

RESOLUTION NO. ZR-2023- 11

RESOLUTION APPROVING ZONING APPLICATION ZV/Z/CA-2022-01246

(CONTROL NO. 2021-00139)

TYPE II VARIANCE (*CONCURRENT*)

APPLICATION OF PS Florida One, Inc.

BY BOHLER Engineering, AGENT

(PUBLIC STORAGE - TRANQUILITY)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), 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/Z/CA-2022-01246 the Application of PS Florida One, Inc., by BOHLER Engineering, Agent, for a Type 2 Variance to allow an increase in maximum building coverage on 1.93 acres; for an Official Zoning Map Amendment to allow a rezoning from the Planned Uit Development (PUD) Zoning District to the community Commerical (CC) Zoning District on 1.93 acres; and a Class A Conditional use to allow a Limited Access Self-service Storage on 1.93 acres was presented to the Zoning Commission at a public hearing conducted on May 4, 2023;

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/Z/CA-2022-01246 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/Z/CA-2022-01246, the Application of PS Florida One, Inc., by BOHLER Engineering, Agent, for a Type 2 Variance to allow an increase in maximum building coverage on 1.93 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 May

4, 2023, 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 Kern moved for the approval of the Resolution.

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

Jess Sowards, Chair	- Aye
Cheri Pavlik, Vice Chair	- Absent
John Kern	- Aye
Michael Kelley	- Aye
Glen Gromann	- Aye
Sheri Scarborough	- Aye
Lisa Reves	- Aye
Alex Brumfield III	- Aye
Mark Beatty	- Aye

The Chair thereupon declared the resolution was duly passed and adopted on May 4, 2023.

This resolution shall only become effective upon the adoption of a resolution approving Zoning Application ZV/Z/CA-2022-01246 by the Board of County Commissioners.

This resolution was filed with the Palm Beach County Zoning Division on May 4, 2023.

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 PORTION OF TRACTS "B", "D", "G", AND "L1" OF THE PLAT ENTITLED "THE BABCOCK -P.U.D. - PARCEL C" AS RECORDED IN PLAT BOOK 61, PAGE 198 THROUGH 200, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST (N.W.) CORNER OF SAID TRACT "G"; THENCE SOUTH 01°24'09" EAST, ALONG THE WESTERLY LINE OF SAID TRACT "G", A DISTANCE OF 218.74 FEET; THENCE NORTH 89°22'39" EAST, A DISTANCE OF 353.72 FEET TO A POINT LYING ON THE WESTERLY LINE OF TRACT "A" OF SAID PLAT; THENCE NORTH 23°13'41" EAST, A DISTANCE OF 77.42 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 25°06'29", A DISTANCE OF 43.82 FEET TO THE POINT OF TANGENCY; THENCE NORTH 01°52'47" WEST, A DISTANCE OF 80.82 FEET; THENCE NORTH 45°42'15" WEST, A DISTANCE OF 35.36 FEET TO A POINT LYING ON THE NORTHERLY LINE OF SAID TRACT "G" (THE LAST FOUR (4) DESCRIBED COURSES BEING COINCIDENT WITH THE WESTERLY LINE OF SAID TRACT "A"); THENCE SOUTH 89°18'07" WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 369.71 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PLAT WAS VACATED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, RECORDED IN OFFICIAL RECORDS BOOK 6427, PAGE 183 AND OFFICIAL RECORDS BOOK 7082, PAGE 1415, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. (O.R.B. 17843 PG. 75)

TOGETHER WITH THE BENEFIT OF CERTAIN CROSS ACCESS EASEMENT AGREEMENTS RECORDED IN OFFICIAL RECORDS BOOK 5866, PAGE 1085. TOGETHER WITH BENEFIT OF THAT AMENDMENT TO CROSS ACCESS AND UTILITY EASEMENT AGREEMENT FROM WATERWAYS AT DELRAY HOMEOWNERS ASSOCIATION INC., RECORDED IN OFFICIAL RECORDS BOOK 11469, PAGE 1835.

BEING THE SAME PREMISES CONVEYED TO SCT PROPERTIES, L.L.C. , A FLORIDA LIMITED LIABILITY COMPANY, BY SPECIAL WARRANTY DEED, FROM UNIVERSAL AMERICAN REALTY CORPORATION, A DELEWARE CORPORATION, DATED DECEMBER 3, 2004 AND RECORDED DECEMBER 6, 2004 IN THE PALM BEACH COUNTY CLERK'S OFFICE IN BOOK 17842, PAGE 0075. 1784275 CONTAINING 84,253 SQUARE FEET OR 1.934 ACRES.

