

RESOLUTION NO. R-2015- 1547

RESOLUTION APPROVING ZONING APPLICATION ZV/ABN/DOA/R-2015-00331
(CONTROL NO. 1987-00134)
a Development Order Amendment
APPLICATION OF Military Self Storage LLC
BY Urban Design Kilday Studios, AGENT
(Mangone and Spirk Self-Storage MUPD)

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) (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/ABN/DOA/R-2015-00331 was presented to the Board of County Commissioners at a public hearing conducted on October 22, 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 ULDC 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 ULDC and other provisions requiring that development commence in a timely manner;

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

WHEREAS, THE 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 Development Order Amendment; and,

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/ABN/DOA/R-2015-00331, the application of Military Self Storage LLC, by Urban Design Kilday Studios, Agent, for a Development Order Amendment to reconfigure the site plan; add a Requested Use; and, to modify and delete Conditions of Approval (Use Limitation, Health and Engineering), 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 October 22, 2015, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

The motion was seconded by Commissioner Valeche 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 - Absent
- Commissioner Priscilla A. Taylor - Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on October 22, 2015.

Filed with the Clerk of the Board of County Commissioners on October 26th, 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 FLORIDA



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN 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 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 1; THENCE NORTH 00°11'37" WEST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 FOR A DISTANCE OF 1.797.40 FEET; THENCE DEPARTING SAID EAST LINE SOUTH 89°41'16" WEST, FOR A DISTANCE OF 67.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°41'16" WEST, FOR A DISTANCE OF 254.01 FEET; THENCE NORTH 89°47'54" WEST, FOR A DISTANCE OF 344.22 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1; THENCE NORTH 00°07'14" WEST ALONG SAID WEST LINE FOR A DISTANCE OF 526.96 FEET TO A POINT THAT IS 421.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 1; THENCE NORTH 89°56'55" EAST PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 1, FOR A DISTANCE OF 597.56 FEET TO A POINT ON THE AFOREMENTIONED WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE SOUTH 00°11'37" EAST ALONG SAID WEST RIGHT-OF-WAY LINE FOR A DISTANCE OF 527.27 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

