

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

Application No.: ZV/Z/CA-2022-01246
Application Name: Public Storage - Tranquility
Control No./Name: 2021-00139 (Public Storage - Tranquility)
Applicant: PS Florida One, Inc.
Owners: Sct Properties Llc
Agent: GLG Government Law Group - Neil Schiller
BOHLER Engineering - Chris Lall
Telephone No.: (561) 571-0280, (561) 771-9330
Project Manager: Jordan Jafar, Senior Site Planner

TITLE: a Type 2 Variance **REQUEST:** to allow an increase in maximum building coverage on 1.93 acres
TITLE: an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from Planned Unit Development (PUD) Zoning District to the Community Commercial (CC) Zoning District on 1.93 acres
TITLE: a Class A Conditional Use **REQUEST:** to allow a Limited Access Self Service Storage on 1.93 acres

APPLICATION SUMMARY: The proposed requests are for the 1.93 acre Public Storage - Tranquility development. The Subject Site is undeveloped and is currently part of Babcock PUD as Parcel F. This site is being removed from the Babcock PUD (Control 1985-00054) by concurrent application DOA-2022-01247, Babcock PUD

The requests for the Official Zoning Map amendment from the Single Family Residential (RS) Zoning District to Community Commercial (CC) Zoning District, will allow the development of a Limited Access self Service Storage Facility. In addition, the Applicant is also requesting a Type 2 Variance to increase the maximum building coverage from 25% to 28%. The Preliminary Site Plan indicates one building with a total of 71,259 square feet (sq. ft.) and 11 parking spaces. Access is proposed from East Tranquility Drive.

SITE DATA:

Location:	Southwest corner of West Atlantic Avenue and Tranquility Lake Drive
Property Control Number(s)	00-42-46-20-01-000-0021
Existing Future Land Use Designation:	Commercial High with an underlying Medium Residential (MR-5)(CH/5)
Proposed Future Land Use Designation:	Commercial High, with an underlying 5 units per acre (CH/5)
Existing Zoning District:	Planned Unit Development (PUD)
Proposed Zoning District:	Community Commercial (CC)
Total Acreage:	1.93 acres
Tier:	Urban/Ssuburban
Overlay District:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	N/A
Commission District	District 5, Vice Mayor Maria Sachs

RECOMMENDATION: Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibits C-1 through C-3.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contacts from the public regarding this application.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
SE-1985-00054	ACLF	None	June 27, 1985
Z/SE-1985-00054	Rezoning from AR to RS	R-1985-1226	June 27, 1985
Z/SE-1985-00054	Special Exception to allow a Planned Unit Development	R-1985-1227	June 27, 1985
SE-1985-00054	Delete acreage/ in tandem with petition 91 – 56.	None	January 3, 1992
SE-1985-00054	Deletion of acreage from the PUD to allow proposed rezoning to CL Community Commercial and special exception for a service station (no repairs), convenience store, car wash and fast food restaurant with no drive through window	R-1992-1099	Denied
ZV-2022-00505	To eliminate Planned Development District Frontage	ZR-2022-00299	August 4, 2022

TYPE 2 VARIANCE SUMMARY: The Applicant is proposing a Type 2 Variance to increase the Building Coverage requirement of 25%, as required by Table 3.D.1.A to 28%.

#	ULDC Article	Required	Proposed	Variance
V.1	Table 3.D.1.A Building Coverage	25% Building Coverage	28% Building Coverage	Building Coverage Increase by 3%

FINDINGS: Type 2 Variance Standards:

When considering a Development Order application for a Type 2 Variance, the Zoning Commission shall consider Standards a through g listed under Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Type 2 Variance that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

a. *Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district:*

YES. The subject property currently is zoned RS with a CH/8 future land use designation. The Applicant is seeking to rezone the site to Community Commercial (CC) Zoning District in order to utilize the site as Limited Access Self-Service Storage Facility. The straight commercial zoning districts that are consistent with CH future land use (CC, CG, CLO, CHO) are limited to a maximum of 25%. Table 4.A.9.B thresholds for Projects Requirement Board of County Commission Approval, indicates that when a development is over 50,000 sq. ft. the development shall be approved as a PDD or a TDD. However, if the lot does not meet the access or dimension requirements of a PDD it shall be reviewed as a Class A Conditional Use. The actual lot dimension (acreage and depth) does not allow the property to be rezoned to an MUPD which would have provided for the Maximum Building Coverage to a higher coverage of 40% instead of 25%. The existing site constraints limit the possibility to rezone to the MUPD district, for which would allow a higher Building Coverage would have been allowed, but additional variances would have been required. The proposed development complies with the maximum Floor Area Ratio (FAR) as indicate under Planning Analysis.

