

**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**

**Application No.:** DOA-2021-00282  
**Application Name:** Burlington Self-Storage of Lake Worth  
**Control No./Name:** 2005-00427 (Burlington Self-Storage of Lake Worth)  
**Applicant:** Burlington Self Storage Lake Worth LLC  
**Owners:** Burlington Self Storage Lake Worth LLC  
Self Burlington  
**Agent:** Urban Design Kilday Studios - Jan Polson  
Urban Design Kilday Studios - Joni Brinkman  
**Telephone No.:** (561) 689-5522 , (561) 366-1100  
**Project Manager:** Donna Adelsperger, Site Planner II

**TITLE:** a Development Order Amendment **REQUEST:** to modify the Site Plan and a Condition of Approval.

**APPLICATION SUMMARY:** Proposed is a Development Order Amendment for the Burlington Self-Storage of Lake Worth development. The site is approved for a 151,337 square foot (sq. ft.) Limited and Multi-Access Self-Service Storage building, which is currently under construction.

The Applicant has requested to modify a Condition of Approval in Resolution R-2020-937 regarding the height limitation, to allow for additional height for a proposed elevator shaft. Further, the Applicant is requesting to modify the north buffer to change from a 15 ft. Incompatibility Buffer to a 15 ft. Compatibility Buffer. There are no additional changes proposed to the Site Plan.

The Preliminary Site Plan (PSP) indicates a total of 151,337 sq. ft. of Self Service Storage uses, which includes: a three-story, 141,007 sq. ft. Limited-Access Self-Service Storage building with 909 bays and a 1,500 sq. ft. accessory office; a one-story, 10,330 sq. ft. Multi-Access Self-Service Storage building with 43 bays; 36 outdoor storage area parking spaces; and, 15 parking spaces.

The 1 existing access point from Lantana Road, and 2 access points from DeSoto Road, one of which is limited to egress only, will remain unchanged.

**SITE DATA:**

Location:	West side of DeSoto Road, approximately 630 feet north of Lantana Road.
Property Control Number(s)	00-42-44-36-09-013-0030 00-42-44-36-41-001-0000
Existing Future Land Use Designation:	Industrial, with an underlying MR-5 (IND/5)
Proposed Future Land Use Designation:	No Change
Existing Zoning District:	Light Industrial District (IL)
Proposed Zoning District:	No Change
Total Acreage:	5.69 acres
Affected Acreage:	5.69 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	Atlantis, Greenacres
Future Annexation Area	Greenacres, Lantana

**RECOMMENDATION:** Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C.

**PUBLIC COMMENT SUMMARY:** At the time of publication, Staff had received 0 contacts from the public regarding this application.

**PROJECT HISTORY:**

Application No.	Request	Resolution	Approval Date
SV/Z/CA/-2017-01024	Subdivision Variance to allow access to a street with higher classification	ZR- 2018 - 022	January 5, 2018
	Rezoning from the AR Zoning District to the IL Zoning District with a COZ	R- 2018 - 0196	February 22, 2018
	Class A Conditional Use to allow a Single Use over 100,000 square feet in the Industrial FLU	R-2018-0197	
SCA 2018-001	Small Scale Land Use Amendment from MR-5 to IND/5	Ordinance No. 2018-004	February 22, 2018
Z/DOA-2019-02370	a rezoning from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District	R-2020-0936	July 30, 2020
	Development Order Amendment to amend the Site Plan for a Class A Conditional Use of a Single Use exceeding 100,000 square feet, on a parcel with an Industrial Future Land Use designation, to add land area and additional outdoor storage area, and amend Conditions of Approval; and,	R-2020-0937	
	Development Order Amendment to amend the Conditional Overlay Zone (COZ) to add land area and modify Conditions of Approval	R-2020-0938	
SCA-2020-013	Small Scale Land Use Amendment from MR-5 to IND/5	Ordinance 2020-015	July 30, 2020

**SURROUNDING LAND USES:**

**NORTH:**

FLU Designation: Medium Residential (MR-5)  
Zoning District: Agricultural Residential (AR)  
Supporting: Agricultural (Blue Earth Aquariums, Control No. 2014-00080)

**SOUTH (across Lantana Road):**

FLU Designation: Medium Residential (MR-5)  
Zoning District: Residential Planned Unit Development (PUD)  
Supporting: Residential (Willoughby Farms, Control No. 1997-00109)

**EAST (across DeSoto Road):**

FLU Designation: Medium Residential (MR-5)  
Zoning District: Agricultural Residential (AR)  
Supporting: Vacant (Control No. N/A)

**EAST (across DeSoto Road):**

FLU Designation: Low Residential (LR-1)  
Zoning District: Single-Family Residential (RS)  
Supporting: Residential (Control No. N/A)

**WEST:**

FLU Designation: Institutional and Public Facilities, with an underlying MR-5 (INST/5)  
Zoning District: Institutional and Public Facilities (IPF)  
Supporting: Commercial (The Treatment Center of the Palm Beaches, Control No. 1988-00039)

## FINDINGS:

### Development Order Amendment:

When considering a Development Order application for a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

**a. Consistency with the Plan – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.***

○ **Consistency with the Comprehensive Plan:** The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

○ **Prior Land Use Amendments:** The site was the subject of two previous Future Land Use amendments that collectively amended the overall 5.693-acre site from Medium Residential, 5 units per acre (MR-5) to Industrial with an underlying 5 units per acre (IND/5). The southern 4.40-acres, was the subject of a Small Scale amendment known as Burlington Self Storage (SCA 2018-001; Ord. 2018-04), and the northern 1.29-acres, was the subject of a Small Scale amendment known as Burlington Self-Storage of Lake Worth (SCA 2020-013; Ord. 2020-015), each having a similar condition that applies to the entire 5.693-acre site:

1. Development under the Industrial future land use designation shall be limited to a self-storage facility.

○ **Relevant Comprehensive Plan Policy:** The submittal complies with Policy 1.2-b: Palm Beach County shall encourage and support sustainable urban development, including restoration, infill and adaptive reuse, and Policy 2.2.4-c: The Industrial future land use designation is intended to accommodate industrial uses including the storage of products.

○ **Intensity:** The maximum Floor Area Ratio (FAR) of 0.85 is allowed for a self-storage development with a IND FLU designation in the Urban Suburban Tier (247,993 surveyed sq. ft. or 5.693 acres x 0.85 maximum FAR = 210,794.05 maximum). The current request proposes no change to the previously approved request for a total of 151,337 sq. ft. equates to a FAR of approximately 0.61 (151,337 /247,993 surveyed sq. ft. or 5.693 acres = 0.610).

○ **Special Overlay District/Neighborhood Plan/Planning Study Area:** The site is located within the Greenacres, Atlantis, and Palm Beach County Citizen s Charrette study area. Specifically, the subject site is within the Southeast Quadrant. However, the Master Plan does not specify strategies for the subject site. Therefore, the request is not inconsistent with the Citizens Master Plans recommendations. Furthermore, the Applicant emailed the City of Greenacres about the changes proposed with this application on April 8, 2021. No concerns/comments have been received from the City.

**b. Consistency with the Code - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.***

○ **Outdoor Storage:** The northern portion of the site will remain limited to only vehicles customarily maintained by households for personal use, such as recreational vehicles or pleasure boats. No construction equipment can be stored on site, as per Site Design Condition 4 that was previously approved through Resolution R-2020-937.

