

RESOLUTION NO. R-2023-0055

RESOLUTION APPROVING ZONING APPLICATION DOAW-2021-01652
(CONTROL NO. 1981-00082)
a Development Order Amendment
APPLICATION OF SSC Property Holdings, LLC
BY Bohler Engineering, AGENT
(Public Storage - Military)

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, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOAW-2021-01652 was submitted on behalf of SSC Property Holdings, LLC, by Bohler Engineering, Agent, for a Development Order Amendment to reconfigure the Site Plan; and to reduce square footage; and a Type 2 Waiver to reduce minimum Fenestration and Storefronts was presented to the Board of County Commissioners at a public hearing conducted on January 11, 2023.

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 DOAW-2021-01652, the Application of SSC Property Holdings, LLC, by Bohler Engineering, Agent, for a Development Order Amendment to reconfigure the Site Plan; and to reduce 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 4, 2023, 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 Woodward and, upon being put to a vote, the vote was as follows:

Commissioner Gregg K. Weiss, Mayor	- Aye
Commissioner Maria Sachs, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Michael Barnett	- Aye
Commissioner Marci Woodward	- Aye
Commissioner Sara Baxter	- Aye
Commissioner Mack Bernard	- Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on January 11, 2023.

Filed with the Clerk of the Board of County Commissioners on January 11, 2023.

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

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.

CONTAINING 405,690 SQUARE FEET OR 9.313 ACRES.

