

RESOLUTION NO. R-2017- 0363

RESOLUTION APPROVING ZONING APPLICATION DOA-2016-01437
(CONTROL NO. 1984-00030)
Development Order Amendment
APPLICATION OF Public Storage Inc
BY Bercow Radell & Fernandez, PLLC, AGENT
(Public Storage)

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

WHEREAS, Zoning Application DOA-2016-01437 was presented to the Board of County Commissioners at a public hearing conducted on March 23, 2017;

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 ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for Development Order Amendment;

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, 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.A.1.K.3.b (Action by BCC) of the ULDC 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 DOA-2016-01437, the Application of Public Storage Inc, by Bercow Radell & Fernandez, PLLC, Agent, for Development Order Amendment to reconfigure the Site Plan, add square footage, and delete Conditions of Approval (Engineering), 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 March 23, 2017, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

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

Commissioner Paulette Burdick, Mayor	- Aye
Commissioner Melissa McKinlay, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Dave Kerner	- Absent
Commissioner Steven L. Abrams	-
Commissioner Mary Lou Berger	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on March 23, 2017.

Filed with the Clerk of the Board of County Commissioners on March 30th, 2017.

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



EXHIBIT A

LEGAL DESCRIPTION

A tract of land lying in Section 20, Township 47 south, Range 42 east, being in Palm Beach County, Florida and being described as follows:

Tract 2 and the portion of Tract 1 in Block 79, lying 20 feet west of the right-of-way of Shell Pit Road, less the north 27.14 feet of said tracts 1 and 2, all being a portion of PALM BEACH FARMS SUBDIVISION PLAT No 3, according to the Plat thereof, recorded in Plat Book 2, Pages 45 through 54, Public Records of Palm Beach County, Florida.

Parcel Identification Number: 00-42-43-27-05-079-0010
(Warranty deed dated June 27th, 1996, recorded in Official Records Book 9329, Pages 331, Palm Beach County Records.)

Containing 364,558 Square Feet of 8.369 Acres, more or less by calculations.

Property Address: 21000 Boca Rio Road, Palm Beach, Florida.

EXHIBIT B
VICINITY SKETCH



EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2005-1787, Control No.1984-00030, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-84-1107(Petition 84-30) and Resolution R-86-102 (Petition 84-30(A)), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2005-1787(Control 1984-30), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2005-1787, Control No.1984-00030, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated July 18, 2005. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

The approved Preliminary Site, Regulating and Architectural Plans are dated January 12, 2017. 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)

3. Prior to Final approval by the Development Review Officer (DRO), the Property Owner shall revise the Site Plan to:

- a) Add a non-conformities chart to include all legal non-conformities that are outside of the affected area;
- b) Revise the total acreage in the Site Data table to match the information on the approved Survey;
- c) Revise the Site Data table to demonstrate compliance with the minimum number of required loading zones;
- d) Revise the Site Data table parking calculations to include the total number of storage units on site;
- e) Label all Perimeter Buffers in accordance to Article 7 of the Unified Land Development Code and revise the Buffer details on the Regulating Plan accordingly. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for Buildings 1 and 2 shall be submitted for 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 January 12, 2017. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: 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, 2020. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The property owner shall convey for the ultimate right of way of Boca Rio Road, 80 feet west of the west right of way line of the LWDD E-2 Canal, an additional 20 feet within 90 days of approval; conveyance must be accepted by Palm Beach County prior to issuance of first building permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2005-1787, Control No.1984-00030)

3. The property owner shall convey an access easement to the properties to the west prior to site plan approval. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2005-1787, Control No.1984-00030)

4. Previous ENGINEERING Condition 4 of Resolution R-2005-1787, Control No.1984-00030, which currently states:

The developer shall construct concurrent with a paving and drainage permit issued from the Office of the County Engineer:

a. Left turn lane, south approach on Boca Rio Road at the project's south entrance. (BLDGPM: ENGINEERING - Engineering)

Is hereby deleted. [REASON: Traffic does not warrant turn lane.]

4. Previous ENGINEERING Condition 4 of Resolution R-2005-1787, Control No.1984-00030, which currently states:

The developer shall construct concurrent with a paving and drainage permit issued from the Office of the County Engineer:

b. Right turn lane, north approach on Boca Rio Road at the project's north entrance. (BLDGPM/CO: ENGINEERING - Engineering)

Is hereby deleted. [REASON: Traffic does not warrant turn lane.]

