

RESOLUTION NO. R-2015- 0955

RESOLUTION APPROVING ZONING APPLICATION PDD/R-2014-02095
(CONTROL NO. 2009-02300)

an Official Zoning Map Amendment to a Planned Development District
APPLICATION OF Michael Gilley
BY Joshua Mahr, AGENT
(Lake Worth Storage 2)

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, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied;

WHEREAS, Zoning Application PDD/R-2014-02095 was presented to the Board of County Commissioners at a public hearing conducted on July 23, 2015;

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 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code 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 BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.1.B; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code 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/R-2014-02095, the application of Michael Gilley, by Joshua Mahr, Agent, for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch in EXHIBIT B, attached hereto and made a part hereof, was approved on July 23, 2015 subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Mayor	-	Aye
Commissioner Mary Lou Berger, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 23, 2015.

Filed with the Clerk of the Board of County Commissioners on July 27th, 2015

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

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK FLORIDA

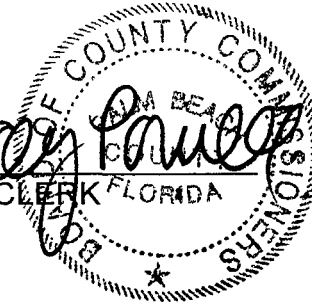


EXHIBIT A
LEGAL DESCRIPTION

PARCEL I:

BEGINNING AT A POINT ON THE EAST LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, 221 FEET SOUTH OF THE NORTHEAST CORNER OF SUCH NORTHEAST 1/4 OF THE SOUTHWEST 1/4, ABOVE DESCRIBED, FOR A POINT OF BEGINNING; THENCE SOUTH A DISTANCE OF ONE HUNDRED (100) FEET; THENCE WEST ON A LINE PARALLEL TO THE NORTH BOUNDARY OF SUCH TRACT A DISTANCE OF THREE HUNDRED SIXTY (360) FEET; THENCE NORTH ON A LINE PARALLEL TO THE WEST BOUNDARY OF SAID TRACT, A DISTANCE OF ONE HUNDRED (100) FEET; THENCE EAST A DISTANCE OF THREE HUNDRED SIXTY (360) FEET, ON A LINE PARALLEL TO THE SOUTH BOUNDARY OF SAID TRACT, TO THE POINT OF BEGINNING.

LESS AND EXCEPT THOSE PORTIONS THEREOF CONVEYED TO PALM BEACH COUNTY BY INSTRUMENTS RECORDED IN O.R. BOOK 418, PAGE 539, AND O.R. BOOK 6074, PAGE 1826, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL II:

THE WEST 304.5 FEET OF THE SOUTH 306 FEET OF THE NORTH 421 FEET OF THE EAST HALF (E 1/2) OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1A OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL III:

THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, 321 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1, ABOVE DESCRIBED FOR A POINT OF BEGINNING; THENCE RUNNING SOUTH ON THE EAST LINE OF THE SAID SOUTHWEST 1/4 OF SECTION 1, A DISTANCE OF 100 FEET; THENCE RUNNING WEST ON A LINE PARALLEL TO THE NORTH AND SOUTH BOUNDARY LINE OF THE SOUTHWEST 1/4 OF SECTION 1, ABOVE DESCRIBED A DISTANCE OF 360 FEET; THENCE RUNNING NORTH ON A LINE PARALLEL TO THE EAST AND WEST BOUNDARY LINE OF SAID SOUTHWEST 1/4 OF SECTION 1, A DISTANCE OF 100 FEET; THENCE RUNNING EAST ON A LINE PARALLEL TO THE NORTH AND SOUTH BOUNDARY LINE OF THE SAID SOUTHWEST 1/4 OF SECTION 1, A DISTANCE OF 360 FEET TO THE POINT OF BEGINNING, LESS RIGHT OF WAY OF MILITARY TRAIL.