The outdoor storage use as indicated on the PSP is associated with the Self-Service Storage Facility use and not in question. However, the 14 Outdoor Storage Spaces along the north property line are located 5-feet within the required setback for the IL Zoning District, which is twenty feet. This portion of the site is undeveloped as of yet, and therefore the PSP can be revised to comply with Article 5.B.1.A.3.b, where the code states that outdoor storage shall not to be located within any required setback.

Staff recommends Site Design Condition 5 which states:

Prior to Final Development Review Officer (DRO) approval, the applicable plans (Site and Regulating) shall be revised to comply with Article 5.B.1.A.3.b with regard to the setback for the outdoor storage area on the north property line or obtain the necessary Variance for the reduction. (DRO: ZONING – Zoning)

- *Architecture:* The Self-Service Storage building is visible from a public street or residential zoning district, subject to BCC approval and therefore must comply with Article 5.C, Design Standards, for Architectural design standards. Elevations were reviewed and approved by Staff. However, the elevations did not note elevators nor include the height of the elevator shafts.

Staff is recommending Architectural Condition 3 requiring that the Applicant submit revised elevations to indicate the elevator shaft/cab heights prior to final approval by the Development Review Officer (DRO).

- *Parking:* The parking is in compliance with the minimum requirements of Article 6 with one space per 200 bays and one space for every 200 sq. ft. of office space for a total of 13 spaces required and 15 spaces provided.

- *Perimeter Landscape:* The Preliminary Site Plan indicates a 15 foot wide Compatibility buffer along the North property line adjacent to a Wholesale Nursery, where the previously approved Plan identified a 15 ft. Incompatibility buffer. The buffer is based on the use classification consistent with Article 4 and is not based on the MR/5 Future Land Use or RM Zoning designation. The change to the buffer type will not have a negative impact on the commercial development to the north, and meets Code requirements as stated above. An 8-foot opaque fence is proposed on the interior side of the buffer to screen the outdoor storage area from view. Landscape Condition 3 and 4 that required the northern buffer to be 15-foot wide buffer and to prohibit any easement overlap, as well as required additional plantings, has been carried forward.

- *R-O-W Buffers:* The 20 foot right-of-way (R-O-W) buffer along Lantana Road and the 15 foot R-O-W buffer along De Soto Road have been installed.

- *West Buffer adjacent to a Nursing Convalescent Facility:* At the time of the original approval a five foot Compatibility buffer was required adjacent to the Rehabilitation Center to the west. With the addition of the northern 1.29-acre parcel the ULDC was amended requiring an eight (8)-foot compatible buffer. The Preliminary Site Plan shows both the five and eight foot buffers along the west property line along with a Non-Conforming Chart for the five-foot buffer.

- *Off Site Landscaping:* the required off-site landscaping on the east side of Desoto Road has been installed.

- *Signage:* No changes to the master Sign Plan (MSP) are proposed.

**c. Compatibility with Surrounding Uses – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.***

Through the previous Development Order Amendment, it was determined that the Self-Service Storage Facility use is compatible with the surrounding uses. The overall height of the Storage Facility was previously limited via a Condition of Approval for a maximum of forty feet in height including air conditioning, mechanical equipment, and satellite dishes. The height is measured from finished grade to highest point of the structure. The agent has requested that the elevator shafts be excluded from this height restriction.

Staff recommends that Architectural Condition 2 be amended to exclude the elevator shafts from the overall height and that the elevator shafts be limited to forty-five feet in height. (See Figure 15 – Visual Impact Analysis.)

**d. Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The proposed modification to include the increase in height for the elevator will not have an adverse impact on the adjacent lands. The overall layout of the site plan was designed to minimize any adverse impact to the adjacent parcels as noted in the prior requests. The Self-Service Storage use is a very low traffic generator with minimal to no off-site impacts.

**e. Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

VEGETATION PROTECTION: Native trees were preserved in the original approval. This modification will not alter native tree preservation.

WELLFIELD PROTECTION ZONE: The property is located not within a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93-3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

**f. Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The proposed amendment to allow for the increase in height for the elevator is logical and timely. The height is necessary to accommodate larger items to be stored on the upper floors. It was previously determined that the Self-Service Storage Facility and the outdoor storage area for RVs and Boat would not be an illogical use of the property and is consistent with existing development. Land uses in the vicinity of the subject site vary from residential, commercial, industrial, and institutional, indicative of the existing development pattern along this portion of the Lantana Road corridor.

**g. Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS:

There are no proposed modifications to the Engineering Conditions of Approval with this application.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project meets the requirements of the Florida Department of Health

FIRE PROTECTION:

Staff has reviewed this application and have no comment.

SCHOOL IMPACTS:

Staff has reviewed this application and have no comment.

PARKS AND RECREATION:

This is a non-residential application and Park and Recreation Department ULDC standards do not apply.

**h. Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

The agent states that during the construction of the Limited Access Self-Storage structure it became apparent that the height of the existing elevator cabs was not sufficient for customers to accommodate larger items for the storage units on the 2<sup>nd</sup> and 3<sup>rd</sup> floors. The ULDC exempts elevator shafts from height limitations; however, the Condition does not exclude the elevator shafts.

**CONCLUSION:** Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the proposed Development Order Amendment. Staff has also determined that any of the potential impacts and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibit C.

The Conditions of Approval that are contained in Resolution R-2020-938 remain unchanged by the request and therefore remain in full force and effect.

## CONDITIONS OF APPROVAL

### EXHIBIT C: Development Order Amendment – Class A Conditional Use

#### ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2020-937, Control No.2005-00427, which currently states:

The approved Preliminary Site Plan is dated April 13, 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.

#### Is hereby amended to read:

The approved Preliminary Site and Regulating Plans are dated May 10, 2021. 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-2020-937, Control No.2005-00427, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2018-0197 (Control 2005-00427), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions 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-2020-937 (Control 2005-00427), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions 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 Facility 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) and shall be generally consistent with the approved Architectural Elevations. the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2020-937, Control No.2005-00427)

2. Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2020-937, Control No.2005-00427, which currently states:

The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed forty (40) feet. Height shall be measured from finished grade to highest point of the structure.

#### Is hereby amended to read:

The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed forty (40) feet with the exception of the elevator shafts which shall not exceed forty-five (45) feet. Height shall be measured from finished grade to highest point of the structure. (DRO/ONGOING: ZONING - Zoning)

3. Prior to Final Development Review Officer (DRO) Approval the Applicant shall submit revised elevations indicating the elevator shaft/cabs for Building 2 with a maximum height of forty-five (45) feet. (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, 2022, 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 1 of Resolution R-2020-937, Control No.2005-00427)

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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2020-937, Control No.2005-00427)

3. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for De Soto Road right of way and all associated documents as required by the County Engineer for 10 feet in width on an alignment approved by the County Engineer

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2020-937, Control No.2005-00427)

4. The Property Owner shall fund the construction plans and the construction of De Soto Road as a non-plan collector road plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed on or before the issuance of the first building permit. Construction plan costs shall be approved by the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division.

a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2020-937, Control No.2005-00427)

5. 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: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2020-937, Control No.2005-00427)

6. The Property Owner shall design, install, and perpetually maintain median landscape within the median of all abutting right of way of Lantana Road. 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 Board of County Commissioner's approval. Median landscaping installed by the 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 and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDGPMT: 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. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED]

c. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: MONITORING - Engineering) [Note: COMPLETED]

d. 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 the 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 Lantana Road. 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2020-937, Control No.2005-00427)

7. Prior to approval of the Final Site Plan by the Development Review Officer, the traffic study shall be modified to reflect any modification of access points, if any, as shown on the Zoning Commission approved site plan. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2020-937, Control No.2005-00427)

8. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for Lantana Road right of way and all associated documents as required by the County Engineer for 55 feet, measured from centerline of the proposed right of way on an alignment approved by the County Engineer.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the

property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2020-937, Control No.2005-00427)

9. 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2020-937, Control No.2005-00427)

10. 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 10 of Resolution R-2020-937, Control No.2005-00427)

11. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for De Soto Road right of way and all associated documents as required by the County Engineer for 10 feet in width on an alignment approved by the County Engineer

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2020-937, Control No.2005-00427)

## **LANDSCAPE - GENERAL**

1. At time of submittal for Final Approval by the Development Review Officer the Property Owner shall add a Landscape Disposition Chart to the Final Site Plan for review and approval. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2020-937, Control No.2005-00427)

2. 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. (BLDGPMT/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2020-937, Control No.2005-00427)

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

3. 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 3 of Resolution R-2020-937, Control No.2005-00427)

## **LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING LANDSCAPE NURSERY)**

4. In addition to the Code requirements, landscaping and/or buffer width along the north property line shall be upgraded to include a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted.

