

**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**

**Application No.:** W-2014-00288  
**Application Name:** O'Reilly Auto Parts  
**Control No.:** 2013-00286  
**Applicant:** Hutton Growth Blue Sky LLC  
**Owners:** Jasp Holdings LLC  
**Agent:** Land Design South, Inc. - Michelle Hoyland  
**Telephone No.:** (561) 578-8501  
**Project Manager:** Melissa Matos, Site Planner I

**TITLE:** a Type II Waiver REQUEST: to allow a reduction in required side setback for building placement and, to allow a single story building.

**APPLICATION SUMMARY:** Proposed are two Type II Waivers for the O'Reilly Auto Parts development. The 1.044-acre parcel of land was last approved by the BCC on August 26, 2010 to allow a rezoning from the General Commercial (CG) Zoning District to the Urban Infill (UI) Zoning District.

The Applicant is proposing to demolish an existing building and build an Auto Accessories and Parts Retail use, through a subsequent Administrative Review application (DRO, 201-00290).

This application is contingent on the review and decision of the Waivers by the BCC. The proposed request includes two Type II Waivers to allow a one story building and reduce the setback from six feet to two feet. The Preliminary Site Plan indicates a 10,000 square foot one-story building with 36 parking spaces. Access is proposed from South Military Trail (1).

**SITE DATA:**

Location:	Approximately 180 feet south of Lake Worth Road on the west side of Military Trail.
Property Control Number(s):	00-42-44-25-00-000-3070
Existing Land Use Designation:	Urban Infill (UI)
Proposed Land Use Designation:	No proposed change
Existing Zoning District:	Urban Infill (UI)
Proposed Zoning District:	No proposed change
Acreage:	1.04 acres
Tier:	Urban/Suburban Tier (U/S)
Overlay District:	Urban Redevelopment Area Overlay (URAO)
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile:	City of Greenacres, City of Atlantis, Village of Palm Springs
Future Annexation Area:	City of Greenacres

**RECOMMENDATION:** Staff recommends approval of the Type II Waiver to reduce the setback from six feet to two feet subject to the Conditions of approval as indicated in Exhibit C.

Staff recommends denial of the Type II Waiver to allow a one-story building.

**PUBLIC COMMENT SUMMARY:** At the time of publication, Staff had received no contacts from the public regarding this project.

**URBAN REDEVELOPMENT AREA OVERLAY (URAO):**

On August 26, 2010, the BCC approved R-2010-1345 for the rezoning of 501 parcels of land, which included the subject parcel, to the Urban Infill (UI) Zoning District. This County-initiated rezoning brought the parcels into consistency with the newly adopted Urban Infill (UI) Future Land Use (FLU)

designation. Concurrently, the ULDC was amended to create an Overlay implementing the Urban Redevelopment Area (URA) Objectives and Policies of the Comprehensive Plan with an emphasis on the Priority Redevelopment Area (PRA) Policies. The PRA is generally located along the east and west sides of Military Trail and Congress Avenue between Southern Boulevard to the north and the Lake Worth Drainage District (LWDD) L-8 Canal, with additional locations along Lake Worth Road and 10th Avenue North.

The purpose and intent of the URAO is to utilize Smart Growth and Form Based Code principles to establish standards that create a predictable regulatory framework and built form that improves the aesthetics of the streetscape; establishes and enhances the pedestrian realm; and encourages redevelopment of the PRA's. The UI Zoning District is the less intensive zoning district within the PRA Overlay. This district consists of two Sub-areas and is typically comprised of mixed use redevelopment along the corridor, while providing a transition to the adjacent, existing residential neighborhoods. The subject parcel is in the UI 1 Sub-area, which is a moderately intense Sub-area accommodating commercial, mixed use and residential uses in the PRA.

Redevelopment and revitalization of the commercial corridors is encouraged by establishing standards that recognize various opportunities, challenges, and constraints. The ULDC regulations for the PRA applicable to the subject parcel include: Interconnectivity, limited access, building placement, building frontage, building height, architectural design standards in addition to Art. 5.C, streetscape standards (Planting Amenity Zone and Pedestrian Circulation Zone), parking (including bicycle parking) and loading standards (including service areas), alternative parking lot landscape design options, and freestanding sign prohibition. Certain standards may be altered through the Waiver process.

#### **PROJECT HISTORY**

The subject 1.04 acre property contains a 6,500 sq. ft. vacant building. The development was constructed in 1970 and since had a variety of permitted retail uses, including auto sales and service.

#### **SURROUNDING LAND USES:**

**NORTH:**

FLU Designation: Urban Infill (UI)

Zoning District: Urban Infill (UI)

Supporting: Type I Restaurant (Ihop, Control No 1998-30142)

FLU Designation: City of Greenacres

Zoning District: City of Greenacres

Supporting: Convenience Store with Gas Sales (Exxon Gas Station)

**SOUTH:**

FLU Designation: Urban Infill (UI)

Zoning District: Urban Infill (UI)

Supporting: Energy Transmission Substation (FPL)

**EAST:**

FLU Designation: Urban Infill (UI)

Zoning District: Urban Infill (UI)

Supporting: Auto Service (Jiffy Lube, Control No 1987-00058)

FLU Designation: Urban Infill (UI)

Zoning District: Urban Infill (UI)

Supporting: Auto Repair and Maintenance (Bob's Auto Glass, Control No 2007-00166)

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)

Zoning District: General Commercial District (CG)

Supporting: Auto Sales (Affordable Auto Salvage, Control No 2013-00159)

**WEST:**

FLU Designation: Urban Infill (UI)

Zoning District: Urban Infill (UI)

**TYPE II WAIVER SUMMARY**

A Type II Waiver allows flexibility for mixed use or infill redevelopment projects, or site design or layout, where alternative solutions can be permitted, subject to performance criteria or limitations. Waivers are not intended to relieve specific financial hardship nor circumvent the intent of this Code. A Waiver may not be granted if it conflicts with other sections of this Code or the Florida Building Code.

The applicant is requesting two Type II URAO Waivers concurrently with application DROW-2014-0290 for Development Review Officer (DRO) approval of a Final Site Plan to allow the construction of a 10,000 sq.ft. building for a General Retail Auto Parts facility. The Preliminary Site Plan dated July 17, 2014 (Figure 4) indicates the location of the Type II URAO Waiver requests.

