

RESOLUTION NO. ZR-2020-034

RESOLUTION DENYING ZONING APPLICATION ZV/CA-2018-01804  
CONTROL NO. 2018-00013  
TYPE II VARIANCE DENIAL  
APPLICATION OF Dakota Limited Holdings, LLC  
BY GENTILE GLAS HOLLOWAY O'MAHONEY & ASSOCIATES, INC., AGENT  
(HEDGE HOUSE)

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 25, 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/CA-2018-01804 was presented to the Zoning Commission at a public hearing conducted on September 3, 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 finds that the Variance request does not meet the criteria contained in Article 2.B (Public Hearing Processes) for a Type 2 Variance based on the record of the meeting, including evidence and testimony presented at the public hearing; 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/CA-2018-01804, the Application of Dakota Limited Holdings, LLC, by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent, for a Type II Variance to reduce drive aisle width and Right-of-Way (R-O-W) Buffer Landscape planting; and, eliminate parking lot surface material (asphalt), landscape protection measures (curbing) and Landscape Island and Interior Island required planting, 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, and Variance request as described in EXHIBIT D, attached hereto and made a part hereof, was denied on September 3, 2020.

Commissioner Beatty moved for the approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted on September 3, 2020.

This resolution is effective when filed with the Palm Beach County Zoning Division on \_\_\_\_\_.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

BY:   
\_\_\_\_\_  
COUNTY ATTORNEY

BY:   
\_\_\_\_\_  
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND IN SECTION 22, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THE NORTH 225 FEET OF THE SOUTH 300 FEET OF THE EAST 214 FEET OF A PART OF SECTION 22, THE EAST LINE OF SAID PART BEING AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION AND CUTTING THE NORTH LINE OF THE SOUTH 1250 FEET OF SAID SECTION AT A POINT 704 FEET EAST OF THE INTERSECTION OF SAID NORTH LINE WITH WEST SECTION LINE AS MEASURED ALONG SAID NORTH LINE, AND THE SOUTH LINE OF THE PARCEL DESCRIBED BEING THE NORTH RIGHT OF WAY LINE OF DONALD ROSS ROAD.

CONTAINING 1.095 ACRES MORE OR LESS, OR 47,678 SQUARE FEET MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

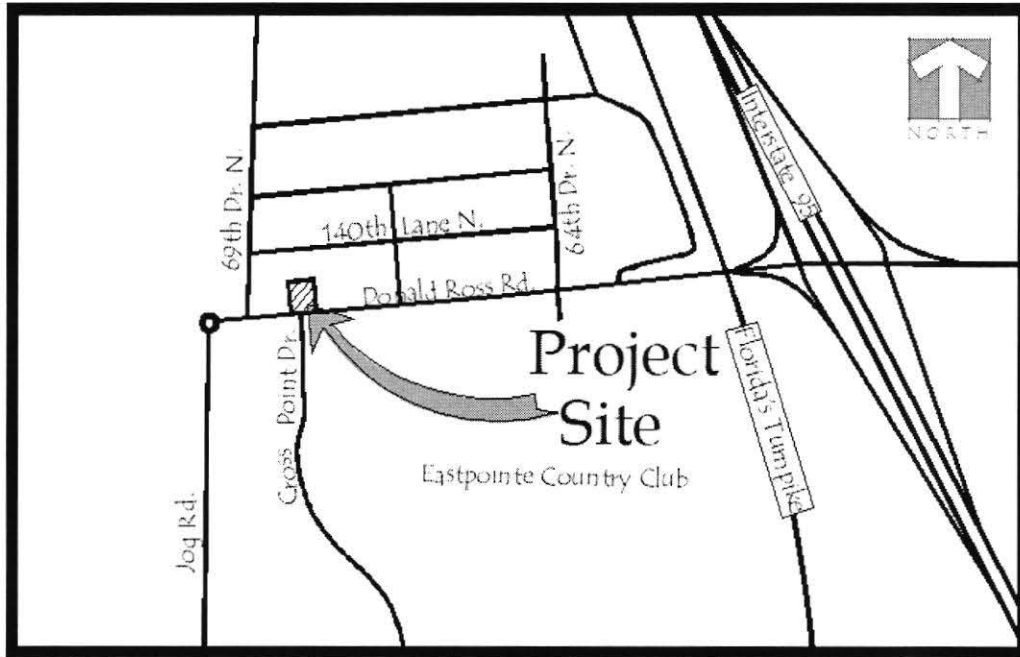


EXHIBIT D

REQUEST

**TYPE. II VARIANCE SUMMARY**

	ULDC Article	Required	Proposed	Variance
V.1	Table 6.A.1.D, Minimum Parking Dimensions for Non- Residential Uses and Residential Uses with Shared Parking Lots	25 ft. wide drive aisle.	10 feet	-15 feet
V.2	Art. 6.A.1.D.14.b.3.b. Design and Construction Standards (Parking Areas) - Materials	Minimum 6 inch shellrock or limerock base with one inch hotplant mix asphaltic concrete surface; or, a base and surface material of equivalent durability, as certified by an engineer.	Gravel and Concrete	Eliminate required materials.
V.3	Table 7.C.4.A, Landscape Island and Divider Median – Planting and Dimensional Requirements	Exurban Tier: Minimum Width: 12 ft. Minimum Length: 15 ft.	Minimum Width: 0 ft. Minimum Length: 0 ft.	100%
V.4	Table 7.C.4.A, Landscape Island and Divider Median – Planting and Dimensional Requirements	1 Tree per island, with medium shrubs at 30 inches on center and appropriate ground cover.	Trees: 0 Shrubs: 0	100%
V.5	Art. 7.C.4.E.1, Landscape Protective Measures	6 inch, non-mountable, FDOT - type "D" Curb.	No Curb	Eliminate required curb.
V.6	Table 7.C.2.A, R-O-W Buffer Landscape Requirements	R-O-W Buffer: Small shrubs - One per two ln. ft. (92 small shrubs)	No small shrubs	-92 small shrubs