b. *Special circumstances and conditions do not result from the actions of the Applicant:*

YES. In order to utilize the property for the proposed Self-Service Storage use, the Applicant must rezone the property to a Commercial Zoning District. As such, the Applicant has requested to amend the zoning to the CC district. Although the site will meet the minimum PDR's for Dimension, F.A.R. and Setbacks required for the CC Zoning District, the lot dimensions do not allow for the site to be rezoned to the MUPD zoning district without additional variances. The existing lot size, with which it has a Commercial High FLU designation, does not result as an action of the Applicant.

c. *Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district:*

YES. As previously discussed, there are lot size limitations that restrict the site from being rezoned to the MUPD zoning district, allowing for a greater building coverage. The granting of the variance will not confer any special privilege to the Applicant that is denied by the Plan. Granting the variance will be consistent with other properties that are encouraged for redevelopment.

d. *Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship:*

YES. A literal interpretation of the ULDC would prevent the Applicant from achieving the Maximum Building Coverage allowed under the existing zoning district and creates an undue hardship. The Comprehensive Plan was recently amended to allow a higher floor area ratio (FAR) in the CH future land use designation, regardless of whether the site utilizes a straight or planned development zoning district.

e. *Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure:*

YES. The requested variance is the minimum variance needed to make a reasonable use of the subject property. The requested building coverage is 28%, which is only 3% higher than the maximum building coverage of 25%, and it would allow for the proposed project to stay under the allowable FAR as indicated on the Comprehensive Plan. If the project were to request to rezone to the MUPD district, because the site is over the 50,000 sq. ft. threshold, then it would require additional variances on the PDRs of the MUPD zoning district.

f. *Grant the Variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code:*

YES. Granting the variance will allow the Applicant to achieve the allowable FAR specified in the Comprehensive Plan for Commercial High designated properties. The proposed development will still maintain all applicable setbacks, heights, buffering, and other provisions as indicated on the ULDC.

g. *Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare:*

YES. Granting the variance would not have any negative effect on the surrounding area or to the public welfare. The Subject Site has sat vacant for several years and will be able to be developed. The proposed development will maintain all other requirements of the Code. No perimeter or external variances are requested. The proposed use is a low intensity traffic use and the increase of 3% would not be detrimental to the public welfare

FINDINGS:

Official Zoning Map Amendment (Rezoning) to a Standard District:

When considering a Development Order application for a rezoning to a Standard Zoning District with or without a Conditional Overlay Zone (COZ), the BCC and ZC shall consider Standards a through g listed under Article 2.B.7.A.2, Standards. The Standards and Staff Analyses are indicated below. An 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 amendment is consistent with the Plan.*

PLANNING DIVISION COMMENTS

- Consistency with the Comprehensive Plan: The proposed use 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 has been the subject of a previous County initiated Future Land Use amendment (91-102 COM 1; Ord. 1991-031), which amended the land use from MR-5 to CH/5 without conditions.
- Intensity: The request for 71,259 sq. ft., which equates to a FAR of approximately 0.85 (71,259 / 84,253 surveyed sq. ft. or 1.93 acres = 0.846). The maximum Floor Area Ratio (FAR) of 0.85 is allowed for the subject future land use designation in the Urban Suburban Tier (84,253 surveyed sq. ft. or 1.93 acres x 0.85 maximum FAR = 71,615.05 sq. ft. maximum).
- Special Overlay District/Neighborhood Plan/Planning Study Area: The site is not located within any neighborhood plans, overlays or plan study areas as identified in the Comprehensive Plan.

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.*

Article 3.A.3 indicates that a parcel's Zoning District shall be consistent with its Future Land Use (FLU) designation. The subject site is currently zoned Single Family Residential (RS) with a Special Exception for a PUD. The ULDC considers this the same as the PUD zoning District which is inconsistent with the current FLU designation of Commercial High with underlying Medium Residential 5 units per acre (CH/MR-5). However, the proposed rezoning to Community Commercial (CC) Zoning District will be consistent with the existing FLU as indicated under Table 3.A.3.B – Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (1)(3).