The applicant requests two Type II Waivers from the following standards of ULDC Art. 3.B.16 - URAO Standards and Property Development Regulations (PDRs):

	<b>CODE SECTION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>WAIVER</b>
<b>W.1</b>	3.B.16.F.6.c.1 a) Building Height and Floors - <b>Minimum Floors Required</b>	Minimum of 2 stories	1 story	1 story reduction
<b>W.2</b>	Table 3.B.16.F, PRA Block Building PDRs - <b>Side Setback</b>	Minimum 6 feet side setback	2 feet side setback	4 feet reduction of the side setback at the north property line

Below is a summary of the Waivers indicated in the chart above.

**Waiver 1:** The applicant is requesting a waiver for the reduction from the minimum number of stories required in the UI-1 Transect Zone. The Code requires a minimum of two stories for properties that are more than one acre in size that existed prior to the adoption of the URAO. The property is 1.04 acres which is above the threshold for the two story requirement. The applicant seeks a waiver to reduce the number of stories to a one story building.

**Waiver 2:** The Code requires a 6 foot minimum side setback for non-residential Property Development Regulations (PDR’s). The applicant is requesting a two foot side setback at the north property line due to site constraints. All site elements meet the minimum standards along the length of the property adjacent to Military Trail, including the proposed 28 feet wide site access.

**FINDINGS**

When considering a Development Order application for a Type II URAO Waiver, the ZC shall consider the Standards in Article 2.B.2.G.3 of the ULDC. The Standards and Staff Analyses are indicated below. A Type II Waiver, which fails to meet any of the standards, shall be deemed adverse to the public interest and shall not be approved.

- 1. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the Zoning District or Overlay;**

**Waiver 1:**

**Staff Response: No.** The Type II Waiver request for a one story building is not supported as it is not consistent with the intent of the Code and the Comprehensive Plan (Comp Plan) for the URAO. The Code and Comp Plans UI Transect requires a minimum of two stories unless the parcel is less than one acre in size. The intent of the Code and the Comp Plan for the URAO is to improve the aesthetics of the streetscape and enhance the pedestrian realm. There is a primary emphasis in regulating building form and placement in relation to the public realm; as well as the development of two to four story buildings along primary streets and prominent intersections as critical to the success

of redevelopment within the URAO. The applicant had opportunity to explore other design options that would avoid this waiver request.

One option would be to create a smaller footprint with a partial second level for either office or storage space. Another option was to produce a taller façade with clearstory windows into the public space to gain the appearance of a two story building off of Military Trail. This two story appearance is similarly seen in other recent developments within the URAO that capture the intent of the Code and the Comp Plan requirements. The applicant's Waiver request for not exploring these alternate design options and only developing a one story building negates these goals and intent for the URAO along Military Trail.

**Waiver 2:**

**Staff Response: Yes.** The Waiver from the Property Development Regulations for Building Placement in a reduction of the side setbacks will not cause additional conflicts to the Code and is consistent with the purposes and intent of the URAO. The required side setback for non-residential uses is six feet. The applicant is proposing a two foot side setback at the north property line. The applicant has made effort to comply with the six foot required setback but seeks a waiver as a result of keeping all the other dimensional requirements for the property along the length of the property for the primary frontage of Military Trail. Revision of the frontage length of the building would impede the parking minimum dimensions as well as the required twenty-eight foot wide access necessary for truck turning maneuvering into the parcel. Therefore the reduction of four feet from the required side setback is the viable solution given the parcels length along Military Trail.

- 2. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and,**

**Waiver 1:**

**Staff Response: No.** The Type II Waiver request for a one story building would affect the overall design standards and design details of the development. The Code and Comprehensive Plan requires a minimum of two stories within the Transect Zone (TZ) of the subject parcel. The intent of the Code and the Comp Plan for the URAO is to not only promote new development; but to ensure that the new development consists of the streetscape elements in line with the intent for the primary frontage of Military Trail. The requirements for a minimum of two stories are to create a multi-level experience at prominent intersections such as Military Trail and Lake Worth Road (as indicated in the Land Use Map 9). The subject property is only one parcel and approximately 180 feet from this intersection (see Figure 3 Aerial). Implementing only a one story building is not compliant with the standards of redevelopment for this intersection within the URAO.

**Waiver 2:**

**Staff Response: Yes.** The Waiver for a reduction of the required six foot side setback will not cause a detrimental effect on the overall design and development standards of the project, and they will be in harmony with the general site layout and design details of the development. The applicant has made effort to comply with the additional code requirements within Table 3.B.16.F, PRA Block Building PDRs such as required percentage of building frontage and primary street setbacks. The necessary reduction of the side street setback is due to maintaining the overall frontage length of the building, the parking minimum dimensions as well as the required twenty-eight foot wide access. The subject site layout and design maintains the intent to provide a continuous pedestrian and vehicular circulation, interconnectivity and accessibility for the parcel and surrounding development.

- 3. The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties.**

**Waivers 1 & 2:**

**Staff Response: Yes**

The requested Waivers will not adversely impact the adjacent properties. The proposed development provides adequate connectivity and accessibility and will improve the neighboring shopping center. The proposed structure and the pedestrian amenities such as new sidewalks, awnings and, landscaping will enhance the neighboring area.

## CONDITIONS OF APPROVAL

### Exhibit C Type II Waiver

#### ALL PETITIONS

1. The approved Preliminary Site Plan is dated July 17, 2014. 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 Zoning Commission. (DRO: ZONING - Zoning)
2. Prior to final approval by the Development Review Officer (DRO), the approved Type II Waivers and any associated Conditions of Approval shall be reflected on the Final Site Plan. (DRO: ZONING - Zoning)
3. The Development Order for the Type II Waivers shall be tied to the Time Limitations of the Development Order for DRO-2014-0290. (ONGOING: MONITORING - Zoning)

#### ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated April 18, 2014. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (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.