(BLDGPMT/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 4 of Resolution R-2020-937, Control No.2005-00427)

## **SITE DESIGN**

1. 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) (Previous SITE DESIGN Condition 1 of Resolution R-2020-937, Control No.2005-00427)

2. Prior to Certificate of Occupancy for any building, a minimum ten (10) foot high opaque gate with a Knox Box shall be provided on the northeast and southeast access points, and northwest access point connecting to the wall or storage units. (BLDGPMT/ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 2 of Resolution R-2020-937, Control No.2005-00427)

3. The northernmost access on DesSto Road shall be limited to twenty (20) foot in width and, except for emergency management access, vehicular traffic shall be restricted to egress only. (ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 3 of Resolution R-2020-937, Control No.2005-00427)

4. The Outdoor Storage area for the Self-storage Facility shall be limited to only vehicles customarily maintained by households for personal use, such as recreational vehicles or pleasure boats and no construction equipment could be stored on site. (ONGOING: ZONING - Code Enforcement) (Previous SITE DESIGN Condition 4 of Resolution R-2020-937, Control No.2005-00427)
5. Prior to Final Development Review Officer (DRO) approval, the applicable plans (Site and Regulating) shall be revised to comply with Article 5.B.1.A.3.b with regard to the setback for the outdoor storage area on the north property line or obtain the necessary Variance for the reduction. (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.

### Figure 1 - Land Use Map

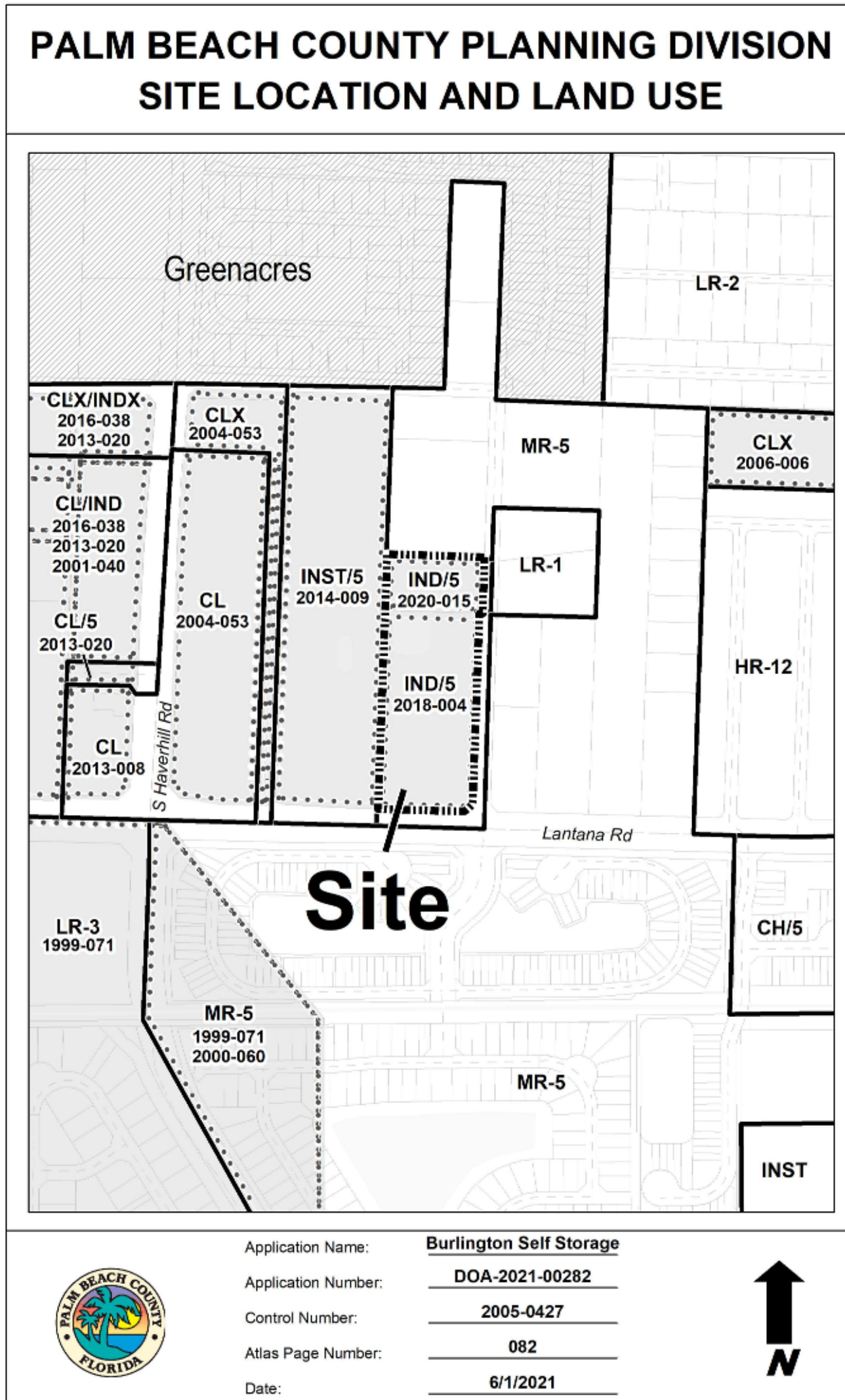
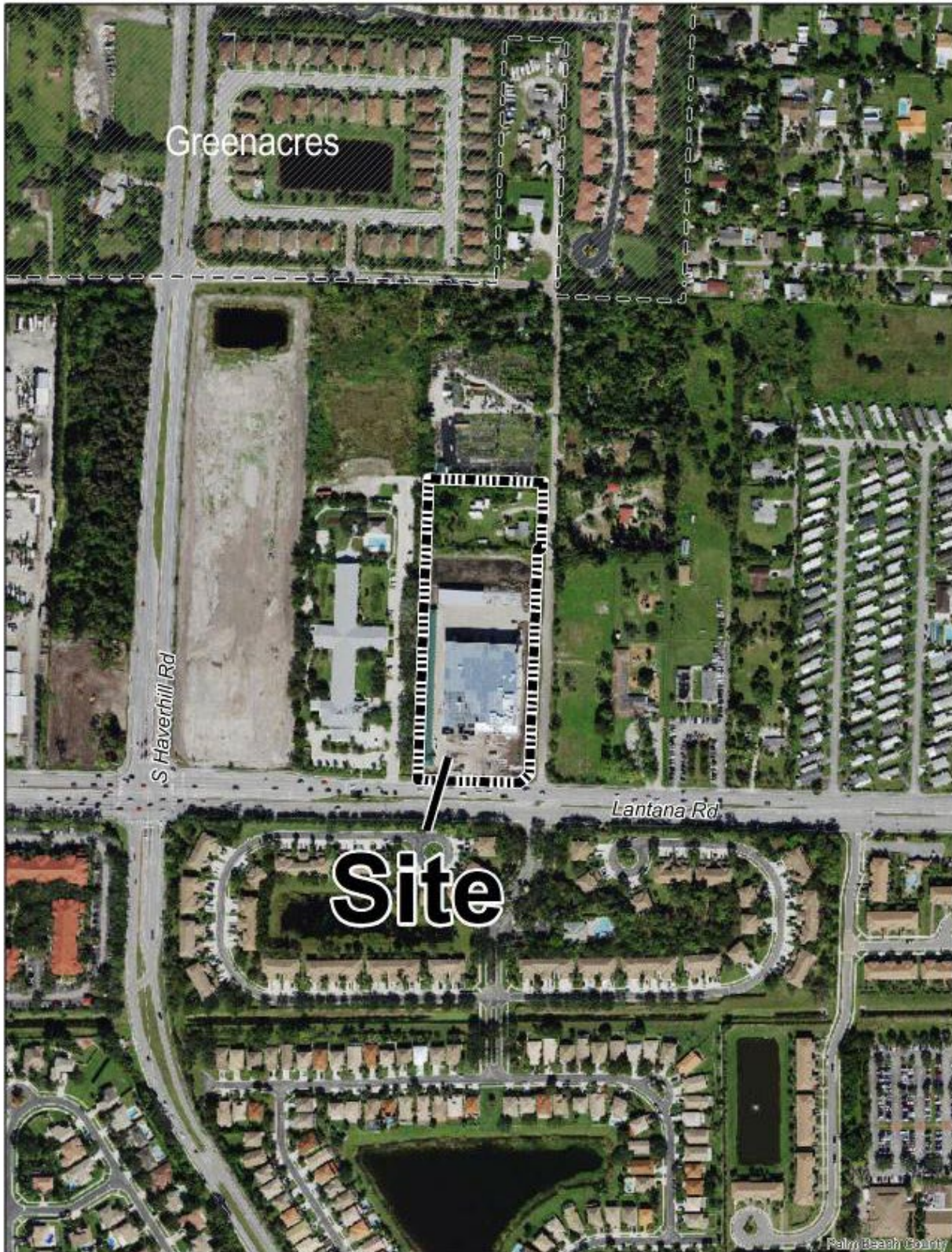


