

RESOLUTION APPROVING ZONING APPLICATION SV/Z/CA-2017-01024
(CONTROL NO. 2005-00427)
an Official Zoning Map Amendment
with a Conditional Overlay Zone (COZ)
APPLICATION OF Burlington Self Storage of Lake Worth
BY Schmidt Nichols, AGENT
(Burlington Self Storage of Lake Worth)

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 SV/Z/CA-2017-01024 was presented to the Board of County Commissioners at a public hearing conducted on February 22, 2018;

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 an Official Zoning Map 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 SV/Z/CA-2017-01024, the Application of Burlington Self Storage of Lake Worth, by Schmidt Nichols, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District, with a Conditional Overlay Zone (COZ) 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 February 22, 2018, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kerner moved for the approval of the Resolution.

The motion was seconded by Commissioner Abrams 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	- Absent
Commissioner Dave Kerner	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on February 22, 2018.

Filed with the Clerk of the Board of County Commissioners on March 5th, 2018.

This resolution shall not become effective unless or until the effective date of Small Scale Land Use Amendment No. SCA- 2018-00001.

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

PROPERTY CONTROL NUMBERS

00-42-44-36-09-013-0010 &
00-42-44-36-09-013-0020

LEGAL DESCRIPTION

PARCEL I

THE SOUTHWEST 1/4 OF TRACT THIRTEEN (13), IN THE SOUTHWEST QUARTER (SOUTHWEST 1/4) OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 3, PAGE 10, LESS THE SOUTH 40 FEET THEREOF FOR HIGHWAY PURPOSES, AND LESS THE NORTH 14.00 FEET OF THE SOUTH 54.00 FEET OF THE WEST ONE QUARTER (W 1/4) OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHWEST ONE QUARTER (SW 1/4) OF THE SOUTHWEST ONE QUARTER (SW 1/4) OF SAID SECTION 36.

PARCEL II

THE SOUTHEAST ONE-QUARTER (SE 1/4) OF TRACT 13 OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 36, TOWNSHIP 44S, RANGE 42E, PLAT OF SEC. 36-T. 44S, R. 42E, RECORDED IN PLAT BOOK 3, PAGE 10, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

EXCEPTING THE SOUTH 40.00 FEET FOR LANTANA ROAD RIGHT-OF-WAY AND THE EAST 25.00 FEET FOR DESOTO ROAD RIGHT-OF-WAY. ALSO EXCEPTING ACQUISITION PARCEL NO. 119 (ADDITIONAL RIGHT-OF-WAY FOR LANTANA ROAD) MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATE IN SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE, SOUTH 88°29'51" EAST, ALONG THE SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 843.31 FEET THENCE, NORTH 01°30'09" EAST, DEPARTING FROM SAID SECTION LINE, A DISTANCE OF 40.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF LANTANA ROAD AND THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING; THENCE, NORTH 02°02'30" EAST, ALONG THE WEST LINE OF THE EAST ONE-HALF (E 1/2) OF THE WEST ONE-HALF (W 1/2) OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 36, A DISTANCE OF 14.00 FEET; THENCE, SOUTH 88°29'51" EAST, ALONG A LINE 14.00 FEET NORTH OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO SAID RIGHT-OF-WAY LINE, A DISTANCE OF 118.56 FEET; THENCE, NORTH 46°45'39" EAST, DEPARTING FROM SAID PARALLEL LINE, A DISTANCE OF 35.52 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF DESOTO ROAD; THENCE, SOUTH 02°01'10" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 39.00 FEET; THENCE NORTH 88°29'51" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 143.57 FEET TO THE POINT OF BEGINNING.

