

RESOLUTION NO. R-2020- 0720

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2019-01227
(CONTROL NO. 1980-00103)
a Development Order Amendment
APPLICATION OF West Ridge South, Inc.
BY Schmidt Nichols, AGENT
(Sandalfoot Square)

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 25, have been satisfied;

WHEREAS, Zoning Application ZV/DOA-2019-01227 was presented to the Board of County Commissioners at a public hearing conducted on June 25, 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 Development Order Amendment;

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 ZV/DOA-2019-01227, the Application of West Ridge South, Inc., by Schmidt Nichols, Agent, for a Development Order Amendment to reconfigure the Site Plan, to add square footage, add an access point and a use, and amend Conditions of Approval for the Mini-Warehouses (Multi-Access Self Service Storage Facility), 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 June 25, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

The motion was seconded by Commissioner McKinlay 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 June 25, 2020.

Filed with the Clerk of the Board of County Commissioners on June 29th, 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
BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY
FLORIDA

EXHIBIT A

LEGAL DESCRIPTION

LOT 9, "SANDALFOOT PLAZA PHASE 1," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, PAGE 146, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING IN THE CITY OF BOCA RATON, PALM BEACH COUNTY, FLORIDA AND CONTAINING 2.675 ACRES, MORE OR LESS