Figure 2 - Zoning Map

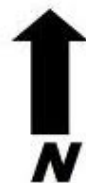


### Figure 3 - Aerial

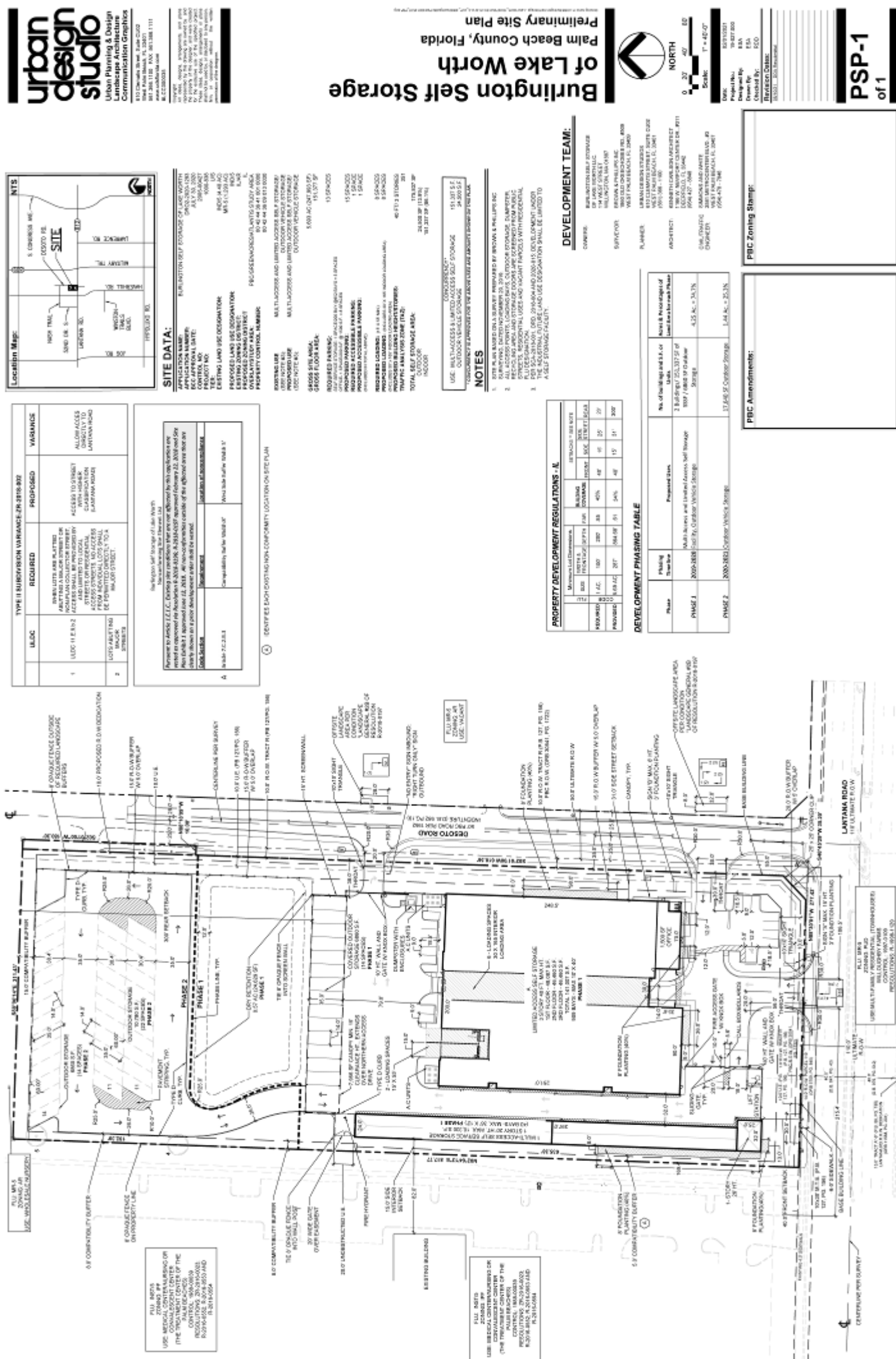
## PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



