

RESOLUTION NO. ZR-2020- 026

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2020-00183
(CONTROL NO. 2004-00201)
TYPE II VARIANCE (*CONCURRENT*)
APPLICATION OF PS Boca Raton Turnpike 2013 LLC
BY Miller Land Planning, AGENT
(STORALL GLADES ROAD)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067, Supplement 27, is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application ZV/DOA-2020-00183 was presented to the Zoning Commission at a public hearing conducted on August 6, 2020;

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Zoning Commission 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 Variance;

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, this approval shall only become effective upon the adoption of a resolution approving Zoning Application ZV/DOA-2020-00183 by the Board of County Commissioners;

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 action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/DOA-2020-00183, the Application of PS Boca Raton Turnpike 2013 LLC, by Miller Land Planning, Agent, for a Type II Variance to eliminate a right-of-way buffer, 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 August 6, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof and variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner _____ Kanel _____ moved for the approval of the

Resolution.

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

Sheri Scarborough, Chair	- Yes
Sam Caliendo, Vice Chair	- Absent
Amir Kanel	- Yes
John Kern	- Yes
Michael Kelley	- Yes
Marcelle Griffith Burke	- Yes
Alex Brumfield III	- Yes
Mark Beatty	- Yes
Jess Sowards	- Yes

Filed with the Palm Beach County Zoning Division on September 3, 2020.

This resolution shall not become effective unless or until the effective date of the resolution approving Zoning Application No. ZV/DOA-2020-00183 by the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: [Signature]
COUNTY ATTORNEY

for Asst. County Attorney Scott Stone

BY: [Signature]
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

PARCEL I:

ALL OF THE PLAT OF BOCA RATON STOR-ALL, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 108, PAGE 9, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL II

EASEMENT FOR THE BENEFIT OF PARCEL I AS CREATED BY EASEMENT AGREEMENT DATED MAY 24, 1982, FILED JULY 14, 1982 AND RECORDED IN O.R. BOOK 3758 PAGE 890, AND REFILED IN O.R. BOOK 3773 PAGE 1160, FOR INGRESS AND EGRESS OVER, UNDER AND ACROSS THE LAND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF TRACT 65, BLOCK 76, PALM BEACH FARMS COMPANY PLAT NO.3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54; THENCE ON AN ASSUMED BEARING OF SOUTH ALONG THE WEST LINE OF TRACT 65, A DISTANCE OF 595.00 FEET TO THE NORTHERLY RIGHT-OF-WAY OF GLADES ROAD (STATE ROAD 808) AS DEED TO PALM BEACH COUNTY FOR RIGHT-OF-WAY PURPOSES AND THE POINT OF BEGINNING; THENCE EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 25.00 FEET; THENCE NORTH ALONG A LINE PARALLEL TO THE WEST LINE OF TRACT 65, A DISTANCE OF 103.09 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF A SAID CURVE, TO THE LEFT, HAVING A CENTRAL ANGLE OF 35 DEGREES 36 MINUTES 20 SECONDS AND A RADIUS OF 120.00 FEET FOR AN ARC DISTANCE OF 74.57 FEET TO A POINT OF REVERSE CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHEAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A CENTRAL ANGLE OF 02 DEGREES 21 MINUTES 49 SECONDS AND A RADIUS OF 110.00 FEET FOR AN ARC DISTANCE OF 4.5 FEET TO THE INTERSECTION WITH A NON-TANGENT LINE, ALSO BEING THE WEST LINE OF TRACT 65; THENCE SOUTH ALONG SAID WEST LINE OF TRACT 65, A DISTANCE OF 176.70 FEET TO THE POINT OF BEGINNING.

PARCEL III:

EASEMENT FOR THE BENEFIT OF PARCEL I AS CREATED IN WARRANTY DEEDS RECORDED IN O.R. BOOK 2784 PAGE 1577; O.R. BOOK 2784 PAGE 1608, AND O.R. BOOK 2784 PAGE 1610 AND MORELY FULLY DESCRIBED IN INSTRUMENTS ENTITLED CONFIRMATION OF EASEMENTS AND AGREEMENT RECORDED IN O.R. BOOK 2784 PAGE 1612; O.R. BOOK 2784 PAGE 1616, AND O.R. BOOK 2784 PAGE 1620 AND PERPETUATED IN WARRANTY DEED RECORDED IN O.R. BOOK 11849 PAGE 936 FOR VEHICULAR AND PEDESTRIAN ACCESS OVER, UNDER AND ACROSS THE LAND DESCRIBED AS FOLLOWS: THE EAST 75 FEET OF TRACT 64, LESS THE NORTH 25 FEET AND THE SOUTH 314 FEET THEREOF IN BLOCK 76, PALM BEACH FARMS COMPANY PLAT NO.3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL IV:

EASEMENT FOR THE BENEFIT OF PARCEL I RESERVED IN THE SPECIAL WARRANTY DEED RECORDED IN O.R. BOOK 11849 PAGE 936, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OVER AND ACROSS A PORTION OF THE FOLLOWING DESCRIBED LAND, AS LIMITED BY AND MORE PARTICULARLY DESCRIBED IN THE CONFIRMATION OF EASEMENTS AND

AGREEMENT RECORDED IN O.R. BOOK 2784 PAGE 1612; O.R. BOOK 2784 PAGE 1616, AND O.R. BOOK 2784 PAGE 1620 OF SAID PUBLIC RECORDS:
THE EAST 50 FEET OF THE SOUTH 314 FEET OF TRACT 64, LESS THE SOUTH 25 FEET THEREOF BLOCK 76, PALM BEACH FARMS CO. PLAT 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