Figure 1 - Future Land Use Map

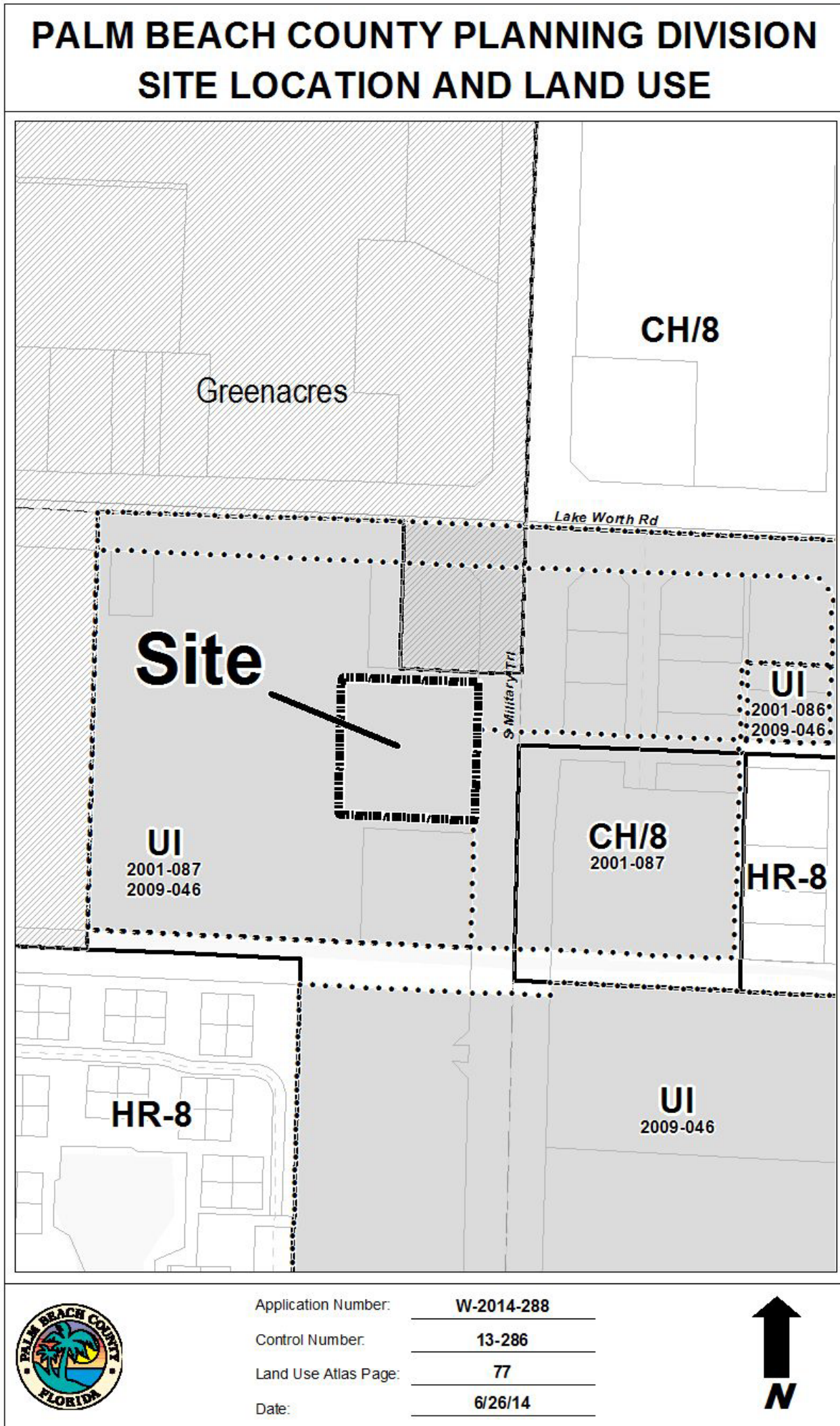


Figure 2 - Zoning Quad Map

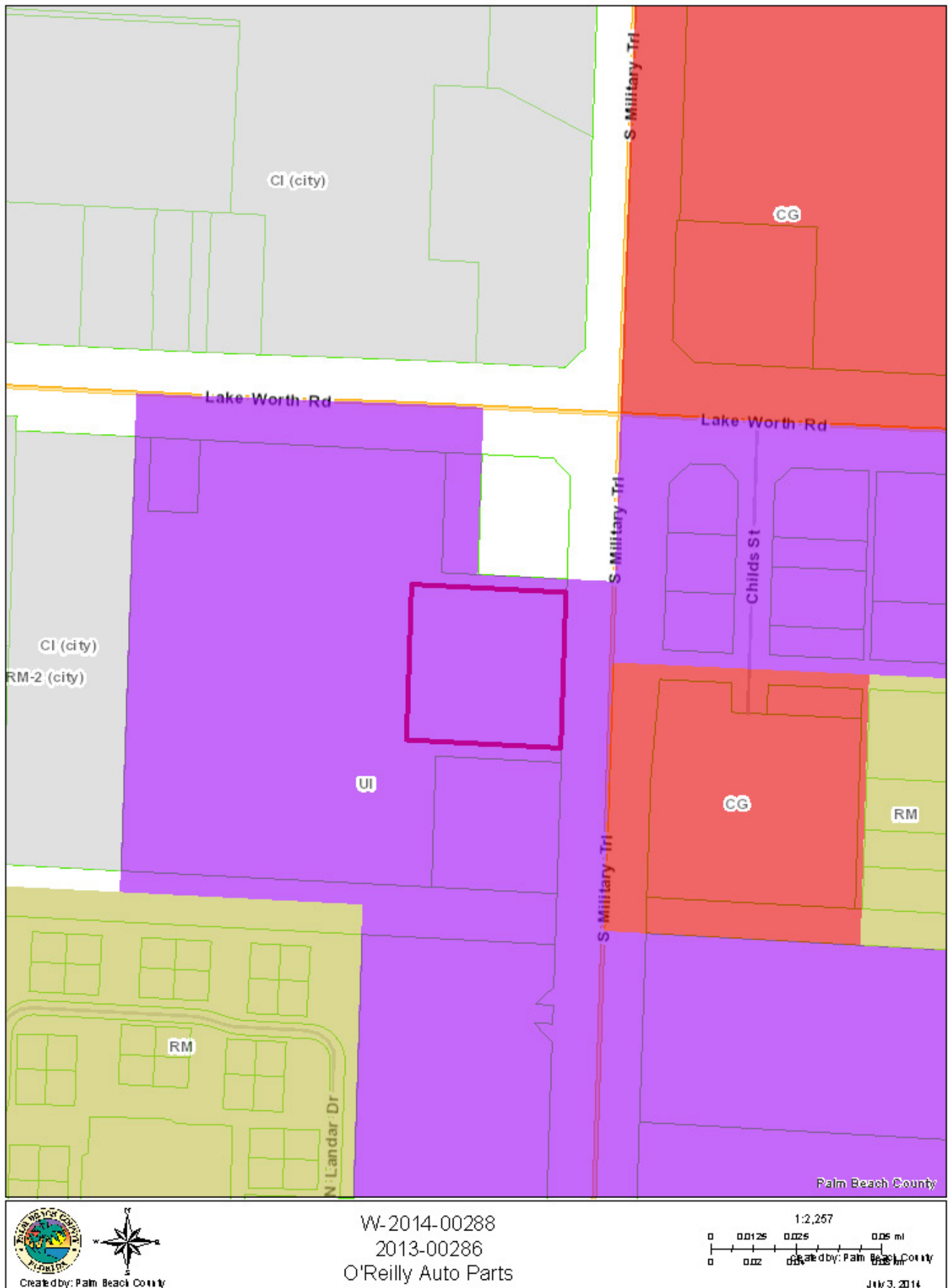


Figure 3 - Aerial





Figure 4 Preliminary Site Plan dated July 17, 2014



**SITE DATA**

NAME OF APPLICANT: O'REILLY AUTO PARTS  
 SITE ADDRESS: 400 SOUTH MILITARY TRAIL, LAKE WORTH, FL 33409  
 APPLICATION NUMBER: W-2014-00288 & W/DIO-2134-00290  
 CONTROL NUMBER: 2013-00288  
 RESOLUTION NUMBER: N/A  
 EXISTING PROPOSED FUTURE LAND USE DESIGNATION: URBAN SUBURBAN (USUB)  
 EXISTING PROPOSED ZONING DISTRICT: URBAN REDEVELOPMENT AREA (URA)  
 PMA SUB-AREA TRANSECT ZONE: 2346/426  
 SECTION/TOWN/PRINCIPAL: 80-04-14-21 (04 AC.)  
 PROPOSED USE: RETAIL SALES, AUTO ACCESSORIES AND PARTS (RSAP)  
 GROSS ACREAGE: 10.0000 AC.  
 FLOOR AREA RATIO (FAR): 0.0000  
 PERVIOUS SURFACE AREA: 100,000 SF  
 PERVIOUS SURFACE AREA OPEN SPACE: (71,893) 71.89%  
 TABLE CRUI SPACE/STORAGE SPACE: 24,107 SF  
 RETAIL SALES, AUTO ACCESSORIES AND PARTS: 10,000 SF  
 (CONFORMS TO APPROVED FOR THE ABOVE USES AND AMOUNTS SHOWN ON THIS PLAN)

O'REILLY AUTO PARTS  
 PRELIMINARY SITE PLAN  
 PALM BEACH COUNTY, FLORIDA

