

RESOLUTION NO. R-2022-0897

RESOLUTION APPROVING ZONING APPLICATION ZV/Z/CA-2021-01951  
(CONTROL NO. 2002-00251)  
a Class A Conditional Use  
APPLICATION OF DJM International Enterprises, Inc., National 360, LLC  
BY WGINC, AGENT  
(More Space Storage)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapters 125 and 163, 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 as amended, have been satisfied;

WHEREAS, Zoning Application ZV/Z/CA-2021-01951, submitted on behalf of DJM International Enterprises, Inc. and National 360, LLC, by WGINC, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the General Commercial (CG) Zoning District and a Class A Conditional to allow a Limited-Access Self-Service Storage Facility, was presented to the Board of County Commissioners at a public hearing conducted on August 25, 2022;

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 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.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/Z/CA-2021-01951, the Application of DJM International Enterprises, Inc. and National 360, LLC, by WGINC, Agent, for a Class A Conditional Use to allow a Limited-Access Self-Service Storage Facility, 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 25, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino 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 Robert S. Weinroth, Mayor - Aye
- Commissioner Gregg K. Weiss, Vice Mayor - Aye
- Commissioner Maria G. Marino - Aye
- Commissioner Dave Kerner - Nay
- Commissioner Maria Sachs - Nay
- Commissioner Melissa McKinlay - Aye
- Commissioner Mack Bernard - Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 25, 2022.

Filed with the Clerk of the Board of County Commissioners on August 25th, 2022.

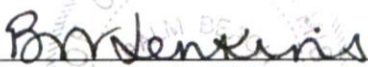
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

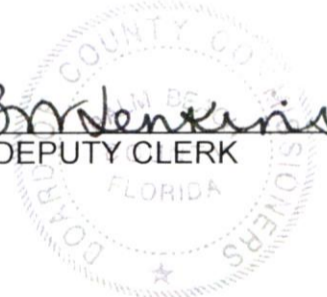


EXHIBIT A

LEGAL DESCRIPTION

SOUTH 170.29 FEET OF NORTHWEST QUARTER OF NORTHWEST QUARTER OF SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 42 EAST, (LESS WEST 60 FEET FOR RIGHT OF WAY OF STATE ROAD 809).