EXHIBIT B
VICINITY SKETCH

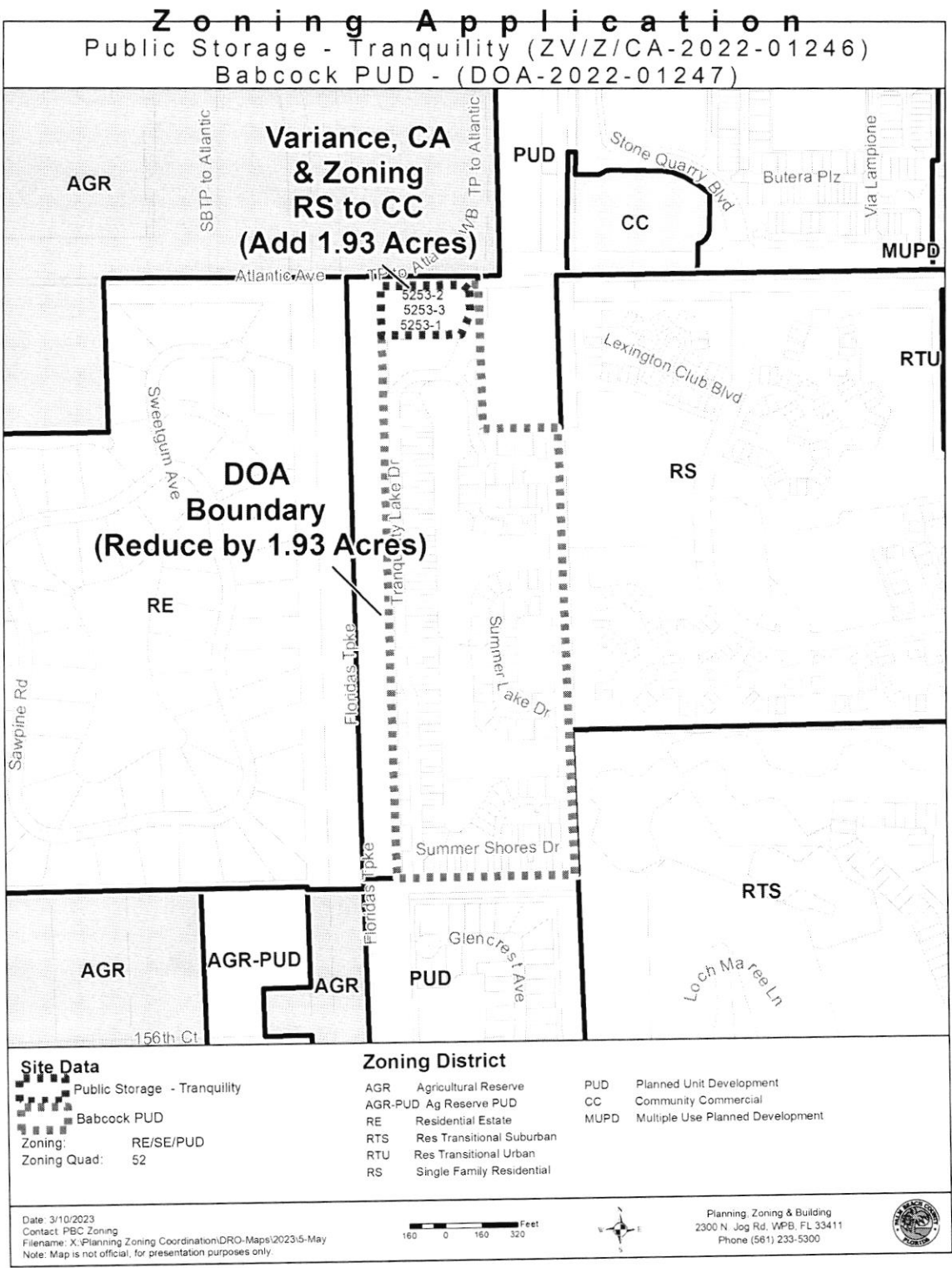


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

ALL PETITIONS

1. The approved Site Plan is dated February 2, 2023. 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 Zoning Commission. (ONGOING: ZONING - Zoning) (ONGOING: ZONING - Zoning)

VARIANCE

1. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Site Plan. (DRO/ONGOING: ZONING - Zoning)

2. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDG PERMIT: BLDG - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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 Zoning Commission for review under the compliance Condition of this Approval. (ONGOING: MONITORING - Zoning) (ONGOING: ZONING - 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; 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) (ONGOING: ZONING - 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

#	ULDC Article	Required	Proposed	Variance
V.1	Table 3.D.1.A Building Coverage	25% Building Coverage	28% Building Coverage	Building Coverage Increase by 3%

SITUS ADDRESS:	8130 Atlantic Ave Delray Beach 33446		
OWNER NAME & ADDRESS:	Sct Properties Llc 9600 NW 25th St, Ste 2a Doral, FL 33172-1416		
PCN:	00-42-46-20-01-000-0021		
ZONING DISTRICT:	Community Commercial (CC)		
BCC DISTRICT:	5		
PROJECT MANAGER:	Jordan Jafar, Senior Site Planner		
LAND USE:	CH/5	S/T/R: 20-46-42	
CONTROL #:	2021-00139		
LOT AREA:	1.93 acres +/-		
APPLICANT REQUEST:	to allow an increase in maximum building coverage on 1.93 acres		