

RESOLUTION NO. R-2018- 0197

RESOLUTION APPROVING ZONING APPLICATION SV/Z/CA-2017-01024  
(CONTROL NO. 2005-00427)  
a Class A Conditional Use  
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 a Class A Conditional 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 SV/Z/CA-2017-01024, the Application of Burlington Self Storage of Lake Worth, by Schmidt Nichols, Agent, for a Class A Conditional Use to allow a Single Use over 100,000 square feet in the Industrial FLU, 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:

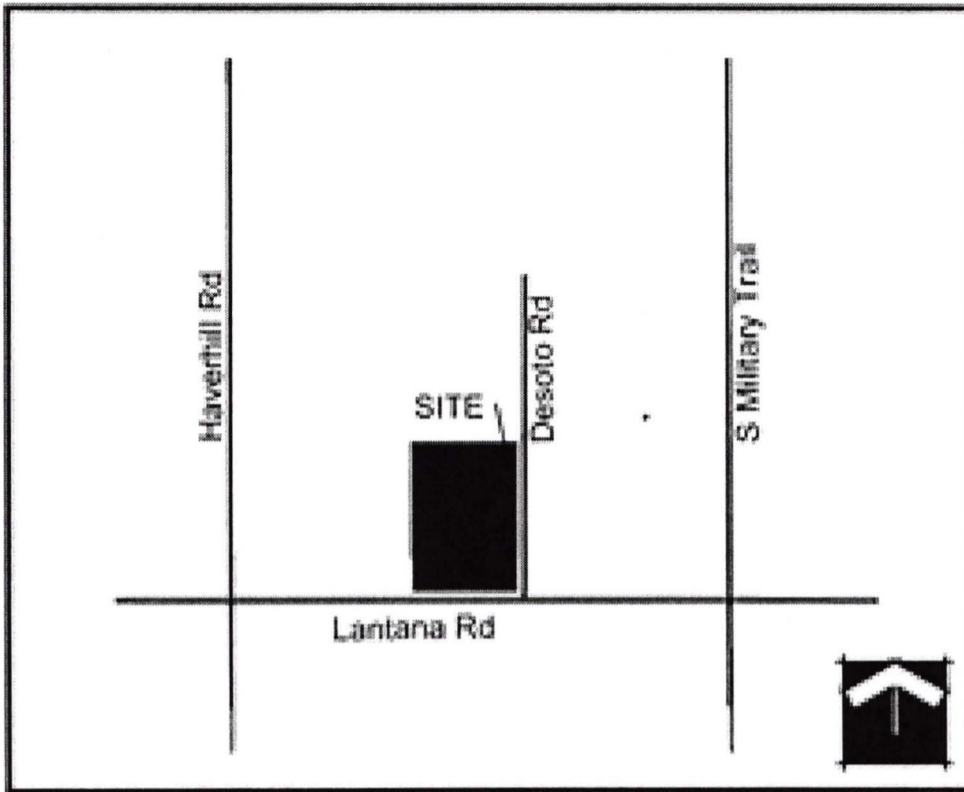
A PARCEL OF LAND SITUATE IN SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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

#### Conditional Use Class A

##### ALL PETITIONS

1. The approved Preliminary Site Plan is dated November 15, 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. (ONGOING: ZONING - Zoning)

##### ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the 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 shall be generally consistent with the approved Architectural Elevations. the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO/ONGOING: ZONING - Zoning)

2. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed forty (40) feet. Height shall be measured from finished grade to highest point of the structure. (DRO/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, 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. 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)

3. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for DeSoto Road right of way and all associated documents as required by the County Engineer for 10 feet in width on an alignment approved by the County Engineer

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up.

Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT/ONGOING: MONITORING - Engineering)

4. The Property Owner shall fund the construction plans and the construction of De Soto Road as a non-plan collector road plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed on or before the issuance of the first building permit. Construction plan costs shall be approved by the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division.

a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

5. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/PLAT: MONITORING - Engineering)

6. The Property Owner shall design, install, and perpetually maintain median landscape within the median of all abutting right of way of Lantana Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by the Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering)

c. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: MONITORING - Engineering)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, (OTIS) program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Lantana Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPM: MONITORING - Engineering)

7. Prior to approval of the Final Site Plan by the Development Review Officer, the traffic study shall be modified to reflect any modification of access points, if any, as shown on the Zoning Commission approved site plan. (DRO: ENGINEERING - Engineering)

8. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for Lantana Road right of way and all associated documents as required by the County Engineer for 55 feet, measured from centerline of the proposed right of way on an alignment approved by the County Engineer.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering)

#### **LANDSCAPE - GENERAL**

1. At time of submittal for Final Approval by the Development Review Officer the Property Owner shall add a Landscape Disposition Chart to the Final Site Plan for review and approval. (DRO: ZONING - Zoning)

2. 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. (BLDG/PMT/ONGOING: ZONING - Zoning)

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

3. 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)

### **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)

2. Prior to Certificate of Occupancy for any building, a minimum ten (10) foot high opaque gate with a Knox Box shall be provided on the northeast and southeast access points, and northwest access point connecting to the wall or storage units. (CO/ONGOING: ZONING - Zoning)

3. The northernmost access on Desoto Road shall be limited to 20 foot wide and, except for emergency management access, vehicular traffic shall be restricted to egress only. (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.