EXHIBIT B
VICINITY SKETCH

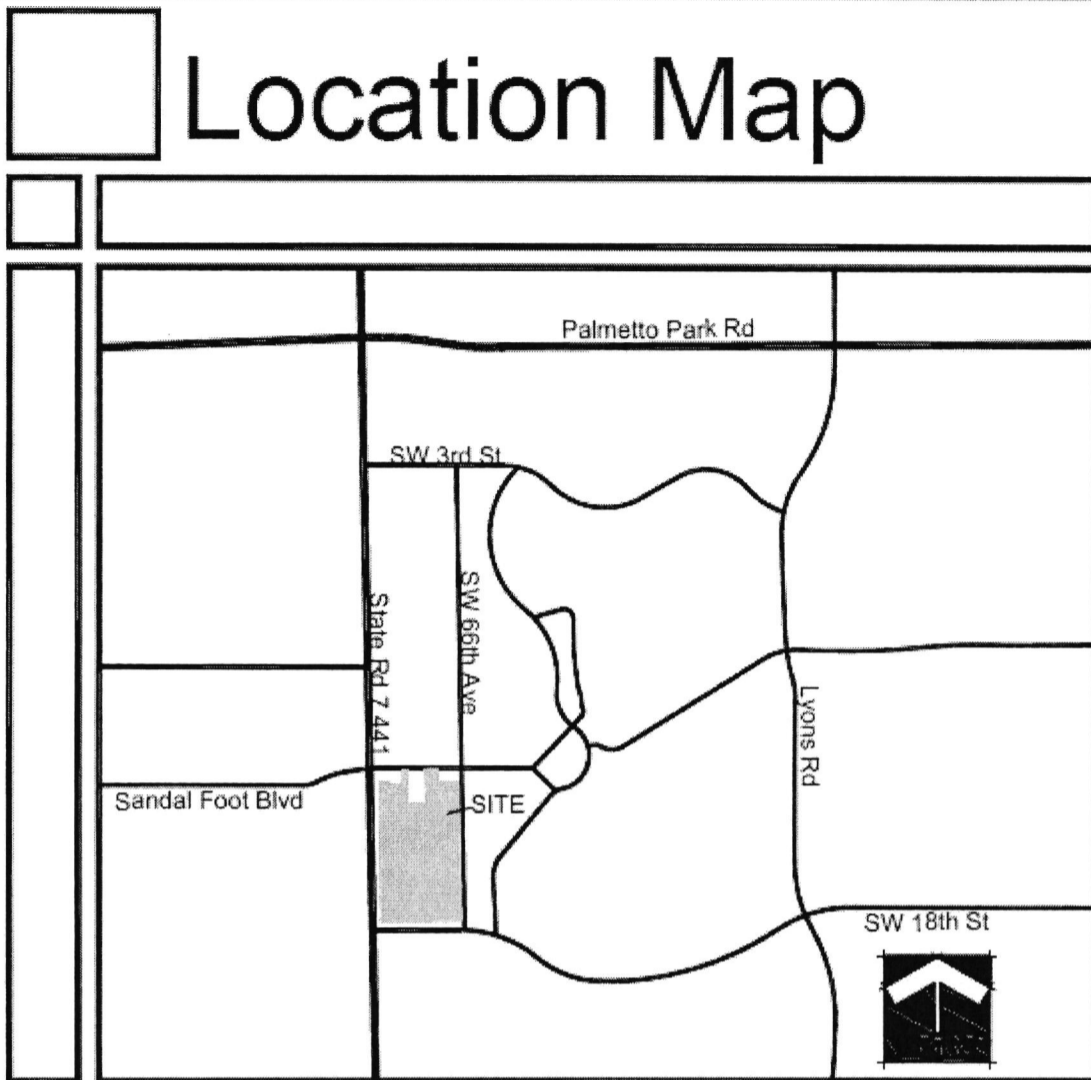


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment (Parcel D – Self Service Storage Facility)

ALL PETITIONS

1. The approved Preliminary Site Plan is dated April 27, 2020. 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. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1981-0197 (Control 1980-00103), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. Previous Condition 1 of Resolution R-1981-197, Control No.1980-00103, which currently states:

Petitioner shall contribute Two Thousand Seventy-five Dollars (\$2,075.00) or Sixty-Two Dollars and Seventy Cents (\$62.70)/1,000 sq. ft. toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s).

Is hereby deleted. [REASON: Covered by Road Impact Fee Ordinance.]

LANDSCAPE - GENERAL

1. All landscaping shall be installed as shown on site plan submitted prior to the issuance of a Certificate of Occupancy. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous Condition 4 of Resolution R-1981-197, Control No.1980-00103)

2. Prior to January 1, 2021, the Property Owner shall replace all dead and missing plant materials on the entire subject property. (DATE: ZONING - Zoning)

LANDSCAPE - INTERIOR

3. Prior to Final Approval by the Development Review Officer, the Final Site Plan shall be revised to show foundation planting areas on the west ends of Buildings C, D, and E. The minimum width of the foundation planting areas shall be eight (8) feet for a minimum sixty percent (60%) of the length of the facades. The foundation planting areas and materials shall not be relocated to any other area on the subject site. (DRO/ONGOING: ZONING - Zoning)

LANDSCAPE PERIMETER – RIGHT-OF-WAY BUFFER ALONG SOUTHWEST 66TH AVENUE FRONTAGE

4. At the time of Building Permit submittal, the Property Owner shall submit a Landscape Plan to the Zoning Division for review and approval. In addition to the Code requirements, the Landscape Plan shall indicate all of the existing Gumbo Limbo Trees along the eastern and southern perimeters of Building B. The landscape plan shall also indicate shrubs and groundcover required for a 15-foot wide Right-of-Way Buffer in accordance with Table 7.C.2.A, R-O-W Buffer Landscape Requirements. (BLDGPM: ZONING – Zoning)

SITE DESIGN

1. Previous Condition 3 of Resolution R-1987-197, Control No. 1980-00103, which currently states:

90% opaque screening shall be provided around the entire perimeter of the site.

Is hereby deleted. [REASON: Outdoor Storage is eliminated with approval of App. No. ZV/DOA-2019-01227. Screening of the site shall be provided in accordance with current Code requirements.]

2. Prior to the issuance of demolition or building permits for the Self Service Storage facility, the 10-foot wide Florida Power and Light (FPL) Easements (ORB 5851, PG 20 and ORB 2336, PG 1842) and the 12-ft. wide FPL Easement (ORB 4323, PG 364) shall be abandoned and the easements shall be removed from the Final Site Plan upon abandonment of these easements. (BLDGPM: ZONING - Zoning)

USE LIMITATIONS

1. Previous Condition 2 of Resolution R-1981-197, Control No.1980-00103, which currently states:

The use of the proposed facility shall be limited to 'dead storage' only. No office or retail activity shall be permitted.

Is hereby deleted. [REASON: This is a Code requirement.]

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.