LESS AND EXCEPT THAT PORTION THEREOF CONVEYED TO PALM BEACH COUNTY BY INSTRUMENT RECORDED IN O.R. BOOK 6157, PAGE 1607, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL IV:

ALL THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 165 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 1, ABOVE DESCRIBED, BEING A POINT OF THE EAST BOUNDARY LINE OF SAID SOUTHWEST 1/4 FOR A POINT OF BEGINNING; THENCE RUNNING SOUTH ON THE EAST BOUNDARY LINE OF SAID SOUTHWEST 1/4 A DISTANCE OF 56 FEET; THENCE RUNNING WEST ON A LINE PARALLEL TO THE NORTH BOUNDARY LINE OF SAID SOUTHWEST 1/4 FOR A DISTANCE OF 360 FEET; THENCE RUNNING NORTH ON A LINE PARALLEL TO THE EAST LINE OF SAID SOUTHWEST 1/4 FOR A DISTANCE OF 56 FEET; THENCE RUNNING EAST ON A LINE PARALLEL TO THE NORTH AND SOUTH BOUNDARY LINES OF SAID SOUTHWEST 1/4 A DISTANCE OF 360 FEET TO THE POINT OF BEGINNING.

ALSO, THE EAST 360 FEET OF THE SOUTH 46 FEET OF THE NORTH 165 FEET OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS RIGHT-OF-WAY FOR STATE ROAD 809 (MILITARY TRAIL) AS NOW LAID OUT AND IN USE.

LESS AND EXCEPT THAT PORTION THEREOF CONVEYED TO PALM BEACH COUNTY BY INSTRUMENT RECORDED IN O.R. BOOK 6157, PAGE 1611, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 3.8 ACRES, MORE OR LESS (AS CALCULATED TO HEAVY BOUNDARY LINE
SHOWN HEREON) .