Property Development Regulations: The subject site, with the requested CC zoning amendment, is in compliance with Table 3.D.1.A – Property Development Regulations and meets the minimum frontage and access required for the Community Commercial Zoning District, although the amount of sq. ft. proposed requires rezoning to an MUPD, Article 4.A.8.B also allows the use to be process as a Class A Conditional Use for non-residential projects, if it only consists of one use. Furthermore, the site is located along Atlantic Ave, and meets the requirements to be on a Collector or higher classification street.

c. Compatibility with Surrounding Uses - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The proposed rezoning is generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. Rezoning to CC will be consistent with the existing portion of the FLU that is CH and will allow the development of Commercial Uses serving the residential communities within a three to five mile radii. In addition, several parcels east of the development along the West Atlantic Ave Corridor already exist with similar mix of commercial and residential uses and similar Zoning Districts, making the amendment generally compatible and appropriate for the parcel. Immediately to the north-east are Atlantic Commons Commercial Development with CC Zoning designation further west of Atlantic Terranova MUPD with a CH/5 FLU.

d. Effect on Natural Environment – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

- *Vegetation Protection:* The application request does not impact native vegetation.
- *Wellfield Protection Zone:* This property is not located within 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 Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. 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.

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

The proposed Community Commercial rezoning will maintain consistency with the adjacent Commercially and Residentially Zoned properties, as it continues a logical and orderly development pattern and provided services to residential developments. As previously discussed, several properties in the area along the Atlantic Ave corridor to the east are already zoned MUPD and CC. The proposed CC Zoning is a consistent Zoning for the pattern of development surrounding the subject site and the three to five mile radii of the area.

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

ENGINEERING COMMENTS:

The proposed self-storage facility is expected to generate 93 net daily trips, 5 net AM peak trip, and 10 net PM peak hour trips. The build out of the project is assumed to be by 2024.

The project generates less than 20 peak hour trips and does not require any detailed traffic analysis. The project will have an insignificant traffic impact, as defined in the Palm Beach County Traffic Performance Standards.

The Property Owner shall configure the property into a legal lot of record prior to the issuance of the first building permit.

PALM BEACH COUNTY HEALTH DEPARTMENT:
This project has met the requirements of the Florida Department of Health.

SCHOOL IMPACTS:
The School Board has no comment regarding this non-residential application.

PARKS AND RECREATION:
This is a non-residential project, therefore the Parks and Recreation Department ULDC standards do not apply.

FIRE PROTECTION:
Staff has reviewed this application and have no comment. The subject site is located within the boundaries of PBC Fire Station #42.



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

According to the Applicant’s Justification Statement, East of the Subject Site along Atlantic Ave corridor has developed into a small commercial area within the Neighborhood with various developments of commercial uses and MUPD Zoning Districts. These commercial areas have been developed to provide commercial amenities to the surrounding residential neighborhoods. The proposed development of the self-service storage facility is consistent with the existing commercial uses in the area. The site is vacant and has remained undeveloped for years with an inconsistent Zoning District and Future Land Use. As the

The existing PUD for the subject site is inconsistent with the current FLU designation of CH/5, thus the proposed CC Zoning district will provide consistency with the FLU designation while being compatible with the properties along the Atlantic Corridor to the east. Therefore, the proposed CC Zoning district will provide a consistent block of commercially zoned properties from the canal to the north down to Coconut Lane.

FINDINGS:

Conditional Uses

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or 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 Conditional Use, Rezoning to PDD or TDD, or 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.*

PLANNING DIVISION COMMENTS:

○ 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 has been the subject of a previous County initiated Future Land Use amendment (91-102 COM 1; Ord. 1991-031), which amended the land use from MR-5 to CH/5 without conditions.

○ Intensity: The request for 71,259 sq. ft., which equates to a FAR of approximately 0.85 (71,259 / 84,253 surveyed square feet or 1.93 acres = 0.846). The maximum Floor Area Ratio (FAR) of .85 is allowed for the subject future land use designation in the Urban Suburban Tier (84,253 surveyed square feet or 1.93 acres x .85 maximum FAR = 71,615.05 square feet maximum).

○ Special Overlay District/Neighborhood Plan/Planning Study Area: The site is not located within any neighborhood plans, overlays or plan study areas as identified in the Comprehensive Plan. No correspondence has been received by Staff regarding the request.

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.*

○ Property Development Regulations: The subject site, with the request Community Commercial Zoning District amendment, is in compliance with Table 3.D.1.A – Property Development Regulations and meets the minimum frontage and access required for the Commercial General Zoning District as well as the minimum required setbacks.

○ Type 2 Variance: The Variance request is to increase the building coverage from the maximum permitted 25% to 28%. The parcel is 1.93 ac. in size. The proposed single building proposed for construction has a 71,259 sq. ft. footprint (28% building coverage).