**PROPERTY DEVELOPMENT REGULATIONS**

ZONING DISTRICT	MIN LOT DIMENSIONS	MAX FRONT PORNTAGE	MAX DEPTH	MAX FRONT PORNTAGE	MAX SIDE PORNTAGE	MAX REAR PORNTAGE	SETBACKS
U1	REQUIRED: N/A	PROVIDED: 1.009 AC.	REQUIRED: N/A	PROVIDED: 318.9'	REQUIRED: N/A	PROVIDED: 212.9'	FRONT: 20' MIN. SIDE: 6' REAR: 30' MIN. (N/A)

**TYPE I WAIVER CHART**

REQUEST	REQUIRED	PROVIDED	WAIVER
REQUIREMENT 11: MINIMUM BUILDING FLOOR REQUIREMENT OF TWO STORES	REQUIRED	PROVIDED	TO ALLOW A ONE STORY BUILDING TO BE CONSIDERED AS A NON-RESIDENTIAL SPACE
REQUIREMENT 13: TABLE 13.8.4.6 BUILDING TOWER (SIDE SETBACK)	REQUIRED	PROVIDED	TO ALLOW A ONE STORY BUILDING TO BE CONSIDERED AS A NON-RESIDENTIAL SPACE

**TYPE II WAIVER CHART**

REQUEST	REQUIRED	PROVIDED	WAIVER
ARTICLE 15. SECTION 15.0.4.1: NON-RESIDENTIAL SPACE	REQUIRED	PROVIDED	TO ALLOW A ONE STORY BUILDING TO BE CONSIDERED AS A NON-RESIDENTIAL SPACE

**REVISION DATES**

DATE	REVISION

ALL DRAWINGS SPECIFICATIONS AND NOTATIONS ARE THE PROPERTY OF THE LANDSCAPE ARCHITECT AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF THE LANDSCAPE ARCHITECT.

SCALE 1" = 20'-0"

NORTH

0 10' 20' 40' 80'

