

RESOLUTION NO. R-2020- 1229

RESOLUTION APPROVING ZONING APPLICATION DOA-2020-00642
(CONTROL NO. 1998-00091)
a Development Order Amendment
APPLICATION OF Amsdell Storage Ventures XXX LLC
BY Gentile Glas Holloway O'Mahoney & Assoc Inc., AGENT
(Compass Self Storage Military Trail)

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 27, have been satisfied;

WHEREAS, Zoning Application DOA-2020-00642 was presented to the Board of County Commissioners at a public hearing conducted on August 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-2020-00642, the Application of Amsdell Storage Ventures XXX LLC, by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent, for a Development Order Amendment to a Class A Conditional Use to modify the Site Plan; add square footage; 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 August 27, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

The motion was seconded by Commissioner Bernard 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	-	Absent
Commissioner Melissa McKinlay	-	Absent
Commissioner Mack Bernard	-	Aye

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

Filed with the Clerk of the Board of County Commissioners on September 9th, 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

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 33 FEET WEST AND 40 FEET SOUTH OF THE NORTH 1/4 CORNER OF SECTION 13, TOWNSHIP 44 SOUTH, RANGE 42 EAST, RUN SOUTH ALONG A LINE PARALLEL TO AND 33 FEET WESTERLY OF THE CENTERLINE OF MILITARY TRAIL AS SHOWN ON SURVEY PREPARED BY A. A. WEYBRECHT, DATED MARCH, 1946, OF NORTH 3/4 OF NORTH 1/2 OF NORTHEAST 1/4 OF NORTHWEST 1/4 OF SAID SECTION 13, A DISTANCE OF 226.36 FEET; RUN THENCE WESTERLY ALONG A LINE PARALLEL TO AND 266.36 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 13 TO THE WEST LINE OF NORTH 3/4 OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 13; RUN THENCE NORTH ALONG A LINE OF THE NORTH 3/4 OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 13 TO A POINT 40 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 13; RUN THENCE EASTERLY ALONG A LINE 40 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 13 TO THE POINT OF BEGINNING, LESS THE RIGHT OF WAY OF MILITARY TRAIL ALSO DESCRIBED AS FOLLOWS:

A PORTION OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF THE NORTHWEST ONE QUARTER (N.W. 1/4) OF SECTION 13, TOWNSHIP 44 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF SAID SECTION 13; THENCE SOUTH $01^{\circ} 41'42''$ WEST, ALONG A PORTION OF THE EAST LINE OF THE SAID NORTHWEST ONE-QUARTER (N.W. 1/4), A DISTANCE OF 40.00 FEET; THENCE NORTH $88^{\circ} 47'49''$ WEST, ALONG A LINE PARALLEL WITH AND 40.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID SECTION 13, A DISTANCE OF 60.27 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WEST RIGHT OF WAY LINE OF MILITARY TRAIL AS SHOWN ON STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT OF WAY MAP, SECTION NO. 93590-2603, SAID POINT ALSO LYING ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT WHOSE RADIUS BEARS NORTH $89^{\circ}47'49''$ WEST; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 21,432.94 FEET, A CENTRAL ANGLE OF $00^{\circ} 36'19''$ AND AN ARC DISTANCE OF 226.38 FEET; THENCE NORTH $88^{\circ} 47'49''$ WEST, ALONG A LINE PARALLEL WITH AND 266.36 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID SECTION 13, A DISTANCE OF 1280.54 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF SAID SECTION 13; THENCE NORTH $01^{\circ}47'02''$ EAST, ALONG A PORTION OF THE WEST LINE OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF SAID SECTION 13, A DISTANCE OF 226.37 FEET TO A POINT 40.00 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 13; THENCE SOUTH $88^{\circ}47'49''$ EAST, ALONG A LINE PARALLEL WITH AND 40.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID SECTION 13, A DISTANCE OF 1275.48 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 6.65 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

Location Map

N.T.S.

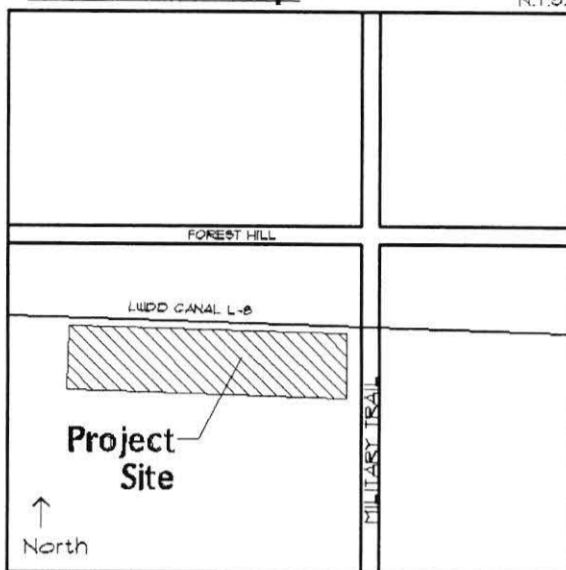


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment (Class A Conditional Use)

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2017-215, Control No.1998-00091, which currently states:

The approved Preliminary Site Plan is dated December 15, 2016. 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 June 8, 2020. 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-2017-0215 (Control No. 1998-0091), 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)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Self Service Storage buildings shall be submitted for final approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code and shall be generally consistent with the Architectural Elevations dated December 15, 2016. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2017-215, Control No. 1998-00091)

ENGINEERING

1. 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) [Note: COMPLETED]

b. Any required drainage easements shall be recorded prior to issuance of the first building permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2017-215, Control No.1998-00091)

2. Previous ENGINEERING Condition 2 of Resolution R-2017-215, Control No.1998-00091, which currently states:

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.

