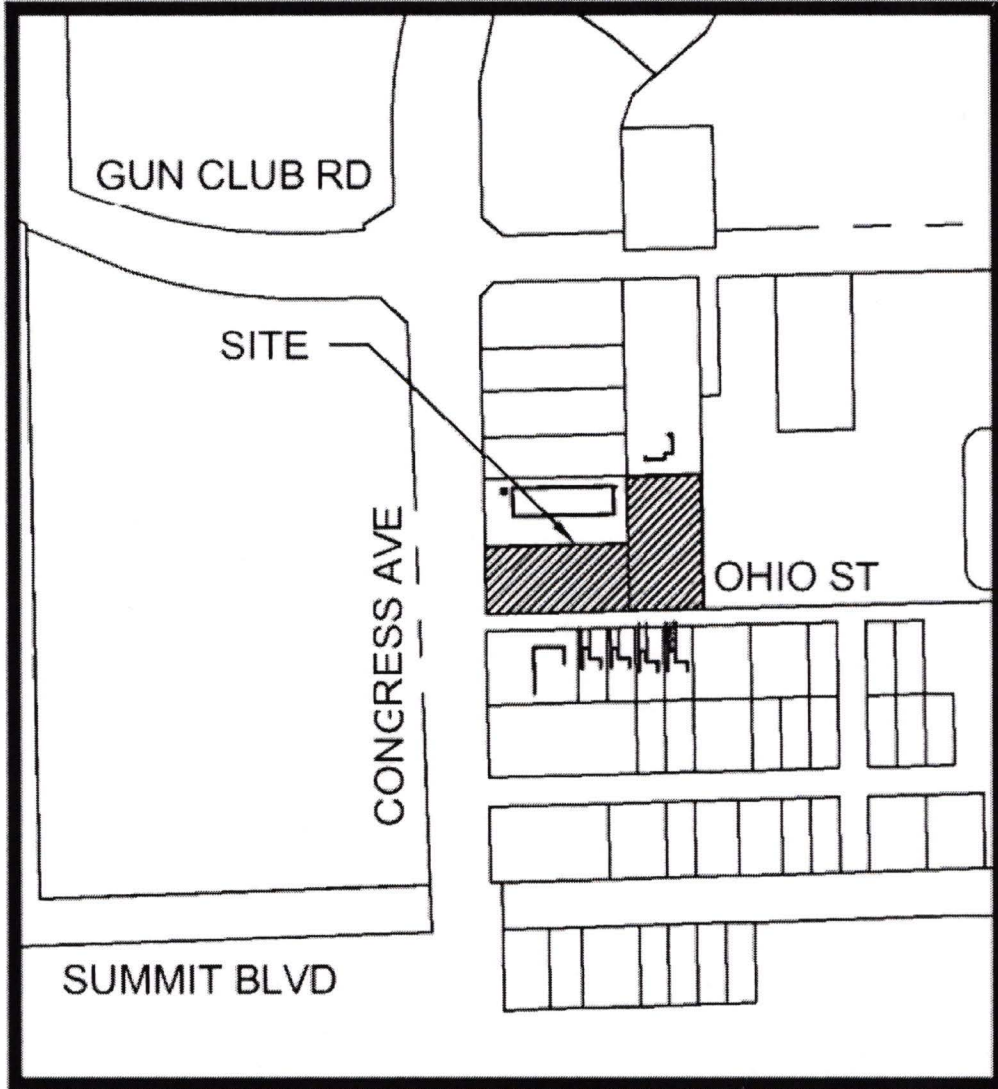


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Waiver

ALL PETITIONS

1. The approved Preliminary Site Plan is dated January 28, 2019. 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)

2. The Type 2 Waivers are approved for the Self-service Storage Facility (SSSF) use only. Any change to the use shall require reconsideration of the Waivers by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Architectural Elevations shall be generally consistent with the Architectural Elevations dated January 28, 2019. Development shall be consistent with the approved Architectural Elevations. (ONGOING: ZONING - Zoning)

2. Prior to Final approval by the Development Review Officer (DRO) or at time of Building Permit, whichever is applicable, the Architectural Elevations shall be revised to show a wing wall on the east and west side of the egress point to Ohio Street. The wing wall shall be:

- a. a minimum of eight (8)-feet in height;
- b. a minimum of eight (8)-feet in length; and
- c. Architecturally compatible with remainder of structure. (DRO/BLDG PRMT: ZONING - Zoning)

LANDSCAPE - GENERAL

1. Prior to Final Approval by the Development Review Officer, the Site Plan and Regulating Plans shall be revised to provide a 10 foot wide R-O-W Buffer with a maximum five foot easement overlap along the Ohio Street frontage, unless the Applicant submits documentation verifying the following:

- a. Engineering approval to allow for planting of street canopy trees (one per 40 linear feet) within the northern six foot of Ohio Street, as indicated on the Preliminary Regulating Plan dated January 28, 2019, or similar planting within the southern 10 feet abutting Ohio Street;
- b. Foundation planting a minimum of five feet in width along 40 percent of the south facade(s) facing Ohio Street, to be planted in accordance with ULDC requirements for Foundation Planting; and,
- c. Groundcover and shrubs within the south 10 foot abutting Ohio Street, as indicated on the Preliminary Site Plan dated January 28, 2019. (DRO/ONGOING: ZONING - Zoning)

SITE DESIGN

1. Prior to Final Approval by the Development Review Officer the Site Plan shall be revised to demonstrate compliance with the Build to Line for Congress Avenue. (DRO: ZONING - Zoning)

2. Prior to Final Approval by the Development Review Officer (DRO), the Site Plan shall be revised as follows:

- a. relocate the two benches along Congress Avenue to be within the Planting Amenity Zone and to the north away from the door area; and
- b. provide a non-removable trash can for each bench. (DRO: ZONING - Zoning)

3. Prior to Final Approval by the Development Review Officer (DRO), the Site Plan shall be revised as follows:

- a. relocate the two benches along Ohio Street to be within the Planting Amenity Zone delineated on the Preliminary Site Plan dated January 28, 2019, or adjacent to the building; and
- b. provide a non-removable trash can for each bench. (DRO: ZONING - Zoning)

4. Prior to Final Approval by the Development Review Officer (DRO), the Site Plan shall be revised to be consistent with the Waiver approvals granted herein. (DRO: ZONING - Zoning)

5. Prior to Final Approval by the Development Review Officer (DRO), the Site Plan shall be revised to reflect a sidewalk connection from the two parking spaces on the north side of the structure to the building entrance. (DRO: 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.