DRAWN BY: RHD  
 FILE #: 20140717\_PSP\_2014148  
 2014.1

SHEET # PSP.1

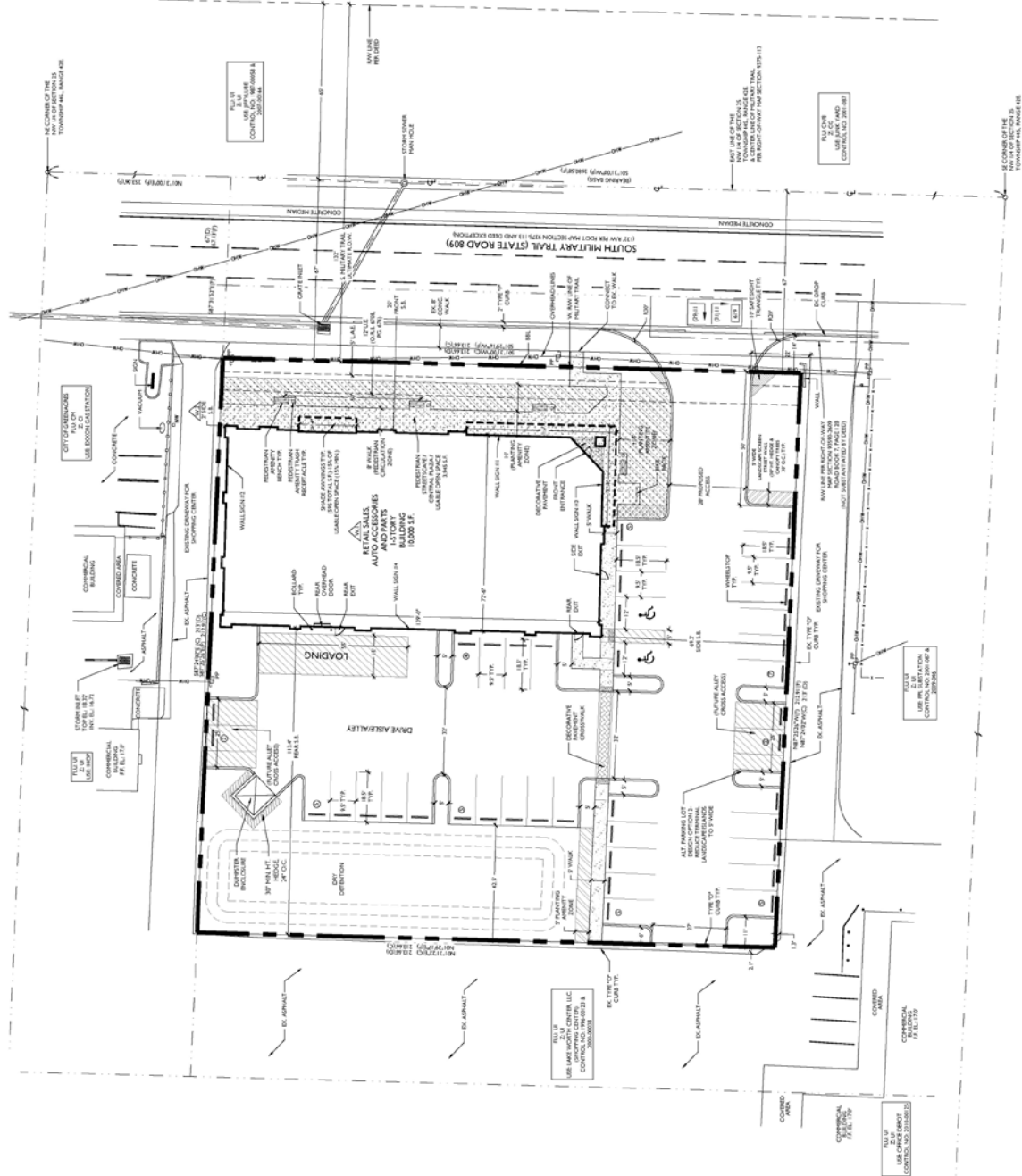
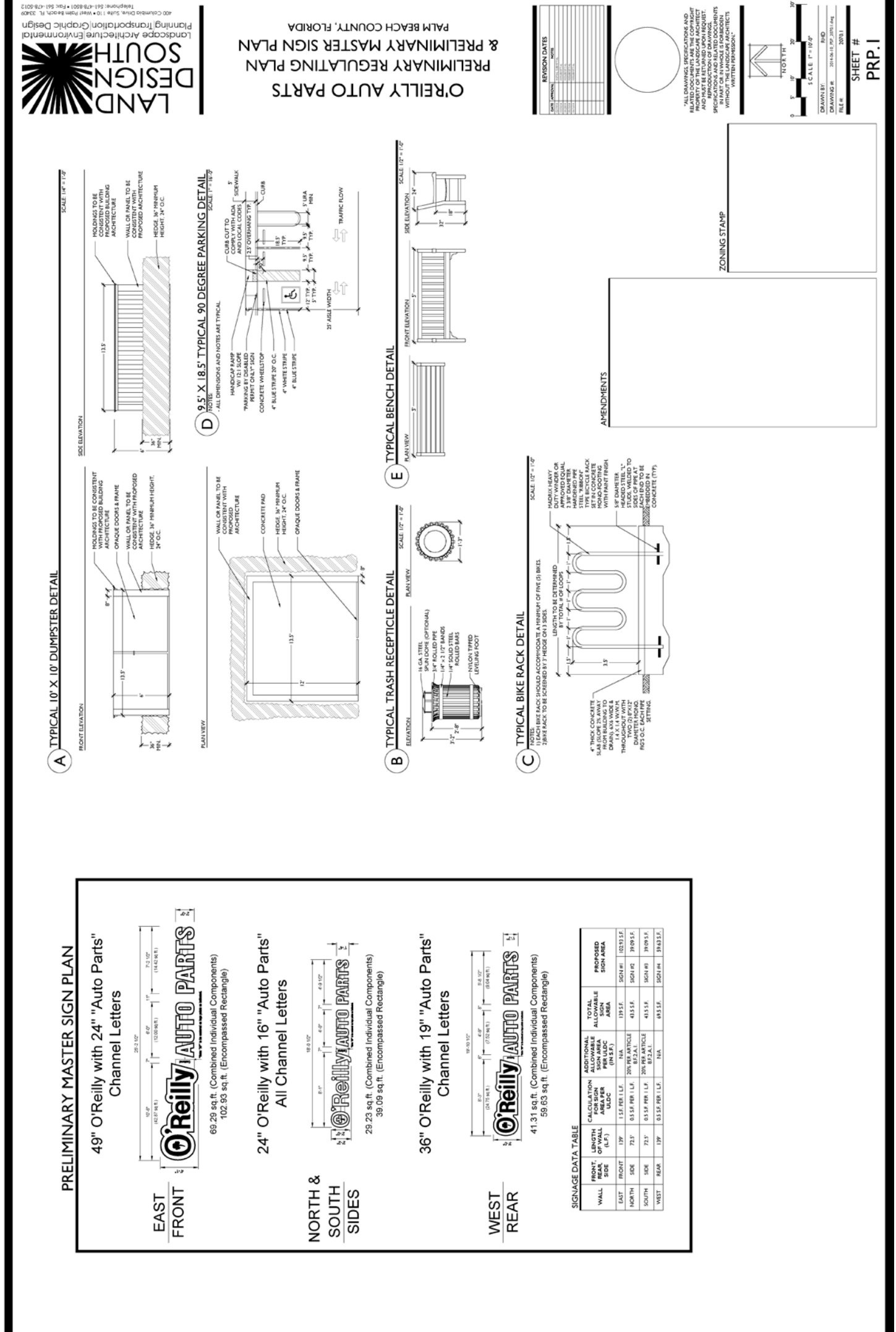


Figure 5 - Preliminary Regulating Plan dated June 12, 2014



**PRELIMINARY MASTER SIGN PLAN**

**EAST FRONT**

49" O'Reilly with 24" "Auto Parts" Channel Letters



68.29 sq. ft. (Combined Individual Components)  
102.93 sq. ft. (Encompassed Rectangle)

**NORTH & SOUTH SIDES**

24" O'Reilly with 16" "Auto Parts" All Channel Letters



29.23 sq. ft. (Combined Individual Components)  
38.09 sq. ft. (Encompassed Rectangle)

**WEST REAR**

36" O'Reilly with 19" "Auto Parts" Channel Letters




41.31 sq. ft. (Combined Individual Components)  
59.63 sq. ft. (Encompassed Rectangle)

WALL	FRONT, REAR, SIDE	LENGTH OF WALL (L <sub>w</sub> )	HEIGHT OF SIGN (H <sub>s</sub> )	ADDITIONAL ALLOWABLE SIGN AREA PER SIGN (IN S.F.)	TOTAL ALLOWABLE SIGN AREA (IN S.F.)	PROPOSED SIGN AREA (IN S.F.)
EAST	FRONT	13'	19.5'	N/A	199.5'	129.31'
NORTH	SIDE	73.5'	0.55' PER 1 L.F.	20% PER ARTICLE B2.2.A	43.5'	39.995'
SOUTH	SIDE	73.5'	0.55' PER 1 L.F.	20% PER ARTICLE B2.2.A	43.5'	39.995'
WEST	REAR	13'	0.55' PER 1 L.F.	N/A	49.5'	39.835'



