

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/CA-2019-01634
(CONTROL NO. 1987-00134)
a Development Order Amendment
APPLICATION OF Military Self Storage, LLC
BY Urban Design Kilday Studios, AGENT
(Mangone and Spirk Self-Storage MUPD)

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 26, have been satisfied;

WHEREAS, Zoning Application ZV/DOA/CA-2019-01634 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 ZV/DOA/CA-2019-01634, the Application of Military Self Storage, LLC, by Urban Design Kilday Studios, Agent, for a Development Order Amendment to reconfigure the Site Plan, add square footage, modify uses, add land area, and modify Conditions of Approval, 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

ALL OF THE PLAT OF MANGONE AND SPIRK SELF-STORAGE, M.U.P.D., ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 123, PAGE 3.

TOGETHER WITH: (MINIATURE GOLF COURSE)

MANGONE AND SPIRK SELF-STORAGE, M.U.P.D PLAT TWO, AS RECORDED IN PLAT BOOK 124, PAGES 168 & 169, PALM BEACH COUNTY RECORDS.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, CONTAINING 316,459 SQUARE FEET OF 7.265 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

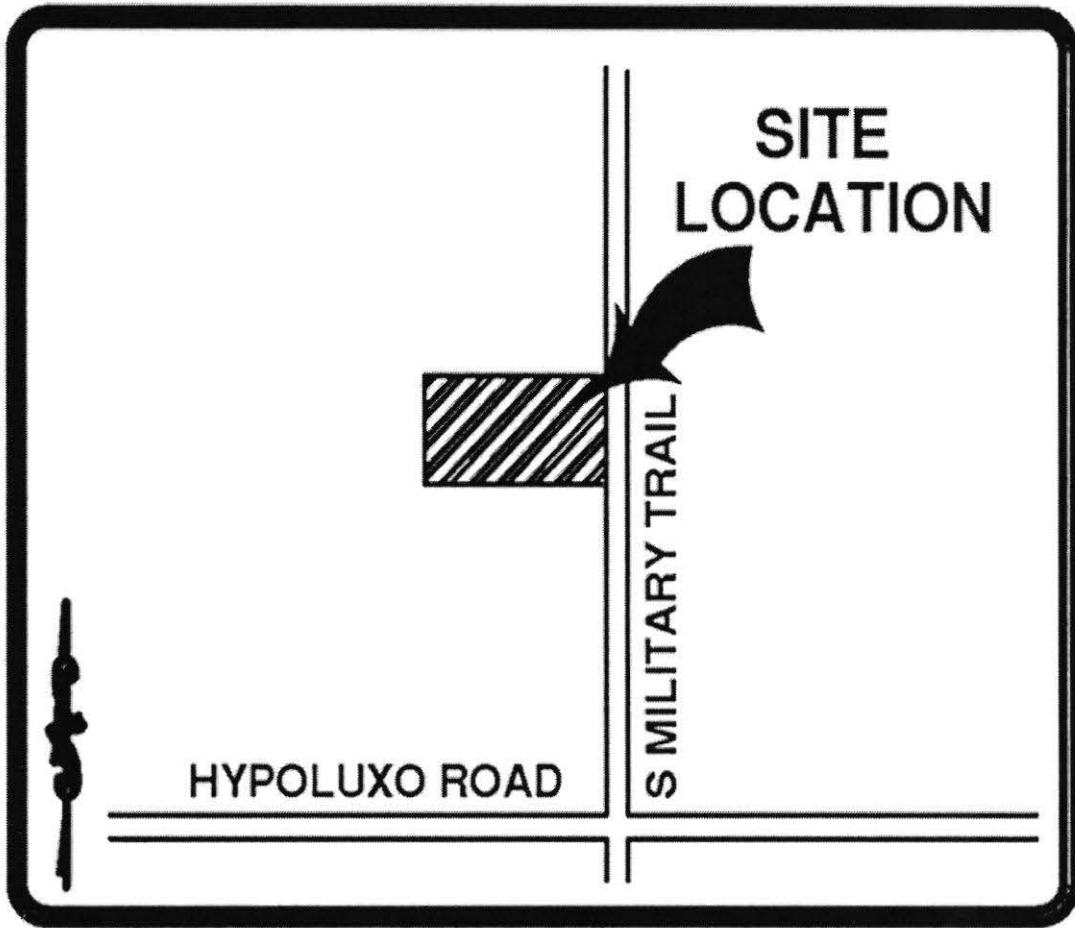


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment (Multiple Use Planned Development)

