

RESOLUTION NO. R-2022- 1422

RESOLUTION APPROVING ZONING APPLICATION PDD/CA/W-2021-01361  
(CONTROL NO. 2021-00083)  
a Type 2 Waiver  
APPLICATION OF Pebb Atlantic II LLC & SOCRO LLC, JDR Development, LLC -  
Jason Sher  
BY WGINC, AGENT  
(Atlantic AGR Commercial and Self 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 as amended, have been satisfied;

WHEREAS, Zoning Application PDD/CA/W-2021-01361, submitted on behalf of Pebb Atlantic II LLC & SOCRO LLC, JDR Development, LLC - Jason Sher, by WGINC for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District; a Class A Conditional Use to allow a Multi-Access and Limited Access Self-Service Storage; a Class A Conditional Use to allow a Car Wash; and, a Type 2 Waiver to allow an alternative Type 3 Incompatibility Buffer was presented to the Board of County Commissioners at a public hearing conducted on November 28, 2022;

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 PDD/CA/W-2021-01361, the Application of Pebb Atlantic II LLC & SOCRO LLC, JDR

Development, LLC - Jason Sher, by WGINC, Agent, for a Type 2 Waiver to allow an alternative Type 3 Incompatibility Buffer on 9.89 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 28, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof, and Waiver Request described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Kerner moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Mayor	- Aye
Commissioner Maria Sachs, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Marci Woodward	- Aye
Commissioner Sara Baxter	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on November 28, 2022.

Filed with the Clerk of the Board of County Commissioners on December 2nd, 2022.

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

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY: [Signature] for S.S.  
COUNTY ATTORNEY

BY: [Signature]  
DEPUTY CLERK



EXHIBIT A

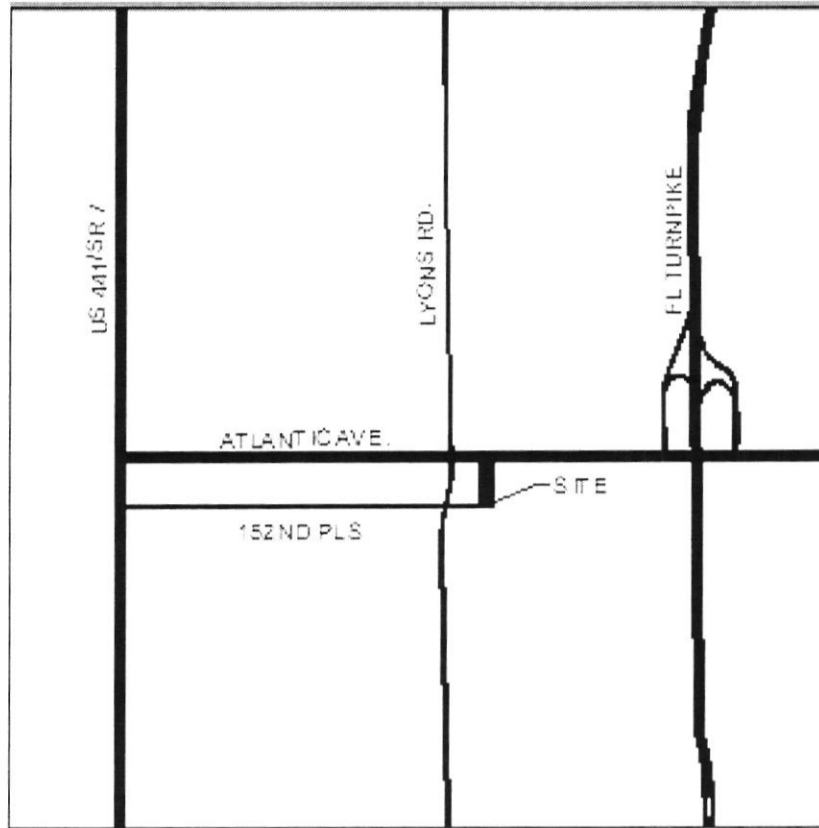
LEGAL DESCRIPTION

TRACT 13, LESS THE NORTH 52.49 FEET FOR THE RIGHT-OF-WAY OF THE LAKE WORTH DRAINAGE DISTRICT L-34 CANAL, AND TRACT 20, IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, OF THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 430,813 SQUARE FEET/9.8901 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Type 2 Waiver

##### ALL PETITIONS

1. The approved Site Plan is dated July 15, 2022. 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)

##### SITE DESIGN

1. The Incompatibility Buffer along the eastern property line shall be upgraded to include a 3 ft. berm. The buffer shall include an 8 ft. wall along the top of the berm for the approximate north 300 ft. of the buffer, as well as those areas along the length of the buffer where no building is proposed. In those areas where buildings are proposed the 8 ft. wall will connect to the north and south corners of the proposed buildings. (DRO/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

**TYPE 2 WAIVERS. SUMMARY:**

<b>ULDC Article</b>	<b>Requirement</b>	<b>Requested Waiver</b>	<b>Approved Waiver</b>
3.E.3.B.2.b Landscape Buffers	Type 3 Incompatibility Buffer adjacent to east property line, which includes a minimum six foot high opaque wall	Provision of a Type 3 Incompatibility buffer, with the elimination of 877 linear feet of wall within the Type 3 Incompatibility buffer adjacent to the East property line	The relocation of the required wall outside of the eastern Type 3 Incompatibility buffer for a portion of the buffer where the Self Service Storage Facility buildings are, pursuant to Site Design Condition 1. The Self Service Storage buildings perform as the barrier wall.