Figure 7 - Color Preliminary Elevations dated April 18, 2014



**PROJECT:**  
NEW O'REILLY AUTO PARTS STORE  
4065 S. MILITARY TRAIL  
LAKE WORTH, FLORIDA

233 South Patterson  
Springfield, MO 65802  
Phone: (417) 862-2674

**Architect - Consultant**  
Buddy D. Webb  
3027 East Cairo  
Springfield, Missouri 65802  
(417) 877-1385  
(417) 877-9736 (FAX)

**EXTERIOR ELEVATIONS**

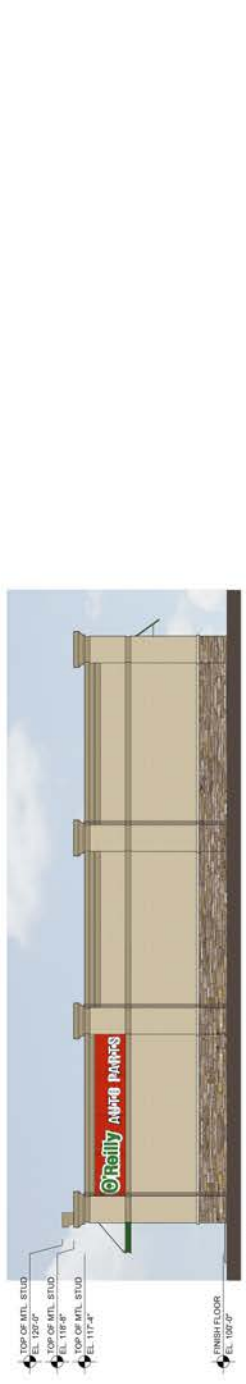
REILLY AUTO PARTS STORE, 4065 S. MILITARY TRAIL, LAKE WORTH, FLORIDA  
ARCHITECTURAL ELEVATIONS  
DATE: 04/18/14  
JOB NO.: A3  
SHEET: SHEET 3 OF 5

DRAWN: LDG  
CHECKED: [Signature]  
DATE: 04/18/14  
JOB NO.: A3  
SHEET: SHEET 3 OF 5

TYPE	COMPANY TYPE	SPECS
BRICK	AGUE BRICK (OR APPROVED EQUAL)	KEY: BRICK COLOR - EL. DOVE GREY NOTE: MORTAR COLOR - MATCH BRICK COLOR 2 & 2A COURSE FINISH - RANDED KEY: MORTAR COLOR - MATCH BRICK COLOR 2B COURSE FINISH - RANDED
NATURAL STONE (WANGCOT)	BOURGET FLAGSTONE (OR APPROVED EQUAL)	COLOR: OAKWOOD SANDSTONE - LIGHT BROWN TO TAN PATTERN: COURSEING NATURAL LAYOUT CUT RANDOM
EXTERIOR INSULATION AND FINISH (E.I.F.S.)	DRYVIT - OUTREGULATION PLUS (OR APPROVED EQUAL)	KEY: NOTE: SHERWIN WILLIAMS COLOR SW 6961 LATE 1A OREILLY PREFERRED 1B OREILLY PREFERRED NOTE: STATOTONE HIGH PERFORMANCE COLORANT (EACH BODY FIELD ONLY)
STOREFRONT (NO SUBSTITUTES)	EFCO KAWNEER VISTA WALL	COLOR: DARK IVY INTERSTATE GREEN OREILLY GREEN GLIDDEN ELK LAKES SEMI-GLOSS
BOLLARDS	IN FIELD	BASE: 2007 - 500 FINISH: 2007 - 500 TEL: 408 304 0000 COLOR: E. CUSTOM
EXTERIOR DOORS / OVERHEAD DOOR	IN FIELD	FIELD PAINT TO MATCH SW 6941 SOFTER TAN
SHEET METAL CAP FLASHING AT STOREFRONT (E.I.F.S.)	BY METAL BUILDING FOR FACTORY PRIME	OREILLY PREFERRED VERIFY MK BELOW MATCHES E.I.F.S. SHERWIN WILLIAMS MK BASE - 380033880000 - GALLIUM METALLIC - QV-45 CLEAR COAT - JAMARCO CAD CLEAR COAT URETHANE BARRIER COAT - 100-380033880000 - 3 COMPONENT
PRE-FINISHED SHEET METAL CAP FLASHING	BY METAL BUILDING FOR FACTORY PRIME	FIELD PAINT TO MATCH E.I.F.S. COLOR SW 6961 LATE
ARCHITECTURAL PRE-CAST CONCRETE WATER TABLE	PER LOCAL SUPPLIER	COLOR: NATURAL FINISH BRIGHT FORD FINISH
METAL AWNING FRAMING	ARCHITECTURAL STEEL PRODUCTS (STEEL SWITCH CORPORATION)	GREEN TO MATCH STOREFRONT



**1 EAST ELEVATION**  
SCALE: 1/8" = 1'-0"  
A3



**2 NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"  
A3



**3 WEST ELEVATION**  
SCALE: 1/8" = 1'-0"  
A3



**4 SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"  
A3

**Figure 8 – Photos**



8.a - View from Southeast Corner of Property



8.b - View from Northeast Corner of Property



8.c - View from Lake Worth Road into Shopping Center

**EXHIBIT D: Disclosures**

**DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT**

*[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]*

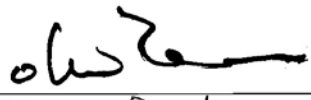
**TO:** PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Oliver Perdomo, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:


1. Affiant is the [ ] individual or  Executive Vice President [position—e.g., president, partner, trustee] of Hutton Growth Blue Sky, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 736 Cherry Street  
Chattanooga, TN 37402
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

  
Oliver Perdomo, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 18 day of February, 2014, by Oliver Perdomo,  who is personally known to me or  who has produced \_\_\_\_\_ as identification and who did take an oath.



