

RESOLUTION NO. R-2020- 0938

RESOLUTION APPROVING ZONING APPLICATION Z/DOA-2019-02370
(CONTROL NO. 2005-00427)
a Development Order Amendment
APPLICATION OF Steve Allain, Burlington Self Storage Lake Worth LLC
BY Urban Design Kilday Studios, 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 (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 Z/DOA-2019-02370 was presented to the Board of County Commissioners at a public hearing conducted on July 30, 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 Z/DOA-2019-02370, the Application of Steve Allain, Burlington Self Storage Lake Worth LLC, by Urban Design Kilday Studios, Agent, for a Development Order Amendment to amend the Conditional Overlay Zone (COZ) to 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 July 30, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

The motion was seconded by Commissioner McKinlay 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 July 30, 2020.

Filed with the Clerk of the Board of County Commissioners on July 30th, 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

TRACT A, BURLINGTON SELF STORAGE OF LAKE WORTH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 127, PAGE 156, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE NORTH ONE-HALF (1/2) OF TRACT THIRTEEN (13), LESS THE EAST TWENTY-FIVE (E25') THEREOF FOR ROAD RIGHT OF WAY, AND LESS THE NORTH FIVE HUNDRED TEN FEET (N510') THEREOF IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 10, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT A;
THENCE ALONG THE WEST BOUNDARY OF SAID TRACT A, N02°04'13"E FOR 636.38 FEET

TO THE NORTHWEST CORNER OF SAID TRACT A;

THENCE CONTINUE N02°04'15"E FOR 181.38 FEET TO THE SOUTH LINE OF THE NORTH 510.00 FEET OF THE NORTH ONE-HALF (N.1/2) OF SAID TRACT 13;

THENCE ALONG SAID SOUTH LINE, S88°06'14"E FOR 311.43 FEET TO THE WEST RIGHT-OF-WAY

OF DESOTO ROAD, RECORDED IN DEED BOOK 982, PAGE 19, OF SAID PUBLIC RECORDS;

THENCE ALONG SAID WEST RIGHT-OF-WAY, S02°01'00"W 180.30 FEET TO THE NORTHEAST CORNER OF SAID BURLINGTON STORAGE OF LAKE WORTH;

THENCE ALONG SAID NORTH LINE, N88°18'09"W FOR 10.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT A;

THENCE ALONG THE BOUNDARY OF SAID TRACT A FOR THE FOLLOWING THREE

(3) COURSES:

1) THENCE S02°01'00"W FOR 610.56 FEET;

2) THENCE S46°45'29"W FOR 35.20 FEET;

3) THENCE N88°30'01"W FOR 277.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.693 ACRES (247,993 SQUARE FEET), MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

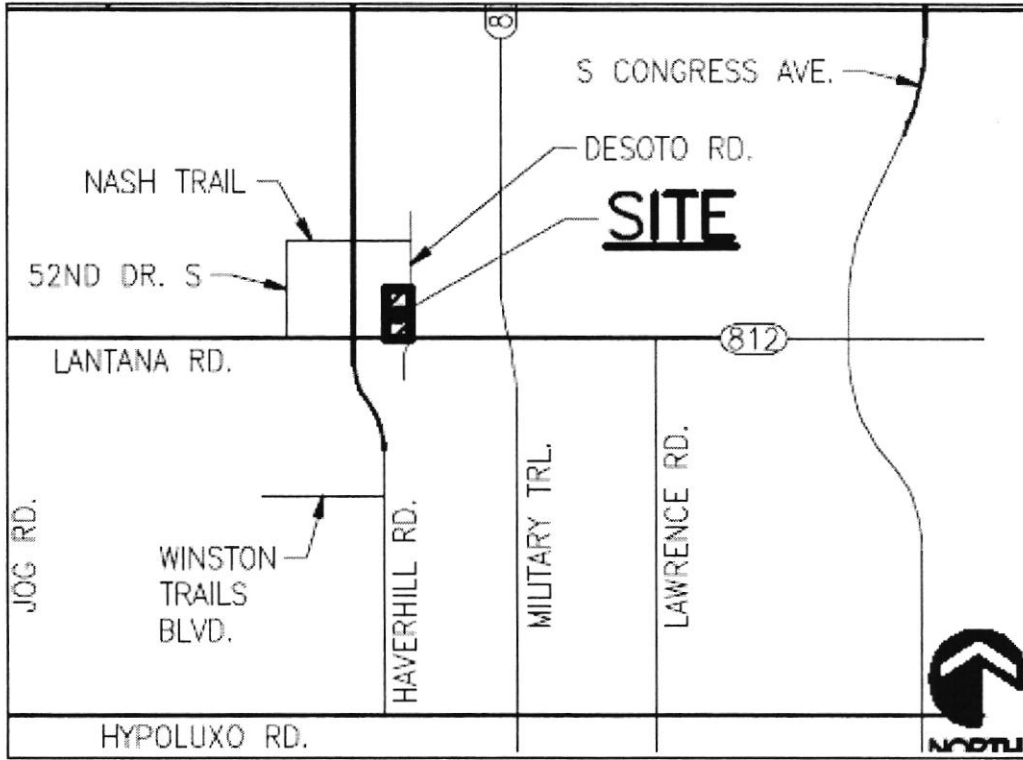


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment to Conditional Overlay Zone (COZ)

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2019-196 (Control 2005-00427), 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)

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. (BLDG/PMT/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2018-196, Control No.2005-00427)

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

2. 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) (Previous LANDSCAPE - PERIMETER Condition 2 of Resolution R-2018-196, Control No.2005-00427)

PLANNING

1. Previous PLANNING Condition 1 of Resolution R-2018-196, Control No.2005-00427, which currently states:

Per SCA-2018-001, "Development under the Industrial Future Land Use designation shall be limited to a Self Storage facility."

Is hereby amended to read:

Per SCA-2018-001(southern portion) and SCA-2020-13(northern portion), "Development under the Industrial future land use designation shall be limited to a self-storage facility".

(ONGOING: PLANNING - Planning)

SITE DESIGN

1. Previous SITE DESIGN Condition 1 of Resolution R-2018-196, Control No.2005-00427, which currently states:

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

Is hereby amended to read:

The minimum setback for all principal buildings and accessory structures shall be a minimum of two hundred and ninety (290) 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: 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.