○ Use specific criteria as stated for the use in Article 4.B.2.A.37: The proposed use meets the definition for Self-Service Storage. No Outdoor Storage areas are proposed.

○ Architectural Review: This use will be required to comply with the Architectural Guidelines specified in Article 5.C., Design Standards. No Architectural elevations have been provided at this time. Staff is recommending a Condition of Approval (Architectural Review Condition No.5 of Exhibit C-3) requiring Architectural review approval to be completed at the time of application for final Development Review Officer approval for the proposed structure.

○ Parking: The proposed Limited Access Self-Service use requires 9 standard parking spaces and four loading spaces per Table 6.B.1.B – Minimum Parking and Loading Requirements. The PSP indicates 10 regular parking spaces provided along with 4 loading spaces.

○ Landscape/Buffering: The PSP indicates a 15 ft. Right of Way Buffer (R-O-W) to the east along Tranquility Lake Drive. A 20 ft. R-O-W Buffer is provided to the north along West Atlantic Ave and to the West along Florida's Turnpike. A 15 ft. Incompatibility Buffer is proposed along the south property line abutting the residential uses.

○ Signs: The Applicant proposes one freestanding monument sign in accordance with Table 8.G.2.A - Freestanding Sign Standards.

○ Use Regulations – Limited Access Self Storage: The proposed use is subject to the provisions of Art. 4.B.2.C.37 and meets the provisions.

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.*

The proposed use is compatible, and generally consistent with existing the uses for the parcel of land. As explained above there are several parcels east of the development along the West Atlantic Ave Corridor already exist with similar mix of commercial and residential uses and similar Zoning Districts, making the amendment generally compatible and appropriate for the parcel. Immediately to the north-east are Atlantic

Commos Commercial Development with CC Zoning designation further west of Atlantic Terranova MUPD with a CH/5 FLU.

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 Preliminary Site Plan indicates a 15 feet wide incompatibility Buffer with an approximately additional 19 feet of dry detention for a total separation of 34 feet with a 8 feet tall vinyl coated chain link. The existing wall, followed by a 15 ft. wide incompatibility buffer, approximately 100 feet of depth of a dry retention area, and a new 8 ft. tall chain link fence with vinyl screening separate the existing residential properties to the outdoor storage area, which is to the east of the three story building. The entrance to the building is located facing Atlantic Ave as it is all the vehicular movements on site.

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.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

- *Vegetation Protection:* The application request does not impact native vegetation.
- *Wellfield Protection Zone:* This property is not located within 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 Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. 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 Limited Access Self-Service Storage use will maintain a logical and orderly development pattern. The properties along the Atlantic Corridor to the east have been developed with commercial uses. The Applicant has requested a subsequent rezoning approval to allow for commercial use on the site, consistent with the commercial FLU.

As mentioned previously, properties in the area along the Atlantic Ave corridor to the east are already zoned MUPD and CC with existing commercial uses. The site currently has an existing CH FLU and sits along a major corridor adjacent to the Turnpike. The proposed Limited Self-Service Storage Facility will generate less customers as opposed to a retail sales use or gas and fuel sales and will fit in with transitional Commercial to Residential nature of the proposed Community Commercial zoning district.

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

ENGINEERING COMMENTS:

The proposed self-storage facility is expected to generate 93 net daily trips, 5 net AM peak trip, and 10 net PM peak hour trips. The build out of the project is assumed to be by 2024.

The project generates less than 20 peak hour trips and does not require any detailed traffic analysis. The project will have an insignificant traffic impact, as defined in the Palm Bach County Traffic Performance Standards.

The Property Owner shall configure the property into a legal lot of record prior to the issuance of the first building permit.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project has met the requirements of the Florida Department of Health

FIRE PROTECTION:

Staff has reviewed this application and have no comment. See comments above under the Rezoning Standards.

SCHOOL IMPACTS:

The School Board has no comment regarding this non-residential application.

PARKS AND RECREATION:

This is a non-residential project, therefore the Parks 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 Applicant has stated that the area has experienced tremendous growth fueled by new residential product coming to market. The Applicant states that additional changed circumstances include the completion of the expanded Atlantic Avenue Exit from Florida’s Turnpike; the construction of multiple residential units within five (5) miles of the property, which include all of the Valencias on Lyons Road North, the Bridges communities on Lyons Road South and other communities located on 441 and east of the Property on Atlantic Avenue (Villagio, Atlantic Commons, Emerald Pointe).