  
Notary Public  
Deborah Scott  
(Print Notary Name)  
NOTARY PUBLIC  
State of ~~Florida~~ TN at Large  
My Commission Expires: 3-4-2014



**EXHIBIT "A"**  
**PROPERTY**

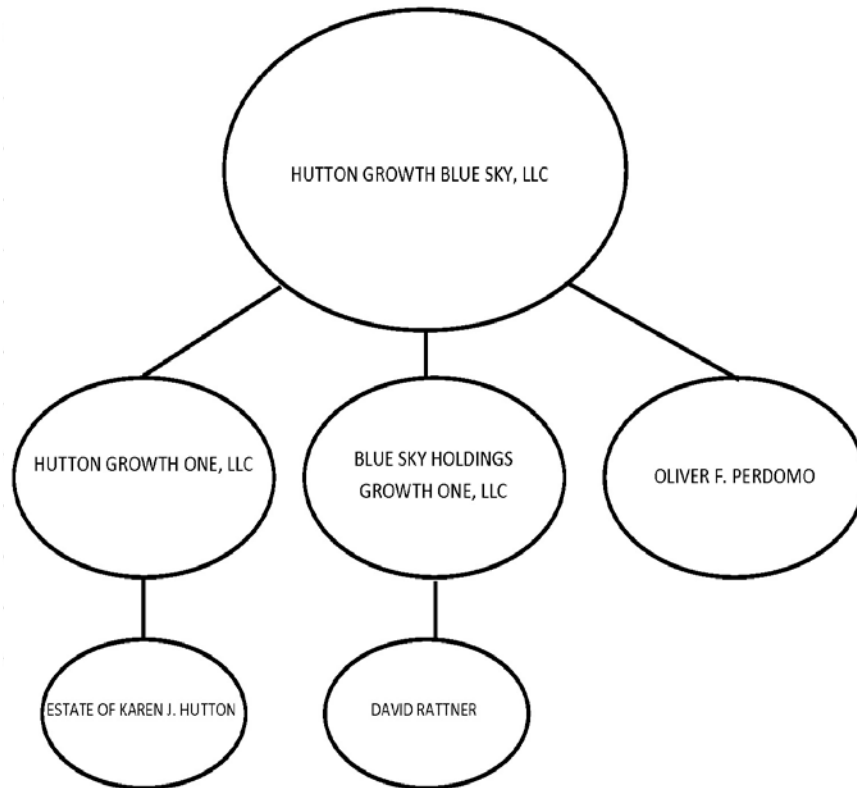
The West 200 Feet of the East 240 Feet of the North 233.66 Feet of the South 413.66 Feet of the East 1/2 of the Northeast 1/4 of Northeast 1/4 of Northwest 1/4 of Section 25, Township 44 South, Range 42 East, Less East 27 Feet and the North 213.66 Feet of the South 413.66 Feet of the West 40 Feet of the East 280 Feet of the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

Less the North 20 Feet of the South 200 Feet of the West 200 Feet of the East 240 Feet of the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT**

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.



\*\*\*\* All addresses are 736 Cherry Street, Chattanooga, TN 37402

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Jason M. Fedo, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [ ] individual or [x] Manager *[position - e.g., president, partner, trustee]* of JASP Holdings, Inc. LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County. Jmf

2. Affiant's address is: 84 Spur Close  
Wellington, FL 33414

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

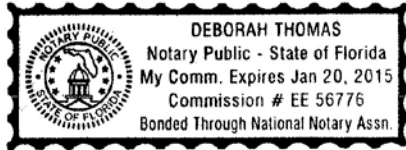
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

J. M. Fedo, Notary  
Jason Fedo, Notary, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of February, 2014, by Jason M. Fedo,  who is personally known to me or  who has produced \_\_\_\_\_ as identification and who did take an oath.



Deborah Thomas

Notary Public

Deborah Thomas

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 1-20-15

**EXHIBIT "A"**

**PROPERTY**

The West 200 Feet of the East 240 Feet of the North 233.66 Feet of the South 413.66 Feet of the East 1/2 of the Northeast 1/4 of Northeast 1/4 of Northwest 1/4 of Section 25, Township 44 South, Range 42 East, Less East 27 Feet and the North 213.66 Feet of the South 413.66 Feet of the West 40 Feet of the East 280 Feet of the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

Less the North 20 Feet of the South 200 Feet of the West 200 Feet of the East 240 Feet of the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
Jason Fedo	84 Spur Close, Wellington, FL 33414
Ashleigh Fedo	12666 Headwater Cir., Wellington FL 33414
Ramon Spencer Fedo	12666 Headwater Cir., Wellington FL 33414
Pierce Lane Fedo Trust	84 Spur Close, Wellington FL 33414
Pierce Lane Fedo	11555 Rock Lake Terrace, Coquina Beach FL 33473

**EXHIBIT E: Applicant’s Justification Statement dated July 18, 2014**



www.landdesignsouth.com

**JUSTIFICATION STATEMENT**

Type II Waiver Request

**O’Reilly Auto Parts**

*Initial Submittal: February 19, 2014*

*Resubmitted: March 20, 2014*

*Resubmitted: April 28, 2014*

*Resubmitted: May 15, 2014*

*Resubmitted: June 12, 2014*

*Resubmittal: July 18, 2014*

**TYPE II WAIVER REQUESTS**

On behalf of the applicant, Hutton Growth Blue Sky LLC, we are requesting approval of two (2) Type II Waivers one to allow a reduction in the building height requirements; and, a second to allow a reduction to the side setback on the north side of the property.

	ULDC Section	Required	Provided	Waiver
<b>Request W.1</b>	Article 3.B.16.F.6.c.1), Building Floors	Minimum building floors requirement of two stories	One story building	Reduce building floors minimum by one story.
<b>Request W.2</b>	Table 3.B.16.F, PRA Block Building PDRs (Side Setback)	6 Feet Minimum Side Setback	2 Feet	Reduce side setback by 4 feet on north side of property

**SITE CHARACTERISTICS**

The 1.044 acre property contains a 6,500 sq. ft. vacant building and the property was once utilized for Auto Sales and Service. The subject property is located within the PRA - Urban Redevelopment Area Overlay (URAO), Transect Sub-Area UI 1 and has a Future Land Use and Zoning District of UI (Urban Infill). The property is within the Urban/Suburban tier of unincorporated Palm Beach County.

**TYPE II WAIVER STANDARDS**

- The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the Zoning district or Overlay.**

**Building Height – Stories:**

The Type II Waiver is supportable due to the property’s size of 1.044 acres. The ULDC for the URA allows properties one acre or less in size to be one story in height. Parcels that contain more than an acre must be 2-stories or greater in height. The intent of the code is that larger parcels be designed to accommodate multiple story buildings on larger lots.

With the exception of the adjacent shopping plaza, much of the surrounding area is comprised of commercial

400 Columbia Drive, Suite 110		<b>West Palm Beach</b>		Florida 33409		(561) 478-8501
501 SE Port St. Lucie Boulevard		<b>Port St. Lucie</b>		Florida 34986		(772) 871-7778
919 Lake Baldwin Lane		<b>Orlando</b>		Florida 32814		(407) 233-1367

type uses on smaller lots many of which are oriented towards automotive type uses. In the future, should the uses in the immediate area which are located within the URA be redeveloped, the proposed project will be compatible as the other requirements of the ULDC are being met such as the streetscape and pedestrian oriented design requirements.