ALL PETITIONS

1. Previous ALL PETITIONS Condition 8 of Resolution R-2015-1547, Control No.1987-00134, which currently states:

The approved Preliminary Site Plan is dated August 20, 2015 and the Preliminary Regulating Plan is dated July 27, 2015. 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.

Is hereby amended to read:

The approved Preliminary Site Plan is dated November 25, 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. (ONGOING: ZONING - Zoning)

2. Previous ALL PETITIONS Condition 1 of Resolution R-2015-1547, Control No.1987-00134, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1993-0759 (Control 1987-00134), 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.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2015-1547 (Control 1987-00134), 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, unless expressly modified. (ONGOING: MONITORING - Zoning)

3. Previous ALL PETITIONS Condition 2 of Resolution R-2015-1547, Control No.1987-00134, which currently states:

Prior to site plan certification, the site plan shall be amended to indicate the following:
a. Redesign of the four (4) parking aisles in the northwest portion of the site to provide continuous vehicular traffic circulation.
b. Existing vegetation and proposed landscaping as per Condition Nos. 6, 8, 9, and 10, below.

Is hereby deleted. [REASON: No longer applicable.]

ENGINEERING

1. Condition deleted by R-2015-1547 (Previous ENGINEERING Condition 1 of Resolution R-2015-1547, Control No.1987-00134)

2. Condition deleted by R-2015-1547 (Previous ENGINEERING Condition 2 of Resolution R-2015-1547, Control No.1987-00134)

3. Condition deleted by R-2015-1547 (Previous ENGINEERING Condition 3 of Resolution R-2015-1547, Control No.1987-00134)

4. Prior to issuance of a building permit the developer shall obtain an onsite drainage permit from the County Engineer. This permit application shall reflect the drainage into this site from the adjacent Don Carter bowling center in accordance with the original drainage design for the Don Carter bowling center, in addition to the drainage generated by this site. (BLDGPM/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2015-1547, Control No.1987-00134)

5. Prior to December 31, 2016, the Property Owner shall combine the property into lot(s) of record in accordance with provisions of Article 11 of the Unified Land Development Code. The plat should include the subject property and any residual parcels. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2015-1547, Control No 1987-00134)

6. Prior to issuance of the first building permit or prior to December 31, 2016, whichever occurs first, the Property Owner shall abandon or release, and relocate as necessary, the portion of the easement under the southwest corner of Building A. (BLDGPM/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2015-1547, Control No.1987-00134)

7. The property owner shall reconstruct the two driveway connections on Military Trail to replace the existing flared returns with return radii, as required by the County Engineer. 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.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

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

8. 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, 2022, 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)

HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. All existing on-site sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC and Palm Beach County ECR-I. [Note: COMPLETED] (Previous HEALTH Condition 1 of Resolution R-2015-1547, Control No.1987-00134)

2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing on-site potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. [Note: COMPLETED] (Previous HEALTH Condition 2 of Resolution R-2015-1547, Control No.1987-00134)

LANDSCAPE - GENERAL

1. Along the north property line, adjacent to the boundary of the subject site, the Property Owner shall upgrade the landscaping to include a minimum of one (1) tree planted every thirty (30) feet on center and a continuous opaque hedge a minimum of twenty four (24") inches in height at installation. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2015-1547, Control No.1987-00134)

2. Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2015-1547, Control No.1987-00134, which currently states:

All trees required to be planted on site by this approval shall meet the following minimum supplemental standards at installation:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.