The development of the subject site into a low impact non-residential use adjacent to a residential PUD that has the PUD’s support, is a changed circumstance. The parcel was previously sought for a much more intense development like a gas station or fast-food restaurant, both allowed under CH land use. The Applicant seeks a less intense zoning district, CC, which is the least intense district that allows for the proposed self-service storage use.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B.7.A.2, Article 2.B.7.B.2 and Article 2.B.7.E.6 and determined that there is a balance between the need for change and the potential impacts generated by Official Zoning Map Amendment, Class A Conditional Use and Type 2 Variance. Therefore, Staff is recommending approval subject to Conditions of Approval as indicated in Exhibit C-1 through C-3.

CONDITIONS OF APPROVAL

EXHIBIT C-1:

Type 2 Variance – Concurrent on 1.93 acres

ALL PETITIONS

1. The approved Site Plan is dated February 2, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Zoning Commission. (ONGOING: ZONING - Zoning)

VARIANCE

1. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Site Plan. (DRO/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. (BLDG PERMIT: BLDG - 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 Zoning Commission 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.

CONDITIONS OF APPROVAL

EXHIBIT C-2:

Official Zoning Map Amendment on 1.93 acres

DISCLOSURE

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

CONDITIONS OF APPROVAL

EXHIBIT C-3:

Class A Conditional Use on 1.93 acres

ALL PETITIONS

1. The approved Site Plan is dated February 21, 2023. 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)

ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2024, 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)

