

RESOLUTION NO. R-2015- 0956

RESOLUTION APPROVING ZONING APPLICATION PDD/R-2014-02095
(CONTROL NO. 2009-02300)
a Requested Use
APPLICATION OF Michael Gilley
BY Joshua Mahr, AGENT
(Lake Worth Storage 2)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied;

WHEREAS, Zoning Application PDD/R-2014-02095 was presented to the Board of County Commissioners at a public hearing conducted on July 23, 2015;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various County review agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Requested Use ; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application PDD/R-2014-02095, the application of Michael Gilley, by Joshua Mahr, Agent, for a Requested Use to allow a Self-Service Storage Facility, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 23, 2015, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Mayor	-	Aye
Commissioner Mary Lou Berger, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 23, 2015.

Filed with the Clerk of the Board of County Commissioners on July 27th, 2015.

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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL I:

BEGINNING AT A POINT ON THE EAST LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, 221 FEET SOUTH OF THE NORTHEAST CORNER OF SUCH NORTHEAST 1/4 OF THE SOUTHWEST 1/4, ABOVE DESCRIBED, FOR A POINT OF BEGINNING; THENCE SOUTH A DISTANCE OF ONE HUNDRED (100) FEET; THENCE WEST ON A LINE PARALLEL TO THE NORTH BOUNDARY OF SUCH TRACT A DISTANCE OF THREE HUNDRED SIXTY (360) FEET; THENCE NORTH ON A LINE PARALLEL TO THE WEST BOUNDARY OF SAID TRACT, A DISTANCE OF ONE HUNDRED (100) FEET; THENCE EAST A DISTANCE OF THREE HUNDRED SIXTY (360) FEET, ON A LINE PARALLEL TO THE SOUTH BOUNDARY OF SAID TRACT, TO THE POINT OF BEGINNING.

LESS AND EXCEPT THOSE PORTIONS THEREOF CONVEYED TO PALM BEACH COUNTY BY INSTRUMENTS RECORDED IN O.R. BOOK 418, PAGE 539, AND O.R. BOOK 6074, PAGE 1826, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL II:

THE WEST 304.5 FEET OF THE SOUTH 306 FEET OF THE NORTH 421 FEET OF THE EAST HALF (E 1/2) OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1A OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL III:

THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, 321 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1, ABOVE DESCRIBED FOR A POINT OF BEGINNING; THENCE RUNNING SOUTH ON THE EAST LINE OF THE SAID SOUTHWEST 1/4 OF SECTION 1, A DISTANCE OF 100 FEET; THENCE RUNNING WEST ON A LINE PARALLEL TO THE NORTH AND SOUTH BOUNDARY LINE OF THE SOUTHWEST 1/4 OF SECTION 1, ABOVE DESCRIBED A DISTANCE OF 360 FEET; THENCE RUNNING NORTH ON A LINE PARALLEL TO THE EAST AND WEST BOUNDARY LINE OF SAID SOUTHWEST 1/4 OF SECTION 1, A DISTANCE OF 100 FEET; THENCE RUNNING EAST ON A LINE PARALLEL TO THE NORTH AND SOUTH BOUNDARY LINE OF THE SAID SOUTHWEST 1/4 OF SECTION 1, A DISTANCE OF 360 FEET TO THE POINT OF BEGINNING, LESS RIGHT OF WAY OF MILITARY TRAIL.

LESS AND EXCEPT THAT PORTION THEREOF CONVEYED TO PALM BEACH COUNTY BY INSTRUMENT RECORDED IN O.R. BOOK 6157, PAGE 1607, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL IV:

ALL THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 165 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 1, ABOVE DESCRIBED, BEING A POINT OF THE EAST BOUNDARY LINE OF SAID SOUTHWEST 1/4 FOR A POINT OF BEGINNING; THENCE RUNNING SOUTH ON THE EAST BOUNDARY LINE OF SAID SOUTHWEST 1/4 A DISTANCE OF 56 FEET; THENCE RUNNING WEST ON A LINE PARALLEL TO THE NORTH BOUNDARY LINE OF SAID SOUTHWEST 1/4 FOR A DISTANCE OF 360 FEET; THENCE RUNNING NORTH ON A LINE PARALLEL TO THE EAST LINE OF SAID SOUTHWEST 1/4 FOR A DISTANCE OF 56 FEET; THENCE RUNNING EAST ON A LINE PARALLEL TO THE NORTH AND SOUTH BOUNDARY LINES OF SAID SOUTHWEST 1/4 A DISTANCE OF 360 FEET TO THE POINT OF BEGINNING.

ALSO, THE EAST 360 FEET OF THE SOUTH 46 FEET OF THE NORTH 165 FEET OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS RIGHT-OF-WAY FOR STATE ROAD 809 (MILITARY TRAIL) AS NOW LAID OUT AND IN USE.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Mayor	-	Aye
Commissioner Mary Lou Berger, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 23, 2015.