Is hereby amended to read:

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, 2023, 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)

3. The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of Military Trail. 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 County Engineer approval. Median landscaping installed by 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 below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from the Florida Department of Transportation prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

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

c. 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 Palm Beach 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 Military Trail. 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) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2017-215, Control No.1998-00091)

4. Prior to January 31, 2018, the Property Owner shall modify the existing entrances to meet the minimum curb radii for a minor driveway per the Land Development Design Standards Manual and as approved by FDOT. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2017-215, Control No.1998-00091)

5. Prior to Final Development Review Officer (DRO) approval, the Site Plan shall be revised to indicate the northern driveway as an egress (right out) only. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2017-215, Control No.1998-00091)

6. Prior to Final Development Review Officer (DRO) approval, the traffic study shall be revised to show driveway turning movement volumes to match the revised entrance configuration (see condition number 5 above). (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2017-215, Control No.1998-00091)

ENVIRONMENTAL

1. Prior to Final Plan approval by Development Review Officer, the Property Owner shall submit an application for the Preservation of Vegetation to the Department of Environmental Resource Management (ERM). (DRO: ENVIRONMENTAL RESOURCES

MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2017-215, Control No.1998-00091)

2. Prior to Final Plan Approval by the Development Review Officer (DRO), the Property Owner shall submit Site Plan, Landscaping or Alternative Landscape Plan with a Tree Disposition Chart for review and approval. All Vegetation that is subject to be preserved, relocated, replaced or mitigated shall be clearly identified on the Plan(s) and the Tree Disposition Chart, per Technical Manual, Title 4. The Plan(s) shall show:

- a) the temporary location for the relocated Vegetation and identify what type of tree barricades will be utilized;
- b) the location of all preserved Vegetation and identify what type of the permanent tree barricades / protection devices will be utilized;
- c) a Justification Statement describing the maintenance of the relocated Vegetation prior to the installation of the Vegetation to the new location, and the length of time associated with the temporary storage of the relocated Vegetation; and,
- d) the above requirements (a thru c) shall be updated in the Tree Disposition Chart.

(DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 2 of Resolution R-2017-215, Control No.1998-00091)

3. No vegetation shall be removed or relocated and no Preservation of Vegetation permit; as per Article 14, shall be issued until ERM Conditions 1 and 2 are satisfied. (ONGOING: ERM -ERM) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 3 of Resolution R-2017-215, Control No.1998-00091)

LANDSCAPE - PRESERVATION OF VEGETATION

1. Prior to Final Plan approval by the Development Review Officer, the Property Owner shall submit a Site Plan with a Tree Disposition Chart for review and approval. All Vegetation that is subject to be preserved, relocated, replaced or mitigated shall be clearly identified on the Plan(s) and the Tree Disposition Chart, per Technical Manual, Title 4. The Plan(s) shall show:

- a) the temporary location for the relocated Vegetation and identify what type of tree barricades will be utilized;
- b) the location of all preserved Vegetation and identify what type of the permanent tree barricades / protection devices will be utilized;
- c) a Justification Statement describing the maintenance of the relocated Vegetation prior to the installation of the Vegetation to the new location, and the length of time associated with the temporary storage of the relocated Vegetation; and,
- d) the above requirements (a thru c) shall be updated in the Tree Disposition Chart. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PRESERVATION OF VEGETATION Condition 1 of Resolution R-2017-215, Control No.1998-00091)

2. Prior to the issuance of any Building Permit(s) the Property Owner shall:

- a. submit an application for a Vegetation Barricade Permit to the Building Division. The application shall be routed to the Zoning Division for coordinated review by Zoning, ERM and Building Divisions;
- b. include the approved DRO plan(s) with the approved Disposition Chart with the barricade permit application;
- c. complete the installation of all vegetation protection barricades and tagging; and,
- d. schedule inspections and receive a "Pass" status with Zoning Landscape Inspectors prior to any tree removal activity. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PRESERVATION OF VEGETATION Condition 2 of Resolution R-2017-215, Control No.1998-00091)

3. No vegetation shall be removed or relocated and no Building Permit(s) shall be issued until Landscape Conditions 1 and 2 are satisfied. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PRESERVATION OF VEGETATION Condition 3 of Resolution R-2017-215, Control No.1998-00091)

4. Failure to comply with the Landscape - Preservation of Vegetation, conditions 1 thru 3 may result in a Stop Work Order being placed on the site and applicable fines assessed. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PRESERVATION OF VEGETATION Condition 4 of Resolution R-2017-215, Control No.1998-00091)

PLANNING

1. Prior to final approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney, submit a recorded cross access easement agreement, for the location depicted on the site plans. (DRO-Planning-Planning)

2. Construct, and pave to the property line, the cross access as shown on the site plans prior to the release of the Certificate of Occupancy. (CO-Monitoring-Planning)

SITE DESIGN

1. Prior to Final Development Review Officer (DRO) approval, the Property Owner shall revise the Site Plan to correct the setback for the proposed monument sign. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 1 of Resolution R-2017-215, Control No.1998-00091)

2. Prior to Final Approval by the Development Review Officer (DRO), the Site Plan shall be revised to indicate the required number of loading spaces for the limited access building, pursuant to the Unified Land Development Code (ULDC) in effect at that time. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 2 of Resolution R-2017-215, Control No.1998-00091)

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.