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

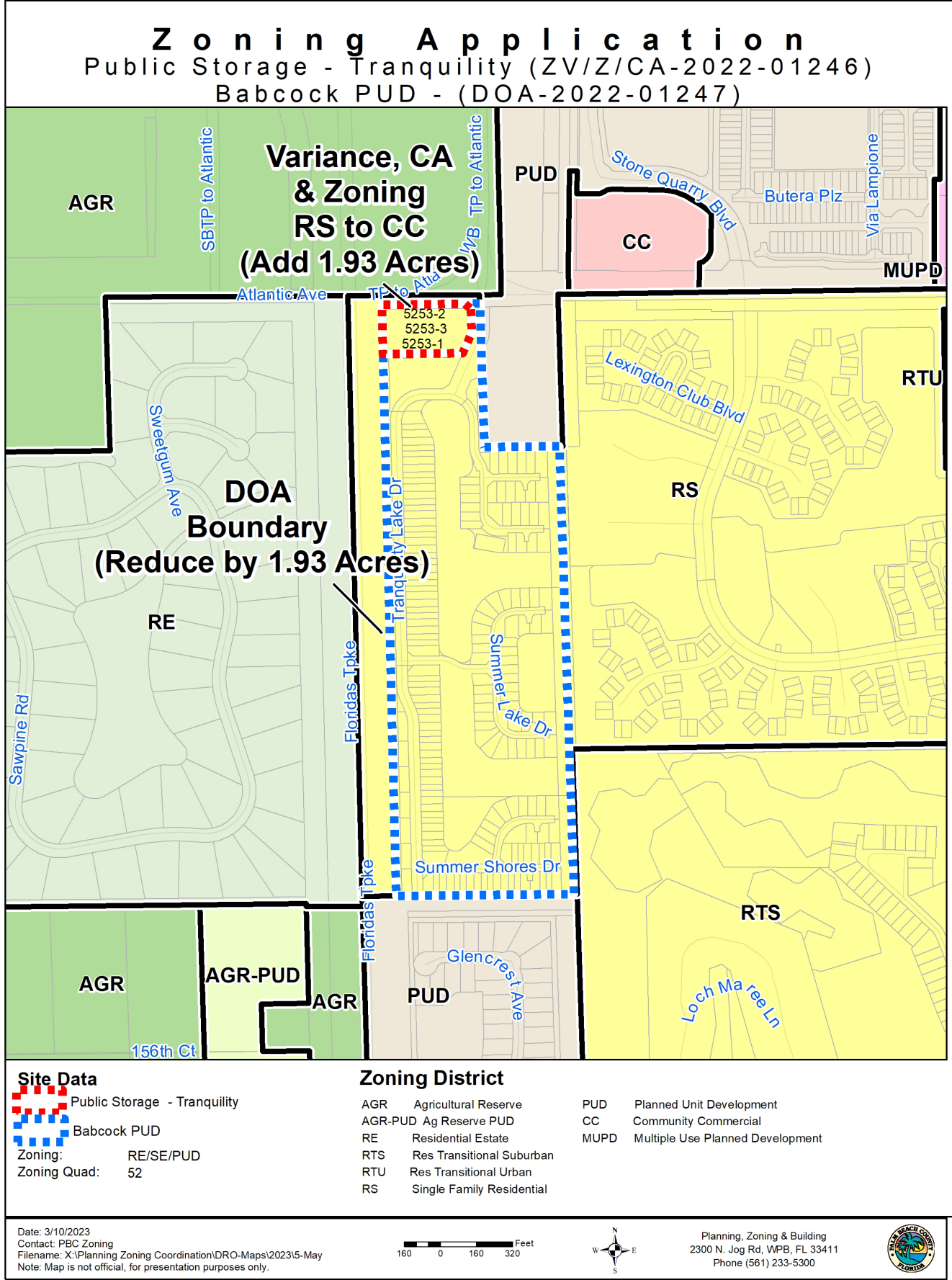
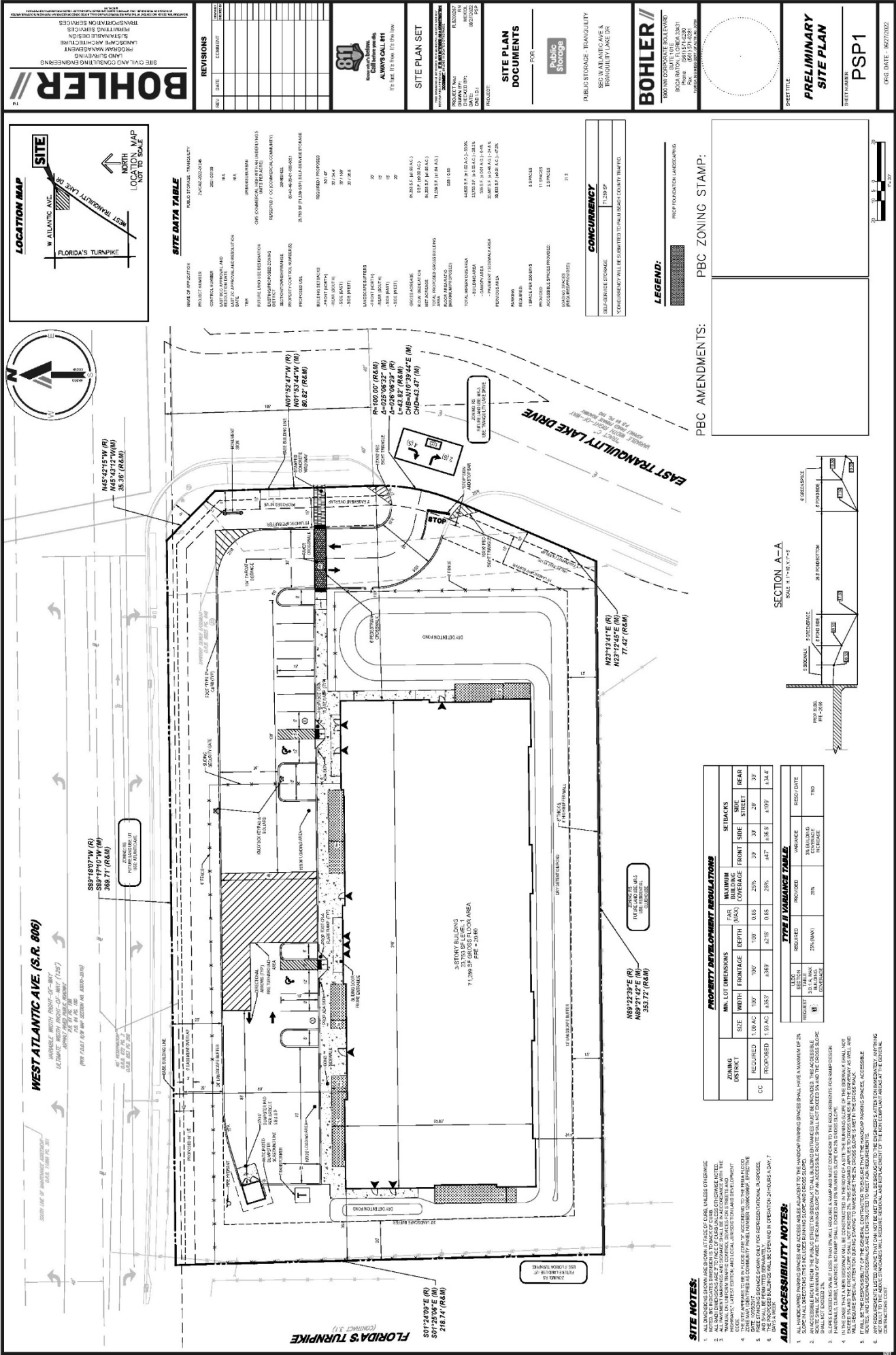
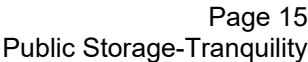


