

RESOLUTION NO. ZR-2020- 001

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/CA-2019-01634  
(CONTROL NO. 1987-00134)  
TYPE 2 VARIANCE (CONCURRENT)  
APPLICATION OF Military Self Storage, LLC  
BY Urban Design Kilday Studios, AGENT  
(MANGONE AND SPIRK SELF-STORAGE MUPD)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067, Supplement 26, is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application ZV/DOA/CA-2019-01634 was presented to the Zoning Commission at a public hearing conducted on January 8, 2020;

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Type 2 Variance;

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, this approval shall only become effective upon the adoption of a resolution approving Zoning Application ZV/DOA/CA-2019-01634 by the Board of County Commissioners;

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 action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION 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 Type 2 Variance to increase building coverage; and, to eliminate or reduce Type 3 Incompatibility Buffer requirements, 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 8, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof and variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Caliendo moved for the approval of the Resolution.

The motion was seconded by Commissioner Beatty and, upon being put to a vote, the vote was as follows:

Sheri Scarborough, Chair	- Yes
Sam Caliendo, Vice Chair	- Yes
Amir Kanel	- Absent
John Kern	- Yes
Philip L. Barlage	- Yes
Marcelle Griffith Burke	- Yes
Alex Brumfield III	- Yes
Mark Beatty	- Yes
Jess Sowards	- Yes

Filed with the Palm Beach County Zoning Division on January 8, 2020.

This resolution shall not become effective unless or until the effective date of the resolution approving Zoning Application No. ZV/DOA/CA-2019-01634 by the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

BY:

  
COUNTY ATTORNEY

BY:

  
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

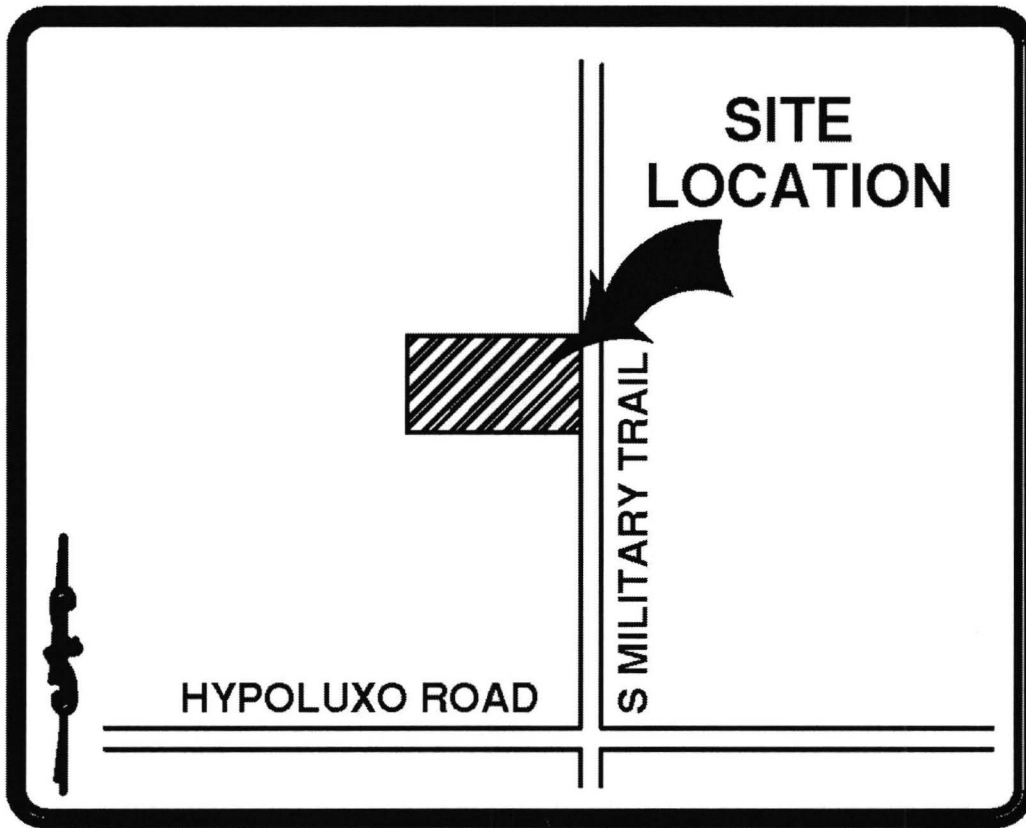
ALL OF THE PLAT OF MANGONE AND SPIRK SELF-STORAGE, M.U.P.D., ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 123, PAGE 3.

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

#### **Type 2 Variance - Concurrent**

##### **VARIANCE**

1. This Variance is approved based on the layout as shown on the Preliminary Site Plan 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. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPM: BUILDING DIVISION - Zoning)

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

1. 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)

##### **COMPLIANCE**

1. In Granting this Approval, the Zoning Commission 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; 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.

EXHIBIT D

REQUEST

**TYPE 2 VARIANCE SUMMARY**

<b>ULDC Article</b>	<b>Required</b>	<b>Proposed</b>	<b>Variance</b>
(V1) Table 3.E.3.D, MUPD Property Development Regulations	Maximum Building Coverage: 30 percent	32.2 percent	+2.2 percent
(V2) Table 7.C.2.C.3, Incompatibility Buffer Landscape Requirements	Canopy Trees: 1 per 20 linear feet (LF) (26 canopy trees).	17 Canopy Trees.	-9 canopy trees.
	Palms and/or Pine trees: 1 per 30 LF (18 palms)	0 Palm or pine trees.	-18 palms and/or pines.
	Small shrubs 1 per 2 LF (264 shrubs)	0 small shrubs.	-264 small shrubs.
	Medium shrubs 1 per 4 LF (132 shrubs)	0 medium shrubs.	-132 medium shrubs.
	Landscape barrier: 6-foot high opaque wall	5-ft. high opaque wall.	-1 ft. wall height.
(V3) Table 7.D.4.D, Requirements for a Wall or Fence in a Landscape Buffer	10 ft. Minimum setback for a wall.	0 feet setback.	-10 ft. setback.
	7.5 feet of planting width on both sides of the wall;	0 feet of planting width on the exterior side of the wall.	100 percent planting width on inside of the wall.
	75 percent of required canopy trees along the exterior side of the wall. Shrubs shall be planted on both sides of the wall or fence.	0 trees on the exterior of the existing wall.  0 shrubs on exterior of the wall.	100 percent of trees and shrubs on inside of wall.