EXHIBIT B

VICINITY SKETCH

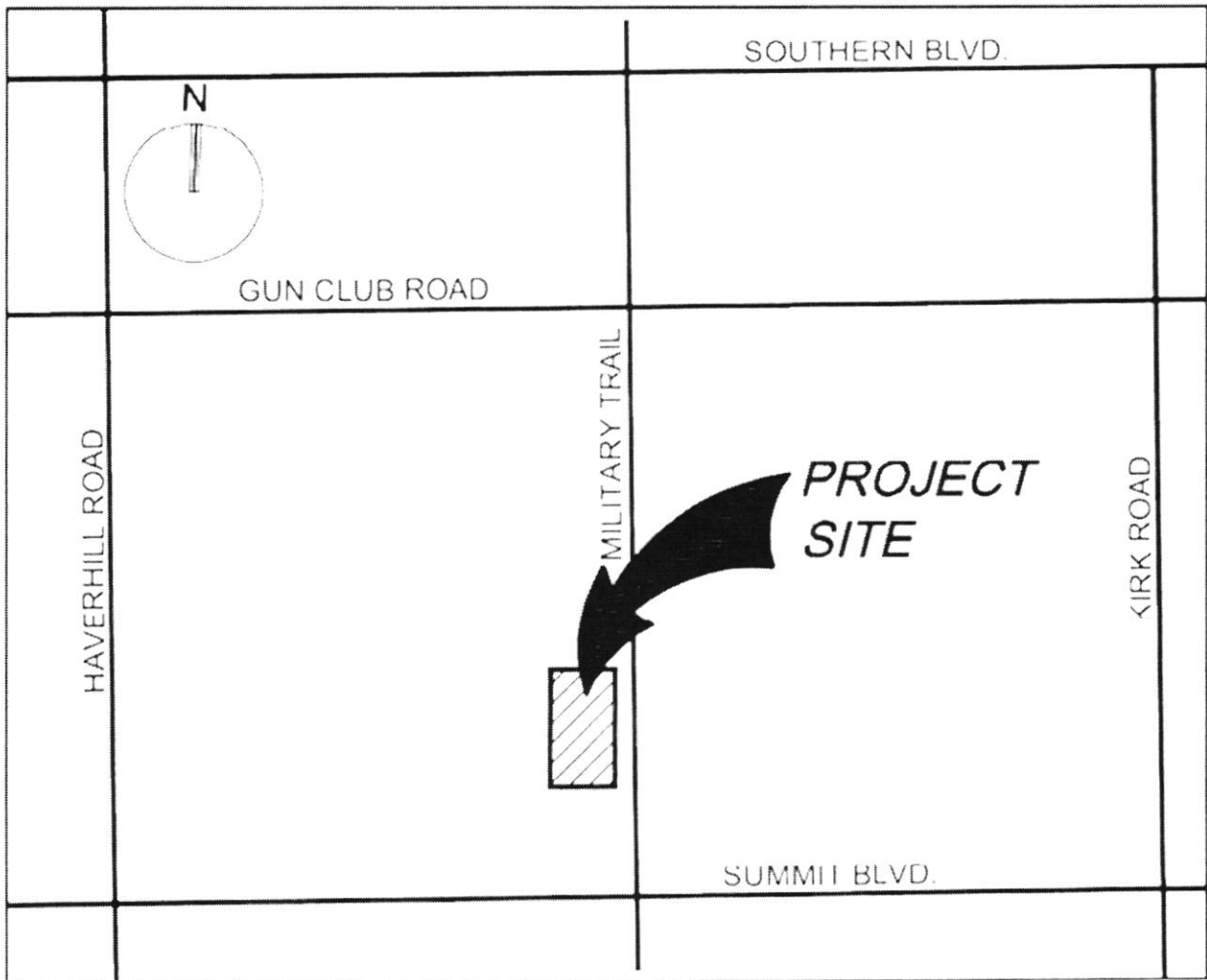


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2020-50, Control No.1981-00082, which currently states:

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.

Is hereby amended to read:

The approved Preliminary Site Plan is dated August 22, 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)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2020-50, Control No.1981-00082, which currently states:

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.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2020-0050 (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)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Limited Access Self Storage Building shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). 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)

2. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Limited Access Self Storage Building, shall be revised for the north and south facades to provide Architectural Appurtenances in accordance with Article 3.B.16. (DRO: ZONING - Zoning)

3. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Limited Access Self Storage Building, east facade facing Military Trail, shall be revised to remove the orange-colored columns, surrounding the

transparent glass, and replace with Walgreen Brown , Moth Gray , or an equivalent color palate. (DRO: ZONING - Zoning)

4. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Limited Access Self Storage Building, shall be revised to indicate the color of the storage unit doors that are seen through the windows on the eastern facade. Pursuant to Article 4, the requirement of fenestration to see into the building is not to be used as a means to expand signage through the use of signage, logos, lighting or paint schemes. (DRO/ONGOING: ZONING- 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 ENGINEERING Condition 1 of Resolution R-2020-50, 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 ENGINEERING Condition 2 of Resolution R-2020-50, 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 ENGINEERING Condition 3 of Resolution R-2020-50, 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 ENGINEERING Condition 4 of Resolution R-2020-50, 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 ENGINEERING Condition 5 of Resolution R-2020-50, 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). (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2020-50, 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) (Previous ENGINEERING Condition 7 of Resolution R-2020-50, Control No.1981-00082)

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. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2020-50, Control No.1981-00082)

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) [Note: COMPLETED]

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. (BLDGPMT/PLAT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2020-50, Control No.1981-00082)

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. (BLDGPMT/ONGOING: BUILDING DIVISION - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2020-50, Control No.1981-00082)

PLANNING

1. Prior to the release of the Certificate of Occupancy for the new, 3-story building, the Property Owner shall construct and pave to the property line the cross access as shown on the Site Plan and recorded in Official Records Book 31535, Page 1493. (CO: MONITORING - Planning)

SITE DESIGN

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the site plan shall be revised to label the access points to be in the form of a street or alley in accordance with Art 3.B.16. The street and alley shall be designed in accordance with the requirements of Art 3.B.16. (DRO: ZONING - Zoning)

2. At time of submittal for Final Approval by the Development Review Officer (DRO), the site plan shall be revised to increase the building setback of the Limited Access Self Storage Building to 25 feet, with a 7-foot Planting Amenity Zone and an 8-foot Pedestrian Circulation zone. (DRO/ONGOING: ZONING - Zoning)

3. At time of submittal for Final Approval by the Development Review Officer (DRO), the Site and Regulating plans shall be revised to provide the minimum seven-foot-wide Planting Amenity Zone, and a detail of the streetscape along Military Trail. The detail shall include the proposed species of canopy trees compliant with the ULDC and the requirements of Right tree; Right place of FPL, pursuant to Art 6. In addition, the canopy trees provided shall be increased to one tree for each 25 lineal feet.

4. At time of submittal for Final Approval by the Development Review Officer (DRO), the Site Plan shall be revised to indicate the location of the Useable Open Space, proportionate to the affected area of the redevelopment (approximately 2.3 acres), with a maximum of 50% credit for the streetscape along Military Trail. (DRO/ONGOING: ZONING - Zoning)

5. Prior to Final Approval by the Development Review Officer (DRO), the Site Plan shall be amended to remove parking to the south of the proposed building and replace it with Useable Open pace. Parking may be allowed on the south side of the building if compliant with the streetscape and cross sections for an internal or secondary street. (DRO/ONGOING: ZONING - Zoning)

6. Prior to Final Approval by the Development Review Officer (DRO), the Applicant shall provide a Regulating Plan to show a minimum of 15 percent area of the Open Usable Space being shaded by landscape material or shade structures. (BLDGPMT/DRO: ZONING - Zoning)

COMPLIANCE

1. 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)

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)

DISCLOSURE

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