Figure 3 – Preliminary Site Plan dated February 21, 2023



Zoning Commission
Application No. ZV/Z/CA-2022-01246



Public Storage®

Zoning Commission
Application No. ZV/Z/CA-2022-01246

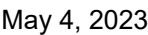


Exhibit D – Disclosure of Ownership-Applicant

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

- Affiant is the ☐ individual or ☒ Vice President [position—e.g., president, partner, trustee] of PS Florida One, Inc [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
- Affiant's address is: 701 Western Ave
Glendale, CA 91201
- 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 Applicant. 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.
- 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 Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
- Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 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.
- 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.

Mike Vahle
Mike Vahle, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF ~~FLORIDA~~ Georgia
COUNTY OF ~~PALM BEACH~~ Gwinnett

The foregoing instrument was acknowledged before me by means of ☒ physical presence or
☐ online notarization, this 6th day of may, 2022 by
Mike Vahle (name of person acknowledging). He/she is personally
known to me or has produced _____ (type of identification) as
identification and did/did not take an oath (circle correct response).

Anita Pegram
(Name - type, stamp or print clearly)

Anita Pegram
(Signature)

My Commission Expires on: 04/26/2025



EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the 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
PS Florida One, Inc;	701 Western Ave, Glendale, CA 91201
which is wholly owned by PS Florida, Inc.,	701 Western Ave, Glendale, CA 91201
which is wholly owned by Public Storage,	701 Western Ave, Glendale, CA 91201
which is a publicly traded company.	

PS FLORIDA ONE, INC.
CERTIFICATE OF SECRETARY

The undersigned, Nathaniel A. Vitan, hereby certifies that she is the duly elected, qualified and acting secretary of PS Florida One, Inc., a Delaware corporation (the "Company"), with access to the books and records of the Company, and its affiliates, and that:

1. Andres Friedman, Senior Vice President, and Mike Vahle, Regional Vice President are each duly elected or appointed officers or employees of the Company and, as such, are each authorized, acting alone, to execute and deliver on behalf of the Company any and all applications, pre-application submittals, permits, notices (including notices of commencement and completion notices), letters, authorizations (including letters of authorization), easements, dedications, covenants, agreements, bonds, certificates or related or similar municipal or county documents or forms as may be reasonably required by any governmental or quasi-governmental authority having jurisdiction over any property owned by the Company or any of their respective departments or political subdivisions, including, without limitation, the departments of building and safety, public works and planning, as applicable, in connection with the redevelopment of any property owned by the Company.
2. This certificate remains in effect for one year unless a notice or certificate of revocation is issued earlier.

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IN WITNESS WHEREOF, the undersigned has signed this certificate on this 13th day of
September 2021.



Nathaniel A. Vitan
Secretary

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
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Anthony DeRosa, 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 [position - e.g., president, partner, trustee] of SCT Properties, LLC [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: 9600 NW 23th Street, Suite 2A
Miami, FL 33172
- 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.

Alyson DeRose
Alyson DeRose, Affiant
 (Print Affiant Name)

NOTARY PUBLIC INFORMATION:

**STATE OF FLORIDA
 COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me by means of [4] physical presence or [] online notarization, this 18th day of January, 20 22 by Alyson DeRose (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

Matthew Estevez
 (Name - type, stamp or print clearly)

Matthew Estevez
 (Signature)

My Commission Expires on: 7/20/2023

NOTARY'S SEAL OR STAMP



EXHIBIT "A"

LEGAL DESCRIPTION

(O.R.B. 17843 PG. 75)