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LESS AND EXCEPT THAT PORTION THEREOF CONVEYED TO PALM BEACH COUNTY BY INSTRUMENT RECORDED IN O.R. BOOK 6157, PAGE 1607, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL IV:

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ALSO, THE EAST 360 FEET OF THE SOUTH 46 FEET OF THE NORTH 165 FEET OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS RIGHT-OF-WAY FOR STATE ROAD 809 (MILITARY TRAIL) AS NOW LAID OUT AND IN USE.

LESS AND EXCEPT THAT PORTION THEREOF CONVEYED TO PALM BEACH COUNTY BY INSTRUMENT RECORDED IN O.R. BOOK 6157, PAGE 1611, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 3.8 ACRES, MORE OR LESS (AS CALCULATED TO HEAVY BOUNDARY LINE SHOWN HEREON).

EXHIBIT B
VICINITY SKETCH

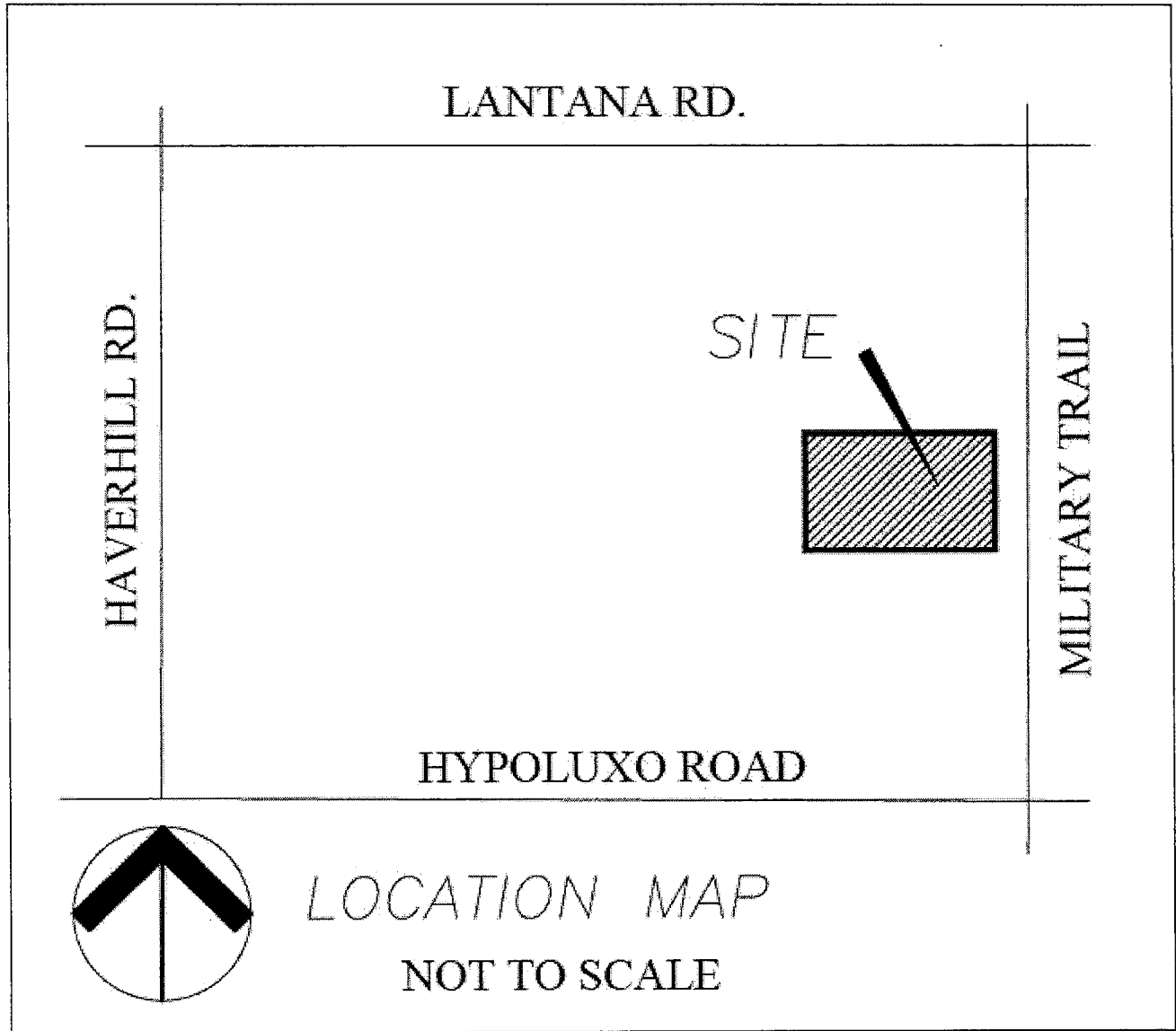


EXHIBIT C

CONDITIONS OF APPROVAL

Requested Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated May 26, 2015. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - 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 development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO/ONGOING: 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: ZONING - 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: ZONING - Zoning)

DISCLOSURE

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