EXHIBIT B
VICINITY SKETCH

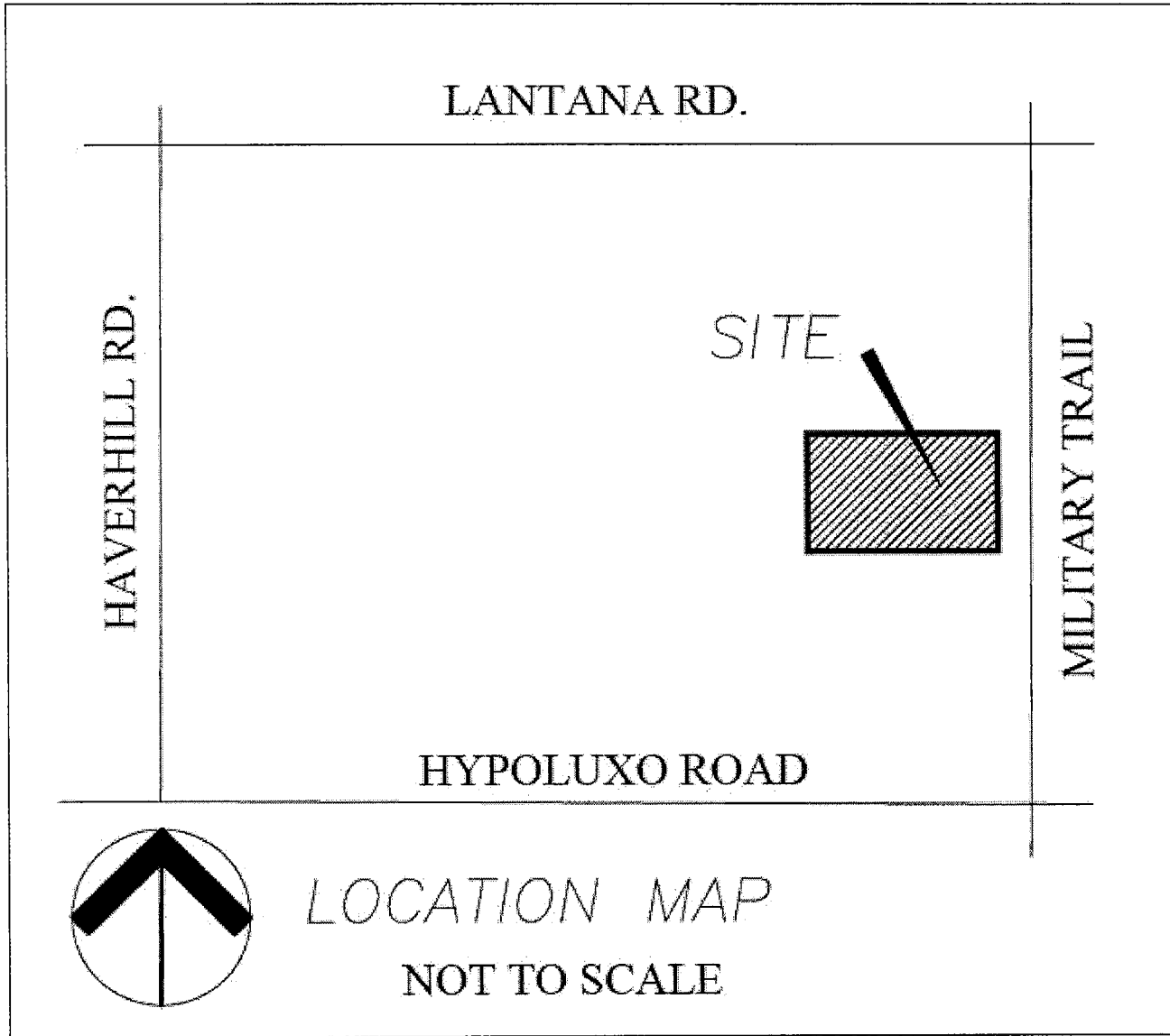


EXHIBIT C

CONDITIONS OF APPROVAL

PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Site Plan is dated May 26, 2015. 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)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2017. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to issuance of the first building permit the Property Owner shall combine the property into a legal lot(s) of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

3. Within ninety (90) days notice by the County Engineer, the Property Owner shall provide a temporary roadway construction easement to Palm Beach County along Military Trail. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (ONGOING: ENGINEERING - Engineering)

4. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Military Trail along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication

documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering)

5. Prior to DRO approval, the Property Owner shall obtain an access easement from the adjacent property owner to the south or the proposed access easement shall be removed from the site plan. (DRO: ENGINEERING - Engineering)

ENVIRONMENTAL

1. Incorporate existing native trees into the site plan and label them. If this cannot be accomplished, documentation describing why the trees cannot be incorporated shall be necessary. Tree surveys shall only include the native trees of 6 inches and greater. Labeling shall include the location of the native vegetation, tag number, species and Diameter at Breast height (DBH). (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LAKE WORTH DRAINAGE DISTRICT

1. Based on the canal cross-sections provided for review. LWDD will require additional right-of-way. Prior to platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed the South 22.2 feet of the North 75 feet as shown on the required right-of-way maps, recorded in ORB 1732, PG 612 for the L-17 Canal. LWDD will provide and record the conveyance document. PLAT: ENG-LWDD (PLAT: ENGINEERING - Lake Worth Drainage District)

PLANNING

1. Prior to Final Approval by the Development Review Officer (DRO), the Preliminary Site Plan shall be revised to show the southern location of the vehicular and pedestrian connection to the Mangone and Spirk Self Storage property, subject to approval by the Planning Division and Engineering Department. (DRO: PLANNING - Planning)

2. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall pave the vehicular and pedestrian access to the southern property line as shown on the Certified Site Plan and record a Cross Access Easement for said location in a form acceptable to the County Attorney. (CO: MONITORING - Planning)

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: 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 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: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.