

RESOLUTION NO. R-2017- 1767

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2016-02009
(CONTROL NO. 1973-00039)
a Requested Use
APPLICATION OF Oriole RLV
BY Holland & Knight LLP, Charles Putman & Associates, AGENT
(The Reserve Self-Storage at Oriole Plaza)

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/R-2016-02009 was presented to the Board of County Commissioners at a public hearing conducted on November 30, 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 a Requested Use;

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/R-2016-02009, the Application of Oriole RLV, by Holland & Knight LLP, Charles Putman & Associates, Agent, for a Requested Use to allow a Self Service Storage Facility, 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 November 30, 2017, 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 Burdick and, upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared that the resolution was duly passed and adopted on November 30, 2017.

Filed with the Clerk of the Board of County Commissioners on December 11th, 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

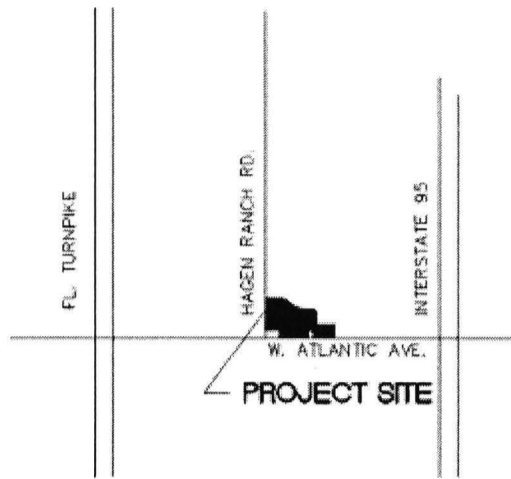
LEGAL DESCRIPTION – AFFECTED AREA (OUTPARCEL G)

A PORTION OF PARCEL C-1, "VILLAGES OF ORIOLE SHOPS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGE 9, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID PARCEL C-1; THENCE SOUTH 89°40'59" EAST ON THE NORTH LINE OF SAID PARCEL C-1 FOR 470.29 FEET TO THE MOST NORTHERLY NORTHEAST CORNER OF SAID PARCEL C-1, A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, THE RADIUS POINT OF WHICH BEARS NORTH 52°25'36" EAST; THENCE SOUTHEASTERLY ON THE NORTHEASTERLY BOUNDARY OF SAID PARCEL C-1, ON THE SOUTHWESTERLY BOUNDARY OF PARCEL R-1 OF SAID PLAT, ON THE SOUTHWESTERLY RIGHT-OF-WAY LIMIT OF ORIOLE BOULEVARD AND ON THE ARC OF SAID CURVE, WITH A RADIUS OF 770.00 FEET, A CENTRAL ANGLE OF 22°04'01", FOR AN ARC DISTANCE OF 296.56 FEET; THENCE SOUTH 00°00'00" EAST 51.34 FEET TO THE INTERSECTION WITH A LINE 245.00 FEET SOUTH OF AND PARALLEL WITH THE AFOREMENTIONED NORTH LINE OF PARCEL C-1; THENCE NORTH 89°40'59" WEST ON SAID PARALLEL LINE 696.80 FEET TO THE INTERSECTION WITH THE WEST LINE OF SAID PARCEL C-1; THENCE NORTH 01°15'47" EAST ON SAID WEST LINE, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD, 245.03 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 145,842 SQUARE FEET, 3.3481 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



LOCATION MAP
SCALE: N.T.S.

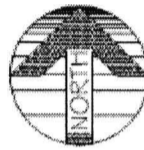


EXHIBIT C

CONDITIONS OF APPROVAL

Requested Use- Limited and Multi-Access Self Service Storage Facility

ALL PETITIONS

1. The approved Preliminary Site Plan is dated August 28, 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)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Limited Access Self Service Storage Facility 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 Article 4.B. Development shall be consistent with the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (ONGOING: ZONING - Zoning)

LANDSCAPE - PRESERVATION OF VEGETATION

1. Prior to the issuance of any Building Permit(s) the Property Owner shall:

- submit an application for a Vegetation Barricade Permit to the Building Division. The application shall be routed to the Zoning Division for coordinated review by Zoning, ERM and Building Divisions;
- include the approved DRO plan(s) with the approved Disposition Chart with the barricade permit application;
- complete the installation of all vegetation protection barricades and tagging; and,
- schedule inspections and receive a "Pass" status with Zoning Landscape Inspectors prior to any tree removal activity. (BLDG PERMIT: ZONING-Zoning)
(BLDG/PMT/ONGOING: ZONING - Zoning)

LANDSCAPE - INTERIOR-BUILDING 1- NORTH (REAR) FACADE

2. In addition to Code requirements foundation planting shall be provided on the north (rear) facade of Building 1 as follows:

- A minimum of eight (8) feet in width, on a minimum of 80% of the north facade;
- Vegetation shall include one tree or palm for every twenty (20) linear feet of building facade; and,
- One shrub or ground cover for every ten (10) square feet of planting area. (ONGOING: ZONING - Zoning)

LANDSCAPE – PERIMETER- ALONG NORTH PROPERTY LINE ADJACENT TO RESIDENTIAL

3. All new or required replacement of dead or missing trees shall be Florida Grades and Standards large canopy tree such as Oak or similar species and meet the following minimum standards at installation:

- tree height: fourteen (14) feet; and,
- credit may be given for existing or relocated trees provided they meet the Unified Land Development Code requirements. (ONGOING: ZONING - Zoning)

SITE DESIGN-NORTH PROPERTY LINE ADJACENT TO EXISTING RESIDENTIAL USES

1. Prior to Final Site Plan approval by the Development Review Officer the Preliminary Site Plan shall be modified to provide additional separation and buffering from the existing residential uses as follows:

- The minimum rear setback for the Limited Access Storage Facility Building 1 shall be forty (40) feet from the north property line. (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: 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.