Is hereby amended to read:

All trees required to be planted on site by this approval shall meet the following minimum supplemental standards at installation:

- a. Canopy tree height: 14 feet; and,
- b. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (ONGOING: ZONING - Zoning)

3. Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2015-1547, Control No.1987-00134, which currently states:

The Property Owner shall maintain a ten (10) foot wide landscape strip along the western property line. Within this strip a six (6) foot high CBS wall shall be installed, existing slash pines shall be preserved, and additional native canopy trees a minimum of twelve (12) feet in height shall be planted to establish a vegetative buffer with trees no more than twenty-five (25) feet apart (on center). The six (6) foot high wall shall receive architectural treatment on both sides and shall be maintained in a good condition and appearance. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Modifications to the western perimeter buffer are subject to this Development Order Amendment.]

4. Concurrent with the final approval of the Plans by the Development Review Officer (DRO), the Property Owner shall submit an Alternative Landscape Plan to indicate the previously approved preserved Slash Pines, the existing preserved Slash Pines, and the proposed trees that will replace any that had died or been removed within all perimeter landscape buffers, interior landscape islands and divider medians. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2015-1547, Control No.1987-00134)

LANDSCAPE – PERIMETER- LANDSCAPING ALONG THE NORTH AND SOUTH PROPERTY LINES (ABUTTING NON-RESIDENTIAL)

5. Prior to January 31, 2021, the Property Owner shall replace all dead and missing plant materials along the north and south property lines. (DATE: CODE ENF - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

6. The entire western Type 3 Incompatibility Buffer shall be supplemented with additional shrubs, where applicable, to provide a continuous opaque buffer to be maintained at a minimum height of eight (8) feet. Additional shrubs shall be installed at a minimum height of six feet with a maximum spacing of 48 inches. (BLDGPM: ZONING - Zoning)

PLANNING

1. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Final Site Plan to indicate the location of the vehicular and pedestrian connection to the adjacent northern property. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 1 of Resolution R-2015-1547, Control No.1987-00134)

2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner

shall revise the Final Site Plan to indicate the location for the vehicular and pedestrian connection at the southern property line. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2015-1547, Control No.1987-00134)

3. Prior to the issuance of the first Building Permit, the Property owner shall record in the public records, an irrevocable cross access easement to the north and south, consistent with the locations indicated on the Final Site Plan and on a form approved by the County Attorney's Office. (BLDGPM: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 3 of Resolution R-2015-1547, Control No.1987-00134)

4. Prior to the issuance of the Certificate of Occupancy, the Property Owner shall pave the vehicular and pedestrian access and connection to the north and south property lines as shown on the Final Site Plan. (CO: MONITORING - Planning)

SITE DESIGN

1. Lighting used to illuminate the premises shall be directed away from streets and neighboring properties. Lighting within the western 100 feet of the site shall be limited to fixtures that are a maximum of twelve (12) feet in height. (ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 1 of Resolution R-2015-1547, Control No.1987-00134)

2. The miniature golf course site lighting shall be limited to a maximum of fifteen (15) feet in height, measured from finished grade to the highest point. (ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 2 of Resolution R-2015-1547, Control No.1987-00134)

3. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall apply for and gain approval of a Type IB Variance to allow the existing overlap of the 20 foot easement in the five foot landscape buffer located along the south property line. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 7 of Resolution R-2015-1547, Control No.1987-00134)

USE LIMITATIONS

1. Previous USE LIMITATIONS Condition 1 of Resolution R-2015-1547, Control No.1987-00134, which currently states:

Use of the site shall be limited to a Self-Service Storage Facility, and an outdoor miniature golf course with accessory snack bar/retail shop and picnic area.

Is hereby amended to read:

Use of the site shall be limited to a Limited- and Multi-Access Self-Service Storage Facility, and an outdoor miniature golf course with accessory snack bar/retail shop and picnic area. (ONGOING: ZONING - Zoning)

2. There shall be no dumpster pickup between the hours of 8:00 p.m. and 7:00 a.m. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2015-1547, Control No.1987-00134)

3. All architectural features on the miniature golf course shall be limited to a maximum height of fifteen (15) feet, measured from finished grade to the highest point. (BLDGPM/ONGOING: BUILDING DIVISION - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2015-1547, Control No.1987-00134)

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.