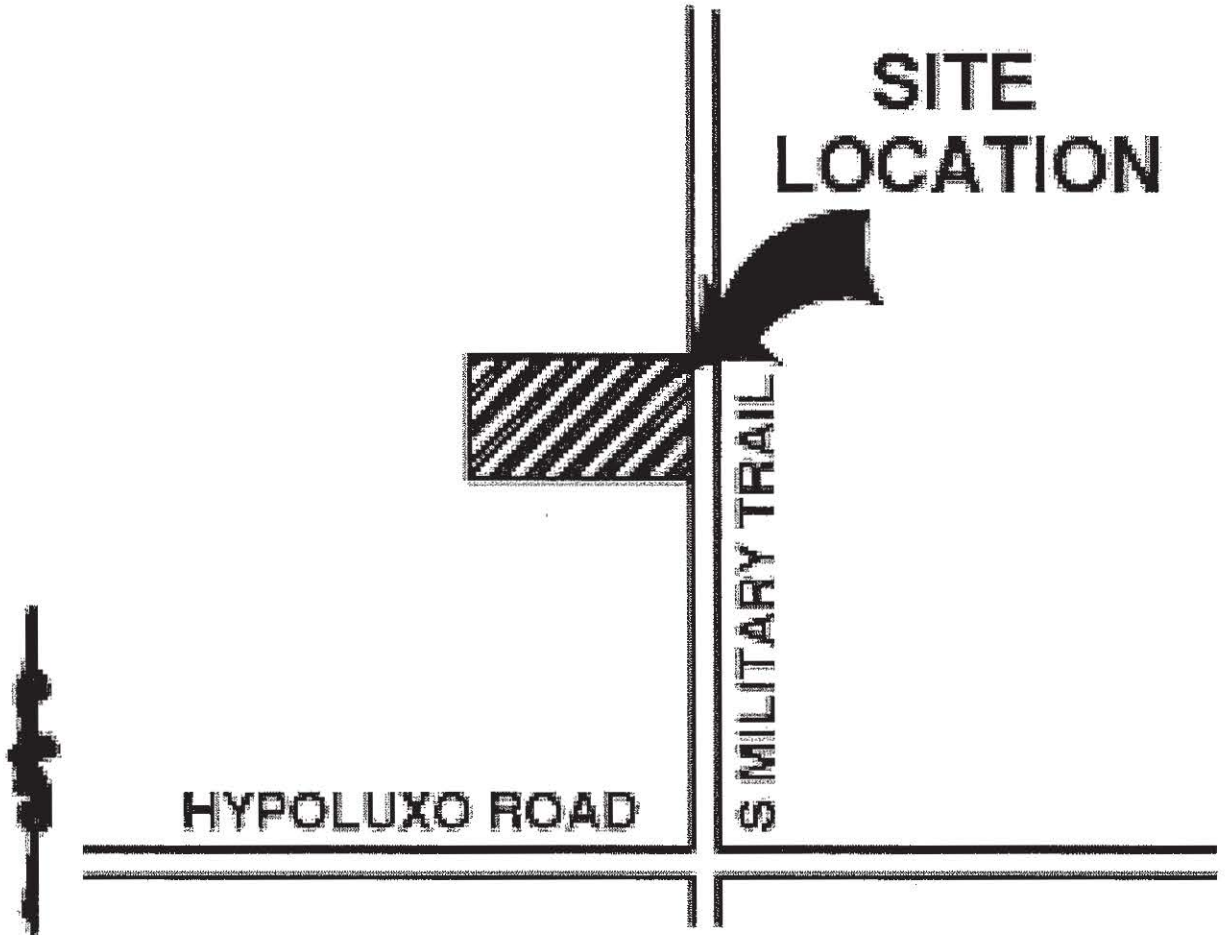


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous A Condition 1 of Resolution R-1993-759, Control No.1987-00134, which currently states:

All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Palm Beach County's Land Development Code Article 5 Compliance, as amended, unless expressly modified. (MONITORING)

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1993-0759 (Control 1987-00134), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: ZONING - Zoning)

2. Prior to site plan certification, the site plan shall be amended to indicate the following: a. Redesign of the four (4) parking aisles in the northwest portion of the site to provide continuous vehicular traffic circulation. b. Existing vegetation and proposed landscaping as per Condition Nos. 6, 8, 9, and 10, below. [Note: COMPLETED] (Previous A Condition 2 of Resolution R-1993-759, Control No.1987-00134)

3. Previous A Condition 4 of Resolution R-1993-759, Control No.1987-00134, which currently states:

Access to the lounge, other than for emergencies, shall be entirely interior to the bowling center.

Is hereby deleted. [REASON: No longer applicable.]

4. Previous A Condition 5 of Resolution R-1993-759, Control No.1987-00134, which currently states:

No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted on the exterior of the bowling center.

Is hereby deleted. [REASON: No longer applicable.]

5. Previous A Condition 8 of Resolution R-1993-759, Control No.1987-00134, which currently states:

The bowling alley shall be limited to 53 lanes until the contract for the four (4) laning of Military Trail from Hypoluxo Road to Lantana Road has been let.

Is hereby deleted. [REASON: No longer applicable.]

6. Previous A Condition 7 of Resolution R-1993-759, Control No.1987-00134, which currently states:

Prior to the issuance of building permits, petitioner shall record a Unity of Control covering the entire 7.32 acre site. Two (2) copies of the properly executed assignment of the Unity of Title documents shall be submitted to the Zoning Division simultaneously with the

approval for a building permit.

Is hereby deleted. [REASON: No longer applicable.]

7. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall apply for and gain approval of a Type IB Variance to allow the existing overlap of the 20 foot easement in the five foot landscape buffer located along the south property line. (DRO: ZONING - Zoning)

8. The approved Preliminary Site Plan is dated August 20, 2015 and the Preliminary Regulating Plan is dated July 27, 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)

ENGINEERING

1. Previous E Condition 1 of Resolution R-1993-759, Control No.1987-00134, which currently states:

The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

Is hereby deleted. [REASON: Code Requirement]

2. Previous E Condition 2 of Resolution R-1993-759, Control No.1987-00134, which currently states:

The developer shall pay for the design and construction of a left turn lane south approach on Military Trail at the projects northern most entrance; construction to be a part of Military Trail Project #83-219. At Palm Beach County's option the developer shall construct a right turn lane north approach at the project's north entrance concurrent with four laning of Military Trail Project #83-219. Should this section of roadway be six laned by Palm Beach County, the right turn lane requirement shall be deleted.

Is hereby deleted. [REASON: Developer paid \$6820.28 for improvements during 4 lane construction. Military Trail is now six laned.]

3. Previous E Condition 3 of Resolution R-1993-759, Control No.1987-00134, which currently states:

The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$47,418.00 (1770 trips x \$26.79 per trip).

Is hereby deleted. [REASON: Code Requirement]

4. Prior to issuance of a building permit the developer shall obtain an onsite drainage permit from the County Engineer. This permit application shall reflect the drainage into this site from the adjacent Don Carter bowling center in accordance with the original drainage design for the Don Carter bowling center, in addition to the drainage generated by this site. (BLDGPM/ONGOING: MONITORING - Engineering) (Previous E Condition 4 of Resolution R-1993-759, Control No.1987-00134)

5. Prior to December 31, 2016, the Property Owner shall combine the property into lot(s) of record in accordance with provisions of Article 11 of the Unified Land Development Code. The plat should include the subject property and any residual parcels. (DATE: MONITORING - Engineering)

6. Prior to issuance of the first building permit or prior to December 31, 2016, whichever occurs first, the Property Owner shall abandon or release, and relocate as necessary, the portion of the easement under the southwest corner of Building A. (BLDGPMT/DATE: MONITORING - Engineering)

HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. All existing on-site sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC and Palm Beach County ECR-I. [Note: COMPLETED] (Previous C Condition 1 of Resolution R-1993-759, Control No.1987-00134)