PARCEL V:

EASEMENT FOR THE BENEFIT OF PARCEL I AS CREATED BY DRAINAGE EASEMENT BETWEEN LOUIS DIMARCO AND BOCA RATON STOR-ALL LTD., A FLORIDA LIMITED PARTNERSHIP RECORDED IN OFFICIAL RECORDS O.R. BOOK 17679 PAGE 67 FOR DRAINAGE AND MAINTENANCE OVER, UNDER AND ACROSS THE FOLLOWING DESCRIBED LAND:

THE EAST 20 FEET OF THE FOLLOWING DESCRIBED PARCEL OF LAND:
THE SOUTH 132 FEET OF THE NORTH 157 FEET OF TRACT 39 BLOCK 76, PALM BEACH FARMS CO. ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THE WEST 5 FEET OF THE EAST 25 FEET OF THE FOLLOWING:
THE SOUTH 132.00 FEET OF THE NORTH 157.00 FEET OF TRACT 39 BLOCK 76, AS SHOWN ON THE PLAT OF THE PALM BEACH FARMS COMPANY PLAT NO.3 RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL VI:

NON EXCLUSIVE SIGN EASEMENT FOR THE BENEFIT OF PARCEL I CONTAINED IN AGREEMENT RECORDED IN O.R. BOOK 11849 PAGE 951 AND RESERVED IN WARRANTY DEED RECORDED IN O.R. BOOK 11849 PAGE 936 OVER, UNDER AND ACROSS THE LANDS DESCRIBED THEREIN.

SAID LANDS SITUATE IN THE CITY OF BOCA RATON, PALM BEACH COUNTY, FLORIDA AND CONTAINING 174,338 SQUARE FEET, OR 4.002 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

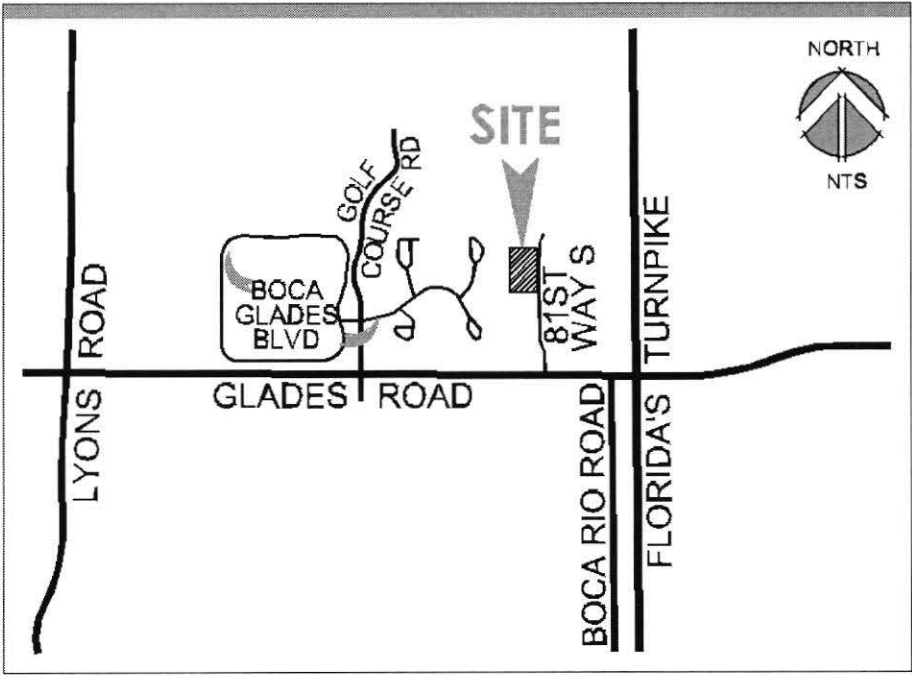


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

ALL PETITIONS

1. The approved Preliminary Site Plan is dated June 8, 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 or the Zoning Commission. (ONGOING: ZONING - Zoning)

LANDSCAPE – INTERIOR: (FOUNDATION PLANTING FOR EAST SIDE OF NORTH BUILDING)

1. In addition to code required foundation planting requirements, foundation planting along the south 80 feet of the east facade of the north building shall consist of the following:

- a. The length of the foundation planting shall be no less than one hundred (100) percent, excluding pedestrian connections;
- b. The minimum width shall be eight (8) feet;
- c. One (1) tree or palm for every fifteen (15) linear foot of building facade; and,
- d. Trees and/or palms shall have the following minimum heights at installation:

- 1) twenty-four (24) feet or greater: minimum sixty (60) percent of all required trees and/or palms;
- 2) eighteen (18) feet to twenty-four (24) feet: minimum twenty (20) percent of all required trees and/or palms; and,
- 3) sixteen (16) feet to eighteen (18) feet: minimum twenty (20) percent of all required trees and/or palms. (BLDGPMT: 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 VARIANCE SUMMARY:

#	ULDC Article	REQUIRED	PROPOSED	VARIANCE
V.1	Art. 7.C.2.C, Incompatibility Buffer Types	10 foot Right of Way (R-O-W) Buffer	No R-O-W Buffer for 105 feet along the east side of the north Building, and 12 feet at north-east corner of south Building.	-117 feet of R-O-W Buffer.