ALSO KNOWN AS

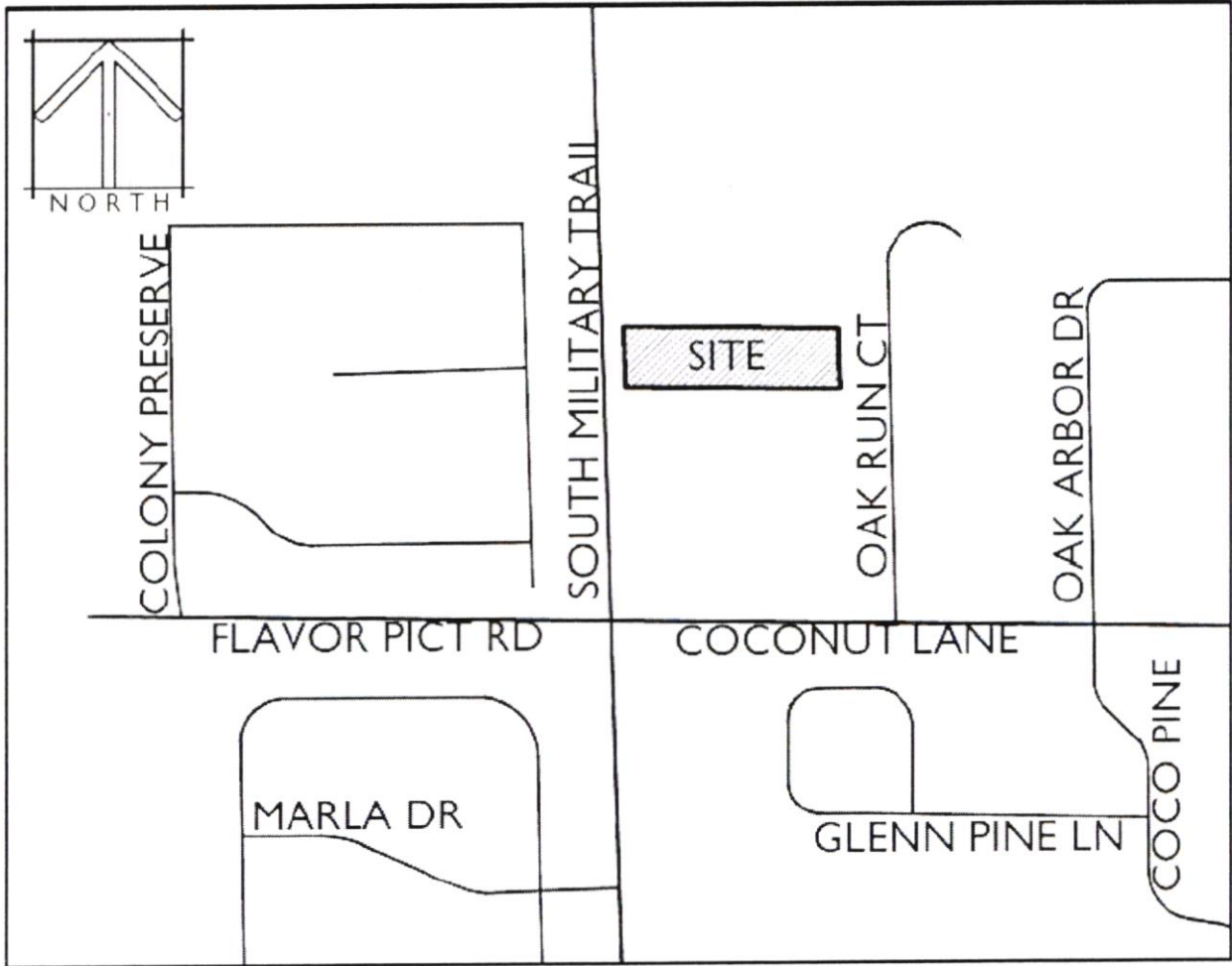
COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 SECTION 1 TOWNSHIP 46 SOUTH, RANGE 42, EAST, THENCE S02°11'12"E ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 1, A DISTANCE OF 500.27 FEET; THENCE S89°27'46"E ALONG A LINE 60.06 FEET TO THE EAST RIGHT OF WAY LINE OF MILITARY TRAIL (STATE ROAD 809) AND THE POINT OF BEGINNING; THENCE CONTINUE S89°27'46"E A DISTANCE OF 607.68 FEET TO THE EAST ALONG THE SOUTH LINE OF THE PLAT OF MILITARY 6, PLAT BOOK 81 PAGE 136; THENCE S01°59'11"E A DISTANCE OF 170.45 FEET, ALONG THE WEST LINE OF THE PLAT OF HUNTER COURT, PLAT BOOK 86 PAGE 165; THENCE N89°27'46"W A DISTANCE OF 607.10 FEET ALONG THE NORTH LINE OF COCONUT AT MILITARY, PLAT BOOK 114, PAGE 108; THENCE N02°11'12"E A DISTANCE OF 170.48 FEET ALONG THE EAST RIGHT OF WAY OF MILITARY TRAIL (STATE ROAD 809) TO THE POINT OF BEGINNING.

SAID LANDS ARE SITUATED IN SECTION 1, TOWNSHIP 46 SOUTH, RANGE 42 EAST.

CONTAINING 103,440 ACRES, 2.375 SQ FT. MORE OR LESS.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Class A Conditional Use

##### ALL PETITIONS

1. The approved Site Plan is dated May 6, 2022. 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. Prior to final Development Review Officer (DRO) approval, architectural elevations shall be submitted for the proposed Limited-Access Self-Service Storage building. Elevations shall be designed in compliance with Article 5.C of the ULDC. (DRO: 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, 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)

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

3. 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. (BLDGPM/PLAT: ENGINEERING - Engineering)

4. The Property Owner shall shorten the median opening on Military Trail fronting the property by extending the existing median nose northerly up to the northern property line or as approved by the County Engineer.

This construction shall be concurrent with the paving and drainage improvements for the site. 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)

##### PLANNING

1. Prior to final approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, the Property Owner shall submit a

recorded cross access easement agreement, for the location depicted on the site plans. (DRO: PLANNING - Planning)

2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site Plan to add the Official records book and page number for the recorded cross access easement. (DRO: PLANNING - Planning)

3. Prior to the release of the Certificate of Occupancy, the Property Owner shall construct, and pave to the property line, the cross access as shown on the Site Plan. (CO: MONITORING - Planning)

#### **SITE DESIGN**

1. Prior to Final Development Review Officer approval, the Site Plan shall be modified to include a two foot berm and eight foot solid wood or PVC fence to be installed within the Type 2 Incapability Buffer along the eastern property line abutting the residential in accordance to Table 7.D.4.D - Requirements for a Wall or Fence in a Landscape Buffer. (DRO: ZONING - Zoning)

2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner modify the Final Regulating Plan to amend the total square footage proposed to match the Final Site Plan. (DRO: 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.