A PORTION OF TRACTS "B", "D", "G", AND "L1" OF THE PLAT ENTITLED "THE BABCOCK -P.U.D. - PARCEL C" AS RECORDED IN PLAT BOOK 61, PAGE 198 THROUGH 200, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST (N.W.) CORNER OF SAID TRACT "G"; THENCE SOUTH 01°24'09" EAST, ALONG THE WESTERLY LINE OF SAID TRACT "G", A DISTANCE OF 218.74 FEET; THENCE NORTH 89°22'39" EAST, A DISTANCE OF 353.72 FEET TO A POINT LYING ON THE WESTERLY LINE OF TRACT "A" OF SAID PLAT; THENCE NORTH 23°13'41" EAST, A DISTANCE OF 77.42 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 25°06'29", A DISTANCE OF 43.82 FEET TO THE POINT OF TANGENCY; THENCE NORTH 01°52'47" WEST, A DISTANCE OF 80.82 FEET; THENCE NORTH 45°42'15" WEST, A DISTANCE OF 35.36 FEET TO A POINT LYING ON THE NORTHERLY LINE OF SAID TRACT "G" (THE LAST FOUR (4) DESCRIBED COURSES BEING COINCIDENT WITH THE WESTERLY LINE OF SAID TRACT "A"); THENCE SOUTH 89°18'07" WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 369.71 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PLAT WAS VACATED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, RECORDED IN OFFICIAL RECORDS BOOK 6427, PAGE 183 AND OFFICIAL RECORDS BOOK 7082, PAGE 1415, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. (O.R.B. 17843 PG. 75) TOGETHER WITH THE BENEFIT OF CERTAIN CROSS ACCESS EASEMENT AGREEMENTS RECORDED IN OFFICIAL RECORDS BOOK 5866, PAGE 1085.

TOGETHER WITH BENEFIT OF THAT AMENDMENT TO CROSS ACCESS AND UTILITY EASEMENT AGREEMENT FROM WATERWAYS AT DELRAY HOMEOWNERS ASSOCIATION INC., RECORDED IN OFFICIAL RECORDS BOOK 11469, PAGE 1835.

BEING THE SAME PREMISES CONVEYED TO SCT PROPERTIES, L.L.C. , A FLORIDA LIMITED LIABILITY COMPANY, BY SPECIAL WARRANTY DEED, FROM UNIVERSAL AMERICAN REALTY CORPORATION, A DELEWARE CORPORATION, DATED DECEMBER 3, 2004 AND RECORDED DECEMBER 6, 2004 IN THE PALM BEACH COUNTY CLERK'S OFFICE IN BOOK 17842, PAGE 0075. 1784275

BEING MORE PARTICULARLY DESCRIBED AS:

(MEASURED BOUNDARY; NAD83/1990)

BEGINNING AT A REBAR WITH CAP FOUND AT THE INTERSECTION OF THE NORTHWEST (N.W.) CORNER OF SAID PROPERTY WITH THE SOUTH RIGHT-OF-WAY LINE OF STATE ROUTE 806 AND THE WEST LIMITS OF FLORIDA'S TURNPIKE; THENCE SOUTH 01°25'06" EAST, ALONG THE WEST LINE OF SAID PROPERTY, A DISTANCE OF 218.74 FEET TO A REBAR WITH CAP FOUND, SAID REBAR MARKING THE SOUTHWEST CORNER OF SAID PROPERTY WITH THE NORTHWEST CORNER OF TRACT G, WATERWAYS AT DELRAY - PHASE I AS RECORDED IN PLAT BOOK 67 PAGE 180; THENCE NORTH 89°21'42" EAST, A DISTANCE OF 353.72 FEET TO A IRON PIPE FOUND LYING ON THE WEST LINE OF TRACT "A" OF SAID PLAT BOOK 61, PAGE 198 THROUGH 200; THENCE NORTH 23°12'45" EAST, A DISTANCE OF 77.42 FEET TO THE NAIL & DISK FOUND (LB.2936) MARKING THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 25°06'32", A DISTANCE OF 43.82 FEET TO THE IRON PIPE FOUND MARKING THE POINT OF TANGENCY; THENCE NORTH 01°53'44" WEST, A DISTANCE OF 80.82 FEET TO A REBAR FOUND; THENCE NORTH 45°43'12" WEST, A DISTANCE OF 35.36 FEET TO A REBAR WITH CAP FOUND LYING ON THE SOUTH LINE OF SAID STATE ROUTE 806; THENCE SOUTH 89°17'10" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 369.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 84,253 SQUARE FEET OR 1.934 ACRES.

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
SCT Properties, LLC;	9600 NW 25th St, Suite 2A, Miami, FL 33172
PS Florida One, Inc;	701 Western Ave, Glendale, CA 91201
which is wholly owned by PS Florida, Inc.;	701 Western Ave, Glendale, CA 91201
which is wholly owned by Public Storage;	701 Western Ave, Glendale, CA 91201
which is a publicly traded company.	

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