

RESOLUTION NO. R-2020- 0050

RESOLUTION APPROVING ZONING APPLICATION DOA/W-2019-00489
(CONTROL NO. 1981-00082)
a Development Order Amendment
APPLICATION OF SSC Property Holdings, LLC
BY Keith and Associates, Inc., Saul Ewing Arnstein & Leher LLP, AGENT
(Hunts Easy 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 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067, Supplement No. 25, have been satisfied;

WHEREAS, Zoning Application DOA/W-2019-00489 was presented to the Board of County Commissioners at a public hearing conducted on January 27, 2020;

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 (Application Processes and 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 Processes) for a 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.B.6.C (Board Action) 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/W-2019-00489, the Application of SSC Property Holdings, LLC, by Keith and Associates, Inc., Saul Ewing Arnstein & Leher LLP, Agent, for a Development Order Amendment to reconfigure the Site Plan; and, to add square footage, 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 January 27, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McKinlay moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	-	Aye
Commissioner Robert S. Weinroth, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 27, 2020.

Filed with the Clerk of the Board of County Commissioners on February 21st, 2020.

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

PARCEL I

A PARCEL OF LAND, LYING, BEING AND SITUATE IN PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; LESS THE NORTH 349.00 FEET OF THE EAST 303.00 FEET; AND LESS THE EAST 60.00 FEET FOR ROAD RIGHT-OF-WAY PURPOSES LESS THE EASTERLY 60.00 FEET THEREOF FOR MILITARY TRAIL RIGHT-OF-WAY.

AND

PARCEL II

THE NORTH 349.00 FEET OF THE EAST 303.00 FEET OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4), OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST; LESS THE EAST 60.00 FEET THEREOF FOR ROAD RIGHT-OF-WAY PURPOSES.

ALSO KNOWN AS

THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; LESS THE EAST 60.00 FEET FOR ROAD RIGHT-OF-WAY PURPOSES

SAID LANDS LYING IN UNINCORPORATED PALM BEACH COUNTY, FLORIDA AND CONTAINING 405,689 SQUARE FEET OR 9.313 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

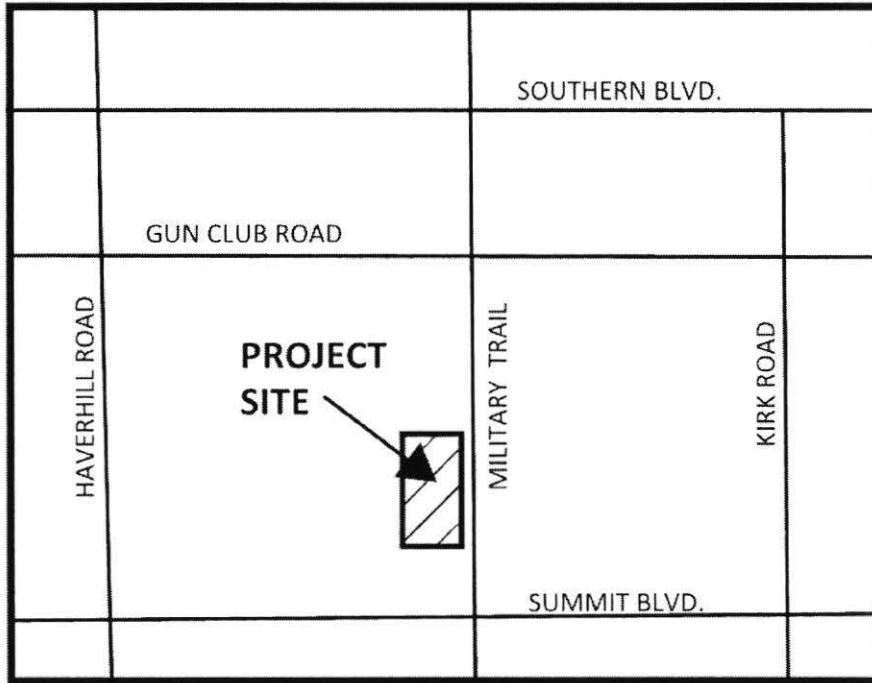


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. The approved Preliminary Site Plan is dated October 15, 2019. 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)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1979-1636 and R-1981-0757 (Control No. 1981-00082), 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 Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County sixty (60) Feet from centerline for the ultimate right-of-way for Military Trail. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous A Condition 1 of Resolution R-1979-1636, Control No.1981-00082)

2. Petitioner shall construct a left turn lane, south approach, on Military Trail at the project's entrance. [Note: COMPLETED] (Previous A Condition 2 of Resolution R-1979-1636, Control No.1981-00082)

3. Petitioner shall construct the access drive to have a minimum of one hundred (100) feet of tangency, as approved by the County Engineer. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous A Condition 3 of Resolution R-1979-1636, Control No.1981-00082)

4. Petitioner shall submit a comprehensive drainage report to determine the effect that this development will have on drainage on abutting properties prior to Site Plan approval. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous A Condition 4 of Resolution R-1979-1636, Control No.1981-00082)

5. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County 60' from centerline for the ultimate right-of-way for Military Trail. [Note: COMPLETED] (Previous A Condition 2 of Resolution R-1981-757, Control No.1981-00082)

6. Petitioner shall contribute Three Thousand Eight Hundred Dollars (\$3,800.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s). (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous A Condition 1 of Resolution R-1981-757, Control No.1981-00082)

7. 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, or as amended. 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)

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 or as otherwise approved by the County Engineer. (BLDGPMPT: MONITORING - Engineering)

9. 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. (BLDGPMPT/PLAT: MONITORING - Engineering)

LANDSCAPE - GENERAL

1. Prior to issuance of Certificate of Occupancy for the new, three-story Self Service Storage building, the Property Owner shall install and maintain a six foot high opaque screening hedge approximately 30 feet in length along the exterior of the six foot high security fence, generally located along the eastern side of the drive aisle at the southeastern portion of the property as further indicated on the Preliminary Site Plan dated October 15, 2019. (CO/ONGOING: BUILDING DIVISION - Zoning)

LANDSCAPE - PERIMETER

1. Previous A Condition 5 of Resolution R-1979-1636, Control No.1981-00082, which currently states:

Petitioner must provide additional landscaping along the front (east) property line to the satisfaction of the Site Plan Review Committee.

Is hereby deleted. [REASON: Completed and no longer applicable.]

SIGNS

1. Previous A Condition 7 of Resolution R-1979-1636, Control No.1981-00082, which currently states:

The proposed sign shall be reduced in size to the satisfaction of the Zoning Division staff.

Is hereby deleted. [REASON: Completed and no longer applicable.]

SITE DESIGN

1. Previous A Condition 6 of Resolution R-1979-1636, Control No.1981-00082, which currently states:

Petitioner may substitute chain link and ventilated cypress fencing along residential property lines in lieu of a masonry wall, consistent with the written requests of adjacent property owners.

Is hereby deleted. [REASON: Completed and no longer applicable.]

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: MONITORING - 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: MONITORING - Zoning)

DISCLOSURE

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