5. Condition 5 was deleted. (Previous ENGINEERING Condition 5 of Resolution R-2005-1787, Control No.1984-00030)

6. Condition 6 was deleted. (Previous ENGINEERING Condition 6 of Resolution R-2005-1787, Control No.1984-00030)

7. Condition 7 was deleted. (Previous ENGINEERING Condition 7 of Resolution R-2005-1787, Control No.1984-00030)

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

9. Prior to the issuance of the first certificate of occupancy, the Property Owner shall complete construction of a guardrail along the west bank of the LWDD E-2-W Canal on Boca Rio Road across from all project driveways with egress onto Boca Rio Road, as approved by the County Engineer. (BLDGPM/CO: MONITORING - Engineering)

10. Property Owner shall construct a 5 foot wide concrete sidewalk along the west side of Boca Rio Road from the north property line to the south property line. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. These improvements shall be completed concurrently with the onsite paving and grading and shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPM/CO: MONITORING - Engineering)

ENVIRONMENTAL

1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2005-1787, Control No.1984-00030)

HEALTH

1. Property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: HEALTH DEPARTMENT - Code Enforcement) (Previous HEALTH Condition 1 of Resolution R-2005-1787, Control No.1984-00030)

2. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 5 of Resolution R-2005-1787, Control No.1984-00030)

3. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30-F.A.C. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 6 of Resolution R-2005-1787, Control No.1984-00030)

LANDSCAPE - GENERAL

1. Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2005-1787, Control No.1984-00030, which currently states:

A minimum of fifty (50) percent of all new and replacement trees to be planted in the landscape buffers shall meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDGPM/CO: ZONING - Zoning)

Is hereby deleted. [REASON: Code requirement]

2. Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2005-1787, Control No.1984-00030, which currently states:

All new or replacement palms required to be planted on the property by this approval, shall meet the following minimum standards at installation:

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet;
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements.

Is hereby deleted. [REASON: Code requirement.]

3. Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2005-1787, Control No.1984-00030, which currently states:

Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDGPMT: ZONING - Zoning)

Is hereby deleted. [REASON: Code requirement.]

ZONING - LANDSCAPING

4. Prior to October 1, 2005, the property owner shall replace all dead and missing plant materials on the entire subject property. (DATE: MONITORING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 4 of Resolution R-2005-1787, Control No.1984-00030)

LIGHTING

1. Previous LIGHTING Condition 1 of Resolution R-2005-1787, Control No.1984-00030, which currently states:

Security lighting shall be directed away from nearby residences. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Code requirement.]

LAKE WORTH DRAINAGE DISTRICT

1. The property owner shall convey to the Lake Worth Drainage District, either by Quit Claim Deed or Drainage Easement, the north 30 feet of Tracts 1, 2, and 3 Block 73, Palm Beach Farms Plat No. 3, for the right of way for Lateral Canal No. 46. This conveyance must occur within 90 days of the project's approval. (DATE: MONITORING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 1 of Resolution R-2005-1787, Control No.1984-00030)

SIGNS

1. Prior to Final Approval by the Development Review Officer (DRO), the Final Regulating Plan shall be revised to include a detail of the existing freestanding sign on Boca Rio Road in accordance to Article 8 of the ULDC. (DRO/ONGOING: ZONING - Zoning)

SITE DESIGN

1. Previous SITE DESIGN Condition 2 of Resolution R-2005-1787, Control No.1984-00030, which currently states:

Prior to site plan certification, the site plan shall be amended to reflect the following:

- a) All landscaping and berming will be revised to reflect that proposed in Petition 84-30, Exhibit # 14. However, the required wall may be replaced by a hedge or berm of at least three (3) feet in height, along the entire north property line.
- b) Twenty one (21) foot parking stall width in areas of one way traffic.
- c) Minimum interior landscape requirements.
- d) All required landscape areas pursuant to Section 4 of the Landscape Ordinance.
- e) Building footprint which accommodates internal access safe corners. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: Code requirement.]

USE LIMITATIONS

1. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the industrial development facility. (Previous USE LIMITATIONS Condition 1 of Resolution R-2005-1787, Control No.1984-00030)

COMPLIANCE

1. 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)

2. 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)

DISCLOSURE

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