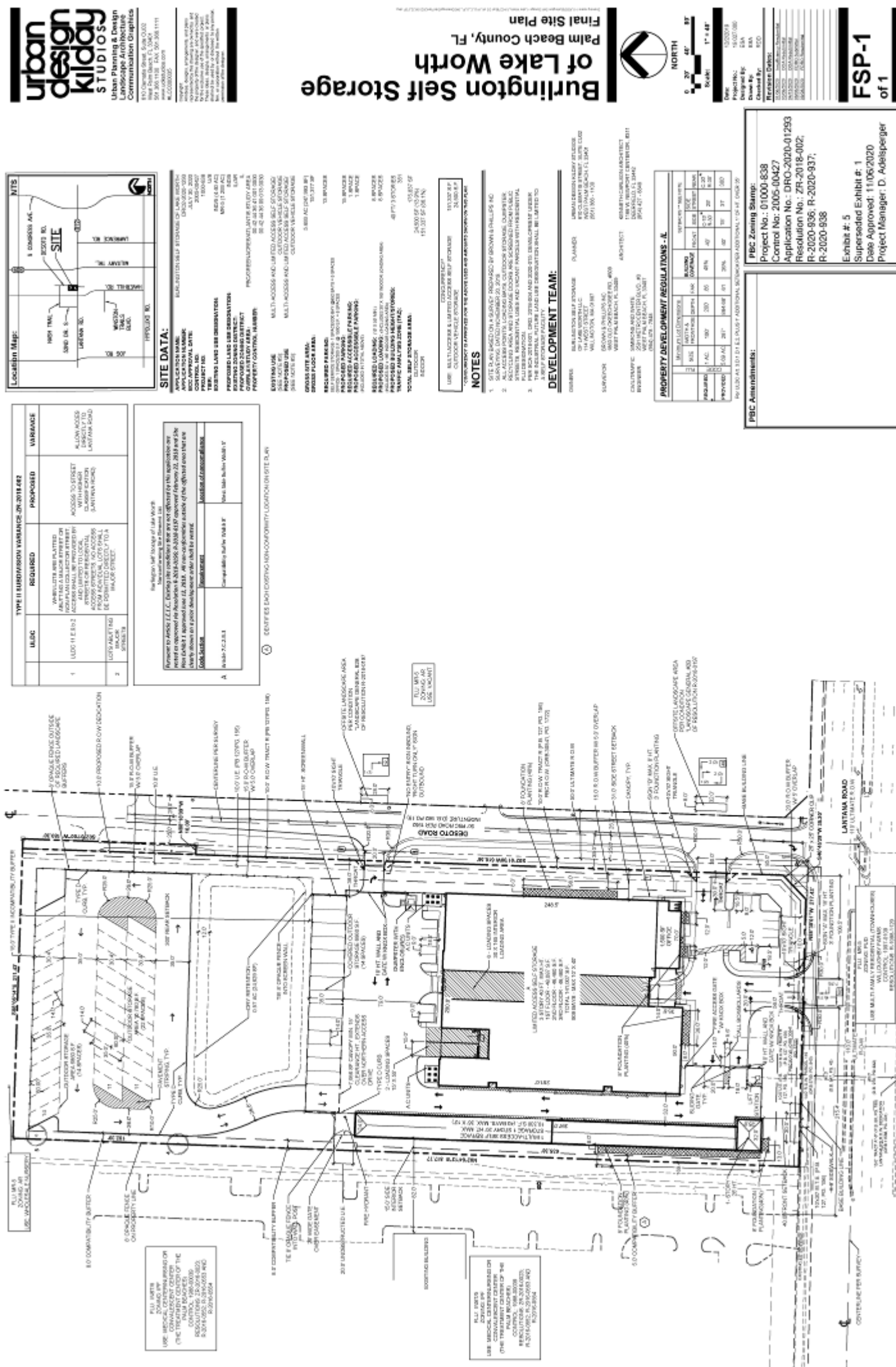
Application Name:	<u>Burlington Self Storage</u>
Application Number:	<u>DOA-2021-00282</u>
Control Number:	<u>2005-0427</u>
Atlas Page Number:	<u>082</u>
Date:	<u>6/1/2021</u>



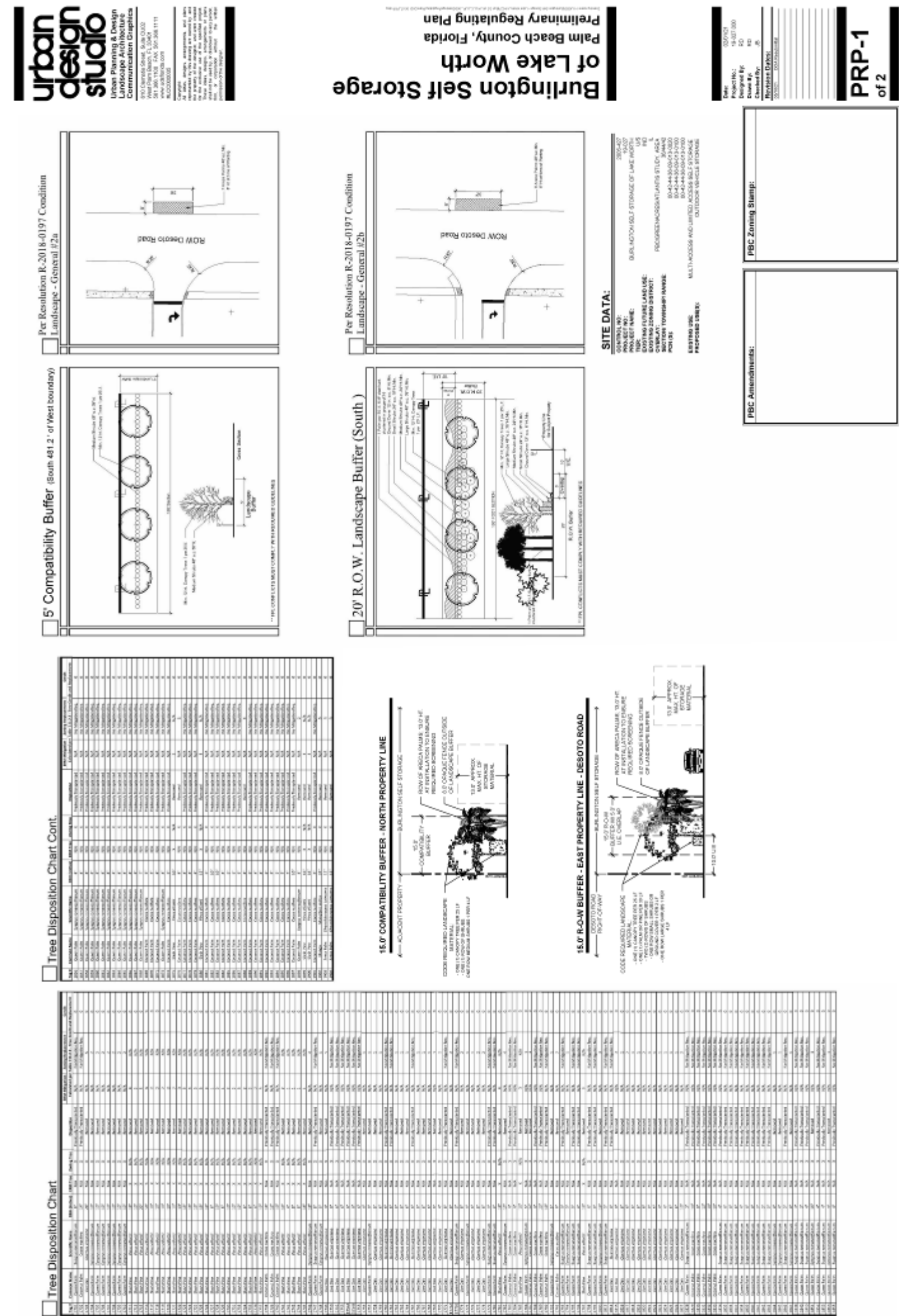
**Figure 4 – Preliminary Site Plan (PSP), dated May 10, 2021**



