

RESOLUTION NO. R-2020- 0051

RESOLUTION APPROVING ZONING APPLICATION DOAW-2019-00489
(CONTROL NO. 1981-00082)
a Type 2 Waiver
APPLICATION OF SSC Property Holdings, LLC
BY Keith and Associates, Inc., Saul Ewing Arnstein & Leher LLP, AGENT
(Hunts Easy Storage)

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 No. 25, have been satisfied;

WHEREAS, Zoning Application DOAW-2019-00489 was presented to the Board of County Commissioners at a public hearing conducted on January 27, 2020;

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 DOAW-2019-00489, the Application of SSC Property Holdings, LLC, by Keith and Associates, Inc., Saul Ewing Arnstein & Leher LLP, Agent, for a Type 2 Waiver to reduce minimum Fenestration, Building Frontage and dimension of Usable Open Space; and, eliminate a Pedestrian Amenity, 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 January 27, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

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

The Mayor thereupon declared that the resolution was duly passed and adopted on January 27, 2020.

Filed with the Clerk of the Board of County Commissioners on February 21st, 2020.

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

SHARON R. BOCK
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY


BY: 
DEPUTY CLERK ★



EXHIBIT A

LEGAL DESCRIPTION

PARCEL I

A PARCEL OF LAND, LYING, BEING AND SITUATE IN PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; LESS THE NORTH 349.00 FEET OF THE EAST 303.00 FEET; AND LESS THE EAST 60.00 FEET FOR ROAD RIGHT-OF-WAY PURPOSES LESS THE EASTERLY 60.00 FEET THEREOF FOR MILITARY TRAIL RIGHT-OF-WAY.

AND

PARCEL II

THE NORTH 349.00 FEET OF THE EAST 303.00 FEET OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4), OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST; LESS THE EAST 60.00 FEET THEREOF FOR ROAD RIGHT-OF-WAY PURPOSES.

ALSO KNOWN AS

THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; LESS THE EAST 60.00 FEET FOR ROAD RIGHT-OF-WAY PURPOSES

SAID LANDS LYING IN UNINCORPORATED PALM BEACH COUNTY, FLORIDA AND CONTAINING 405,689 SQUARE FEET OR 9.313 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

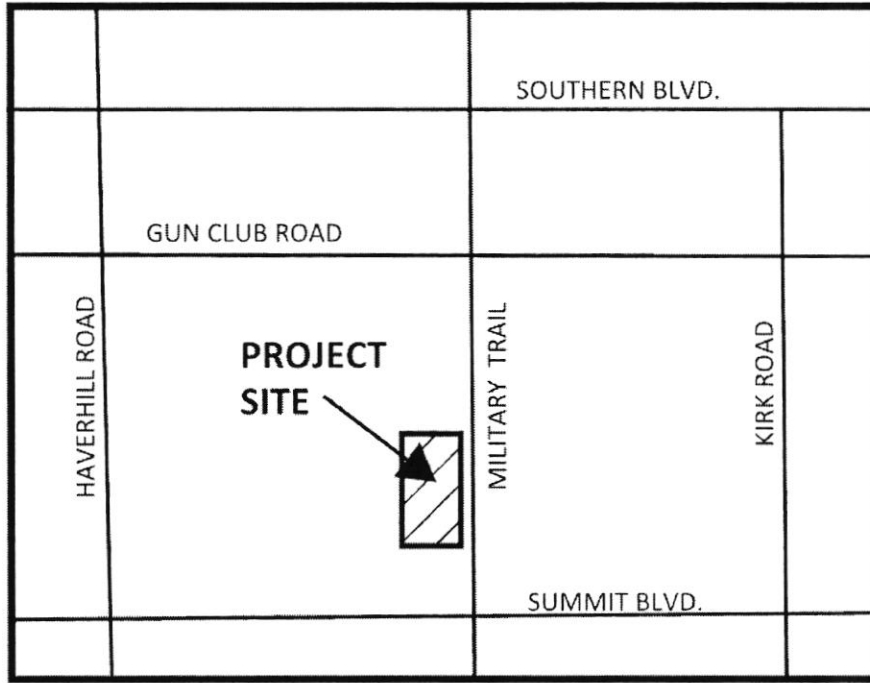


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Waiver

ALL PETITIONS

1. The approved Preliminary Site Plan and Architectural Elevations are dated October 15, 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)

ARCHITECTURAL REVIEW

1. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Preliminary Architectural Elevations dated October 15, 2019. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (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 Table

| # | ULDC Article | Required | Proposed | Variance |
|------------|-------------------------------------------------------|---------------------------------------------------------------------|----------------------------------------|--------------------------------------------|
| W.1 | Table 3.B.16.F, PRA Block Building PDRs | 50% Building Frontage | 40% Building Frontage | -10% |
| W.2 | 3.B.16.F.6.d.3, Fenestration | Transparent windows covering minimum 35% of wall area of each story | 10.9% Second Floor; 13% Third Floor | -24.1% Second Floor; -22.0% Third Floor |
| W.3 | Table 3.B.16.F - PRA Dimensions for Usable Open Space | Other Plazas or Square, Minimum Width: 40 ft. | 23 ft. | -17 ft. |
| W.4 | Art. 3.B.16.F.8.g, Pedestrian Amenities | Drinking Fountain: One per required usable open space area | No Drinking Fountain | 100% |