TOTAL ACREAGE

4.55 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

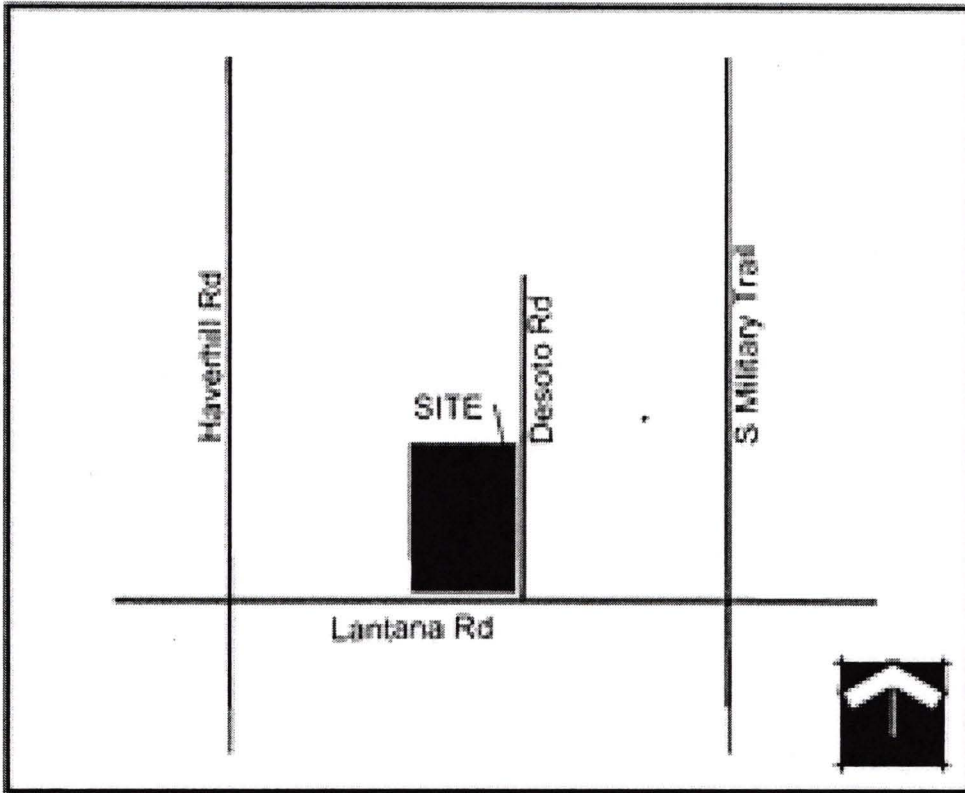


EXHIBIT C

CONDITIONS OF APPROVAL

Official Zoning Map Amendment- with a Conditional Overlay Zone

LANDSCAPE - GENERAL

1. Prior to issuance of building permit for first building and, if agreed to by the Property Owner of the parcels located directly across from the site on the eastern side of De Soto Road (the "Eastern Adjacent Parcels"), the Applicant shall plant or cause to be planted the following landscaping on the Eastern Adjacent Parcels to serve as an additional vegetative buffer between the Applicant's proposed development and the Eastern Adjacent Parcels:

a. A single row of seven (7) Areca Palms, minimum eight (8) feet in height at time of planting, planted four (4) feet on center, on that portion of the Eastern Adjacent Parcels located immediately across from the northernmost access drive to the site on De Soto Road.

b. A single row of eight (8) Areca Palms, minimum eight (8) feet in height at time of planting, planted four (4) feet on center, on that portion of the Eastern Adjacent Parcels located immediately across from the southernmost access drive to the site on De Soto Road. (BLDGPM/ONGOING: ZONING - Zoning)

LANDSCAPE - PERIMETER-ALONG THE NORTH, SOUTH AND EAST PROPERTY LINES

1. In addition to Code requirements, landscaping on the north, south and east property lines shall be upgraded to include:

a. One (1) palm or pine for each thirty (30) linear feet of the property line. All palms or pines required

to be planted on the property, shall meet the following minimum standards at installation:

b. If palms are utilized to satisfy this Condition, palm height shall be in a range of six (6) to twelve (12) feet of grey wood or clear trunk;

c. If pines are utilized to satisfy this Condition, pine height shall be in a range of eight (8) to twelve (12) feet;

d. Palms or pines shall be clustered in groups of three (3) to five (5); and,

e. credit may be given for existing or relocated palms/pines provided they meet current Unified Land Development Code requirements. (ONGOING: ZONING - Zoning)

PLANNING

1. Per SCA-2018-001, "Development under the Industrial Future Land Use designation shall be limited to a Self Storage facility." (ONGOING: PLANNING - Planning)

SITE DESIGN

1. The minimum setback for all principal buildings and accessory structures shall be 120 feet from the north property line. (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.