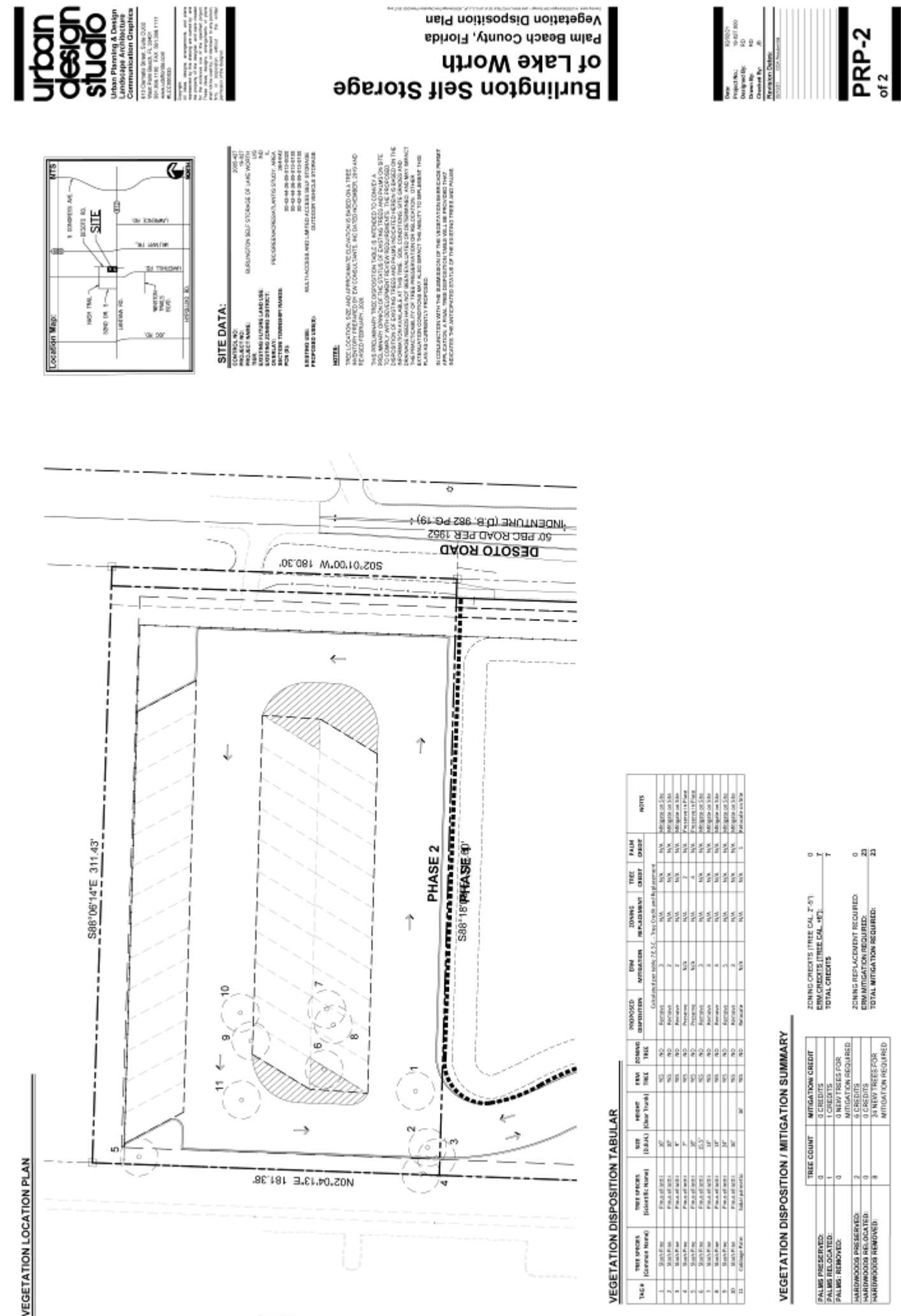
**Figure 5 – Approved Site Plan (FSP-1), dated November 11, 2020**



**Figure 6 – Preliminary Regulating Plan (PRP-1 of 2), dated May 10, 2021**



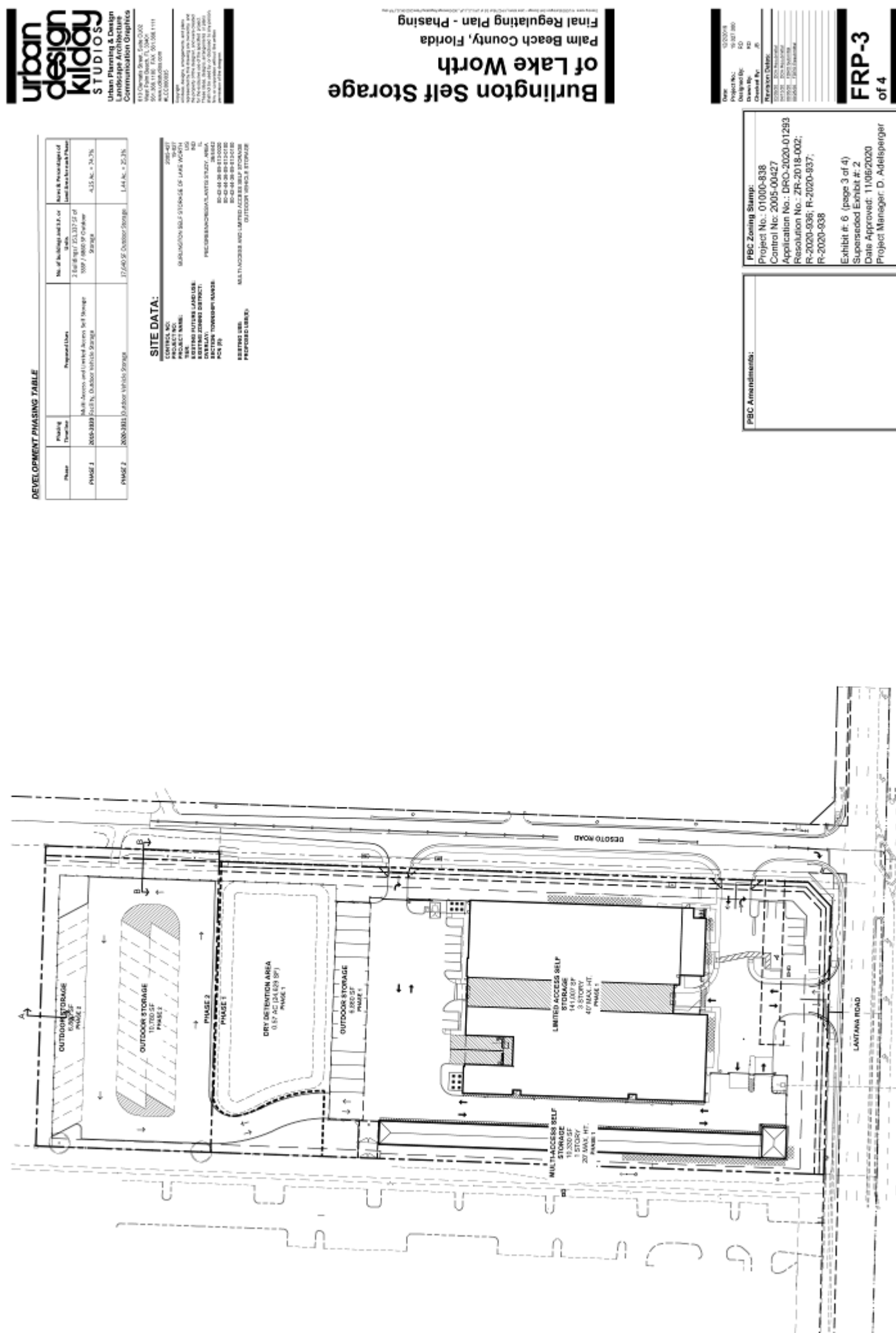
**Figure 7 – Preliminary Regulating Plan (PRP-2 of 2), dated May 10, 2021**