#### **Side Setback**

The Type II Waiver is supportable due to the property's size of 1.044 acres. The ULDC for the URA allows for a Type II Waiver to be requested for items which are listed in Table 3.B.16.F, PRA Block Building PDRs. This table outlines requirements for building placement, building frontage percentage requirements, etc. The required side setback pursuant to this table for non-residential uses is six (6) feet. The applicant proposes to reduce the setback on the north side of the property to two (2) feet. This request can be supported for a number of reasons. First, this same code section/table also requires that the overall building length be a minimum of 65% of the length of the property line. In order to meet this requirement the reduced setback is necessary. Secondly, in order to accommodate the necessary parking and drive-aisle width situated on the south side of the property a setback reduced to 2' is necessary. The drive aisle on the south side of the property is proposed to be 28' wide which is necessary in order to accommodate the necessary turning radii for delivery vehicles which will access the site.

The Waiver requests do not create additional conflicts with other requirements of the ULDC. They are consistent with the stated purpose and intent for the UI (Urban Infill) zoning district as it promotes redevelopment that enhances the built environment, is pedestrian oriented, and encourages infill type development. The subject parcel is located near existing commercial properties which are similar in size and use. The proposed design of the building and site promote the intensity and density requirements of the UI 1 Transect Zone. The Waivers will not create additional conflicts and is consistent with the purpose and intent of the UI zoning district.

**2. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development.**

#### **Building Height – Stories:**

The Type II Waiver is supportable due to the property's size of 1.044 acre size. The ULDC for the URAO allows properties one acre or less in size to be one story in height. Parcels that contain more than an acre must be 2-stories or greater in height. The intent of the code is that larger parcels be designed to accommodate multiple story buildings on larger lots. Should a two-story building be proposed on this small 1.044 acre site, it is anticipated that many of the other requirements of the URA such as streetscape, parking, cross access, etc. could not be accommodated. With the exception of the adjacent shopping plaza, many of the parcels in the surrounding area are comprised of commercial type uses on smaller lots which are oriented towards automotive type uses. Approval of this Type II Waiver will not cause a detrimental effect on the overall design and development standards of the project. The Waiver requests will enhance the overall design and development standards of the project. The requested waiver is a result of the size and nature of the subject property as an infill type parcel. The request will be in harmony with the general site layout and design details of the development. Furthermore, should the adjacent surrounding parcels be redeveloped in the future, the design of the subject property would allow for a gradual transition in building scale and use intensity of the overall surrounding area.

#### **Side Setback**

The Type II Waiver is supportable due to the property's size of 1.044 acres. The ULDC for the URA allows for a Type II Waiver to be requested for items which are listed in Table 3.B.16.F, PRA Block Building PDRs. This table



outlines requirements for building placement, building frontage percentage requirements, etc. The required side setback pursuant to this table for non-residential uses is six (6) feet. The applicant proposes to reduce the setback on the north side of the property to two (2) feet. This request can be supported for a number of reasons. First, this same code section/table also requires that the overall building length be a minimum of 65% of the length of the property line. In order to meet this requirement the reduced setback is necessary. Secondly, in order to accommodate the necessary parking and drive-aisle width situated on the south side of the property a setback reduced to 2' is necessary. The drive aisle on the south side of the property is proposed to be 28' wide which is necessary in order to accommodate the necessary turning radii for delivery vehicles which will access the site. The Waiver request will enhance the overall design and development standards of the project. The requested waiver is a result of the size and nature of the subject property as an infill type parcel. The request will be in harmony with the general site layout and design details of the development. Furthermore, should the adjacent surrounding parcels be redeveloped in the future, the design of the subject property would allow for a gradual transition in building scale and use intensity of the overall surrounding area.

The Waiver requests will not cause a detrimental effect on the overall design and development standards of the project, and they will be in harmony with the general site layout and design details of the development. They are consistent with the stated purpose and intent for the UI (Urban Infill) zoning district as it promotes redevelopment that enhances the built environment, is pedestrian oriented, and encourages infill type development. The proposed design of the building and site promote the intensity and density requirements of the UI 1 Transect Zone.

**3. The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties.**

**Building Height – Stories:**

The Type II Waiver is supportable due to the property's size of 1.044 acre size. The ULDC for the URA allows properties one acre or less in size to be one story in height. Parcels that contain more than an acre must be 2-stories or greater in height. The intent of the code is that larger parcels be designed to accommodate multiple story buildings on larger lots. Should a two-story building be proposed on this small 1.044 acre site, it is anticipated that many of the other requirements of the URA such as pedestrian amenities, streetscape design, parking, cross access, etc. could not be accommodated on site. Should the shopping plaza parcel to the west be redeveloped it is anticipated that the property would be developed in multiple stories. By maintaining a building one-story in height on the subject property this allows for a gradual transition in building scale and use intensity of the overall surrounding area. Therefore, the requested Type II Waiver to allow the building to be one-story will not adversely impact adjacent properties.

**Side Setback**

The Type II Waiver is supportable due to the property's size of 1.044 acres. The ULDC for the URA allows for a Type II Waiver to be requested for items which are listed in Table 3.B.16.F, PRA Block Building PDRs. This table outlines requirements for building placement, building frontage percentage requirements, etc. The required side setback pursuant to this table for non-residential uses is six (6) feet. The applicant proposes to reduce the setback on the north side of the property to two (2) feet. This request can be supported for a number of reasons. First, this same code section/table also requires that the overall building length be a minimum of 65% of the length of the property line. In order to meet this requirement the reduced setback is necessary. Secondly, in order to accommodate the necessary parking and drive-aisle width situated on the south side of the property a setback reduced to 2' is necessary. The drive aisle on the south side of the property is proposed to be 28' wide which is necessary in order to accommodate the necessary turning radii for delivery vehicles which will access the site. The proposed Type II Waiver will not adversely impact adjacent properties. On the contrary,

redevelopment of the subject property could potentially spur redevelopment in the surrounding area. Furthermore, should the adjacent surrounding parcels be redeveloped in the future, the design of the subject property would allow for a gradual transition in building scale and use intensity of the overall surrounding area.

**BASED ON THE ABOVE JUSTIFICATION AND ATTACHED INFORMATION, THE PETITIONER RESPECTFULLY REQUESTS APPROVAL OF THIS REQUEST.**