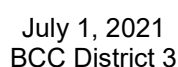




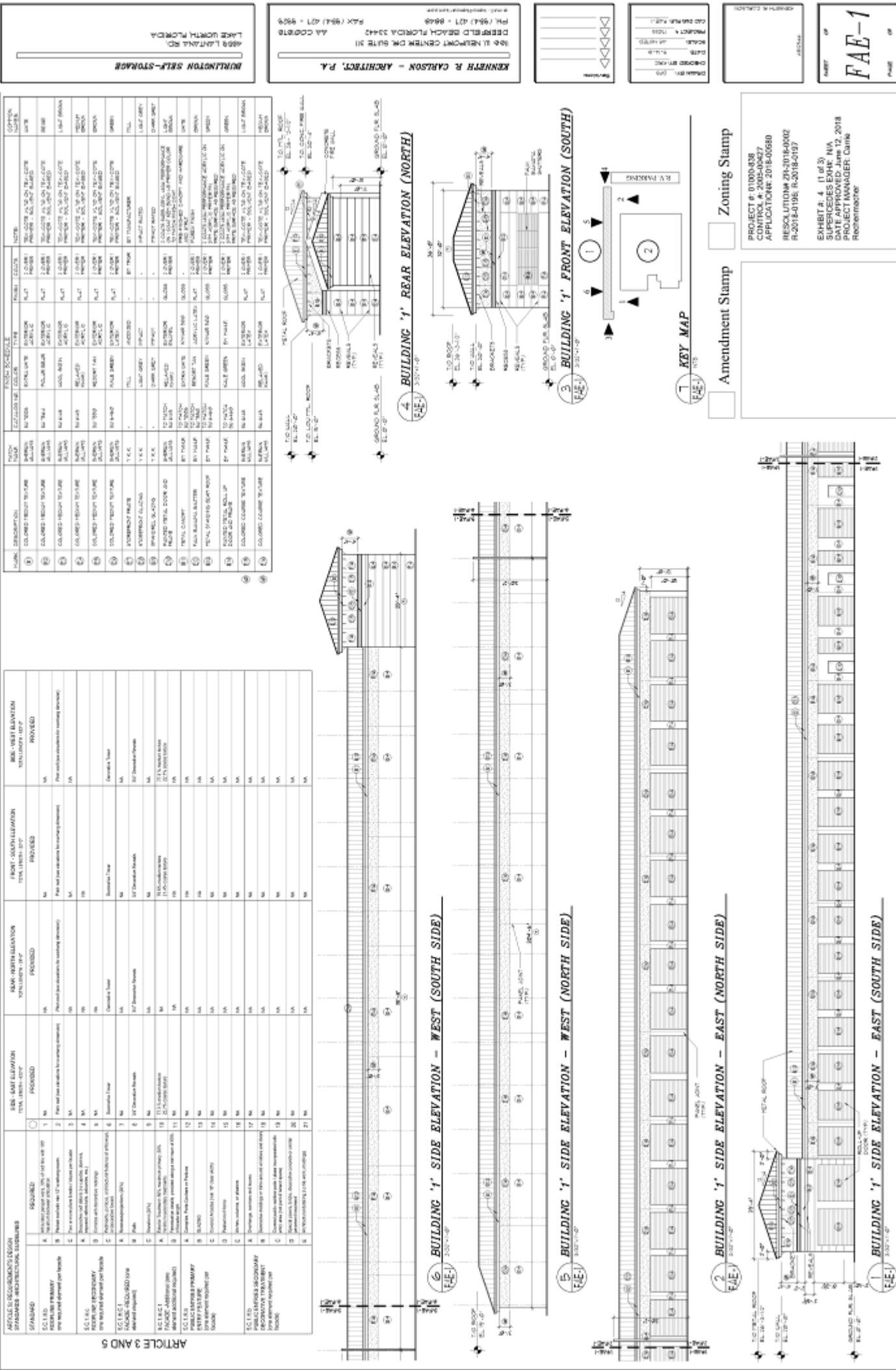
**Figure 10 – Approved Final Regulating Plan (FRP-3 of 4), dated November 6, 2020**



Zoning Commission  
Application No. DOA-2021-00282  
Burlington Self-Storage of Lake Worth

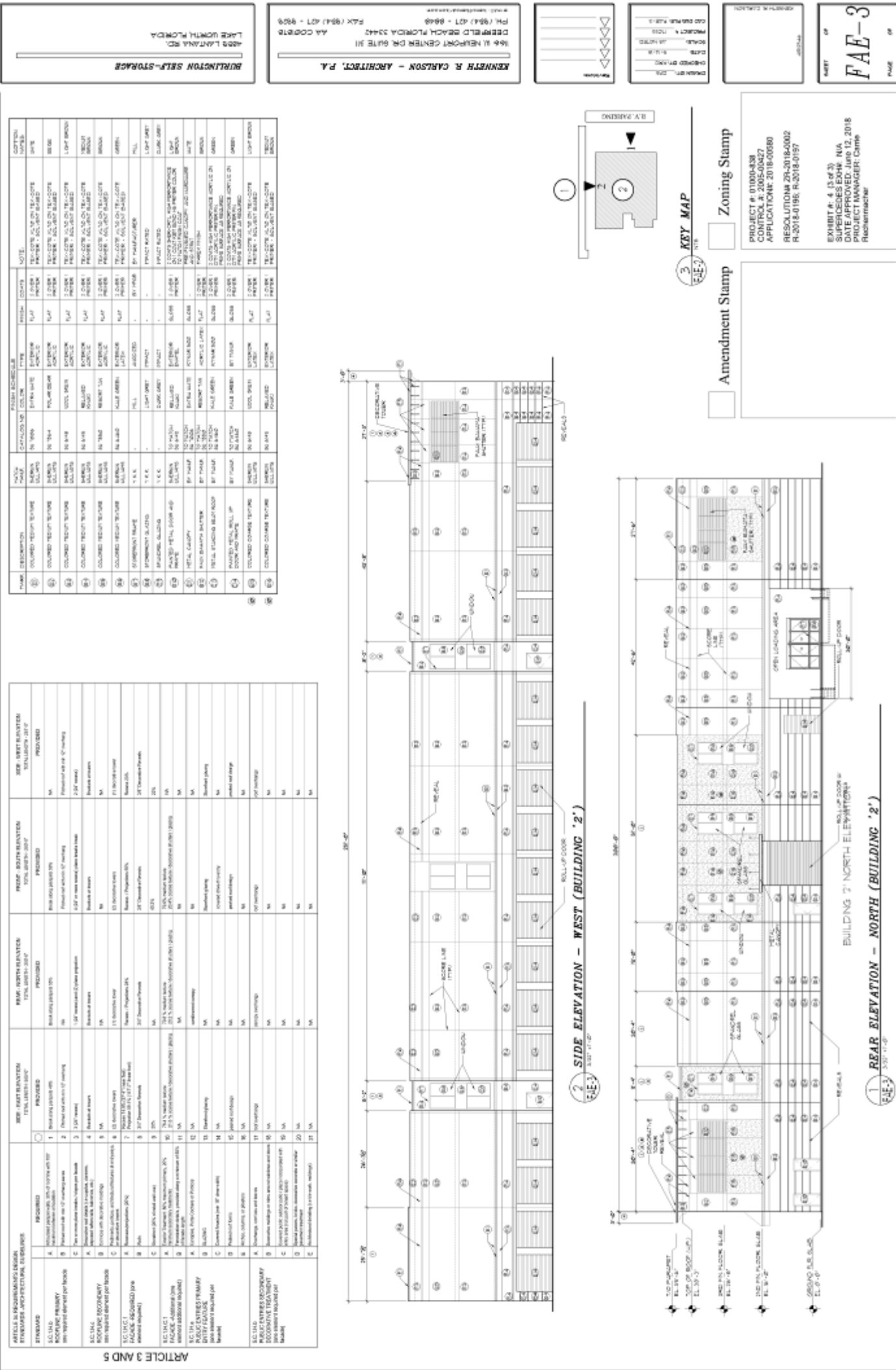


**Figure 12 - Approved Final Architectural Elevations (FAE-1), dated June 12, 2018**





**Figure 14 - Approved Final Architectural Elevations (FAE-3), dated June 12, 2018**



### Figure 15 - Visual Impact Analysis

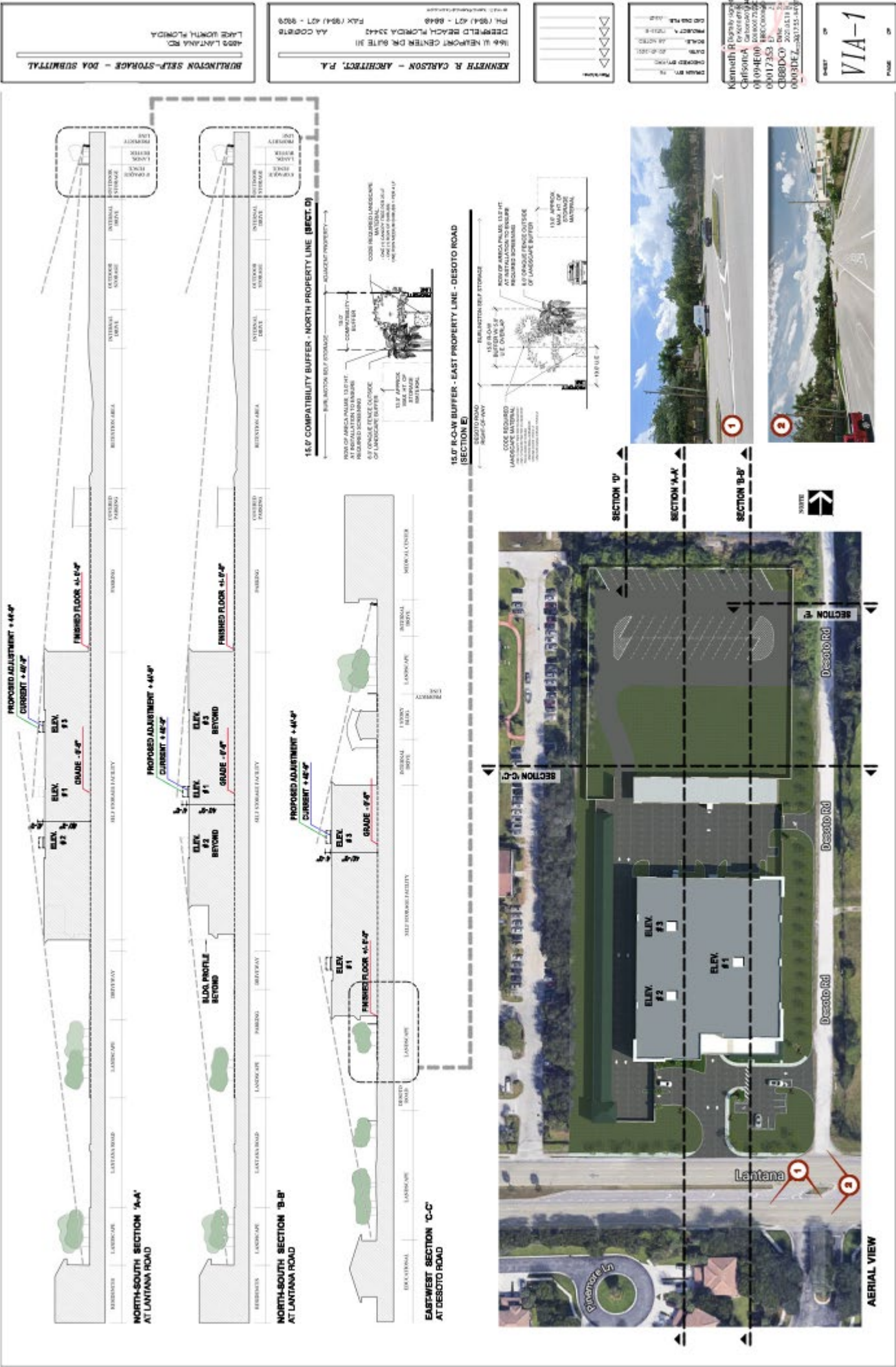


Exhibit D – Disclosure of Ownership

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA *MASS*  
COUNTY OF PALM BEACH *MIDDLESEX*

BEFORE ME, the undersigned authority, this day personally appeared Christopher M. Capozzoli, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [ ] individual or [x] Manager of Burlington Self-Storage of Lake Worth, LLC [position - e.g., president, partner, trustee] [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: 144 West Street, Wilmington MA 01887
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Christopher Capozzoli  
Christopher Capozzoli, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF ~~FLORIDA~~ MASS  
COUNTY OF ~~PALM BEACH~~ Middlesex

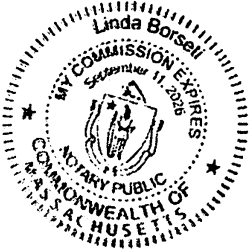
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14th day of January, 20 21 by Christopher Capozzoli (name of person acknowledging). He/she is personally known to me or has produced their license (type of identification) as identification and did/did not take an oath (circle correct response).

\_\_\_\_\_  
(Name - type, stamp or print clearly)

Linda Borselli  
(Signature)

My Commission Expires on: 9/11/26

NOTARY'S SEAL OR STAMP



**EXHIBIT "A"**

**PROPERTY**

**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.

EXHIBIT “B”

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
Chistopher Capozzoli	114 West Street Wilmington, MA 01887
L. Ron Capozzoli	114 West Street Wilmington, MA 01887



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

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<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=Entity...> 1/14/2021

### Detail by Entity Name

Florida Limited Liability Company  
BURLINGTON SELF STORAGE OF LAKE WORTH, LLC

## Filing Information

<b>Document Number</b>	L17000067529
<b>FEI/EIN Number</b>	82-3932751
<b>Date Filed</b>	03/24/2017
<b>State</b>	FL
<b>Status</b>	ACTIVE

Principal Address

114 WEST STREET  
WILMINGTON, MA 01887

**Mailing Address**

114 WEST STREET  
WILMINGTON, MA 01887

Registered Agent Name & Address

SADER, ROBERT L, ESQ.  
6300 NE 1ST AVENUE  
SUITE 102  
FORT LAUDERDALE, FL 33334

### Authorized Person(s) Detail

## Name &amp; Address

Title MGR

CAPOZZOLI, CHRISTOPHER M  
114 WEST STREET  
WILMINGTON, MA 01887

## Annual Reports

Report Year	Filed Date
2018	04/19/2018
2019	04/29/2019
2020	06/16/2020

### Document Images

<a href="#">06/16/2020 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/29/2019 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/19/2018 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/24/2017 -- Florida Limited Liability</a>	<a href="#">View image in PDF format</a>