2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing on-site potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. [Note: COMPLETED] (Previous C Condition 2 of Resolution R-1993-759, Control No.1987-00134)

LANDSCAPE - GENERAL

1. Along the north property line, adjacent to the boundary of the subject site, the Property Owner shall upgrade the landscaping to include a minimum of one (1) tree planted every thirty (30) feet on center and a continuous opaque hedge a minimum of twenty four (24") inches in height at installation. (ONGOING: ZONING - Zoning) (Previous G Condition 1 of Resolution R-1993-759, Control No.1987-00134)

2. All trees required to be planted on site by this approval shall meet the following minimum supplemental standards at installation:

a. Tree height: fourteen (14) feet.

b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.

c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (ONGOING: ZONING - Zoning) (Previous F Condition 4 of Resolution R-1993-759, Control No.1987-00134)

3. The Property Owner shall maintain a ten (10) foot wide landscape strip along the western property line. Within this strip a six (6) foot high CBS wall shall be installed, existing slash pines shall be preserved, and additional native canopy trees a minimum of twelve (12) feet in height shall be planted to establish a vegetative buffer with trees no more than twenty-five (25) feet apart (on center). The six (6) foot high wall shall receive architectural treatment on both sides and shall be maintained in a good condition and appearance. (ONGOING: ZONING - Zoning) (Previous F Condition 3 of Resolution R-1993-759, Control No.1987-00134)

4. Previous F Condition 1 of Resolution R-1993-759, Control No.1987-00134, which currently states:

Existing Slash Pines within all perimeter landscape strips and interior landscape islands and medians shall be preserved. Petitioner shall submit an Alternative Landscape Betterment Plan at the time of Site Plan Review Committee submittal to be allowed to manipulate the spacing of the required interior landscape islands in order to preserve more Slash Pines. (Previously Condition Number 8, Petition Number 87-134, Resolution Number R88- 1802)

Is hereby amended to read:

Concurrent with the final approval of the Plans by the Development Review Officer (DRO), the Property Owner shall submit an Alternative Landscape Plan to indicate the previously

approved preserved Slash Pines, the existing preserved Slash Pines, and the proposed trees that will replace any that had died or been removed within all perimeter landscape buffers, interior landscape islands and divider medians. (DRO: ZONING - Zoning)

5. Previous F Condition 2 of Resolution R-1993-759, Control No.1987-00134, which currently states:

The two existing, mature Royal Palms shall be preserved or re-located on site.

Is hereby deleted. [REASON: No longer applicable.]

PLANNING

1. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Final Site Plan to indicate the location of the vehicular and pedestrian connection to the adjacent northern property. (DRO: PLANNING - Planning)

2. . Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Final Site Plan to indicate the location for the vehicular and pedestrian connection at the southern property line. (DRO: PLANNING - Planning)

3. Prior to the issuance of the first Building Permit, the Property owner shall record in the public records, an irrevocable cross access easement to the north and south, consistent with the locations indicated on the Final Site Plan and on a form approved by the County Attorney's Office. (CO: MONITORING - Planning)

SITE DESIGN

1. Lighting used to illuminate the premises shall be directed away from streets and neighboring properties. Lighting within the western 100 feet of the site shall be limited to fixtures that are a maximum of twelve (12) feet in height. (ONGOING: ZONING - Zoning) (Previous B Condition 1 of Resolution R-1993-759, Control No.1987-00134)

2. The miniature golf course site lighting shall be limited to a maximum of fifteen (15) feet in height, measured from finished grade to the highest point. (ONGOING: ZONING - Zoning) (Previous B Condition 4 of Resolution R-1993-759, Control No.1987-00134)

3. Previous B Condition 2 of Resolution R-1993-759, Control No.1987-00134, which currently states:

The dumpsters shall be located on the eastern hall of the site and shall be screened by a six (6) foot high wing wall.

Is hereby deleted. [REASON: No longer applicable.]

USE LIMITATIONS

1. Previous A Condition 3 of Resolution R-1993-759, Control No.1987-00134, which currently states:

Condition Number 2, Petition Number 87-134, Resolution Number R88-1802, which currently states: Use of the site shall be limited to a bowling center with an accessory snack bar and lounge. (Previously Is hereby amended to state: Use of the site shall be limited to a bowling center with accessory snack bar and lounge, and an outdoor mainiature golf course with accessory snack bar/retail shop and picnic area.

Is hereby amended to read:

Use of the site shall be limited to a Self-Service Storage Facility, and an outdoor miniature golf course with accessory snack bar/retail shop and picnic area. (ONGOING: ZONING - Zoning)

2. Previous A Condition 6 of Resolution R-1993-759, Control No.1987-00134, which currently states:

There shall be no stock loading or dumpster pickup between the hours of 8:00 p.m. and 7:00 a.m. (Previously Condition Number 7, Petition Number 87-134, Resolution Number R88-1802)

Is hereby amended to read:

There shall be no dumpster pickup between the hours of 8:00 p.m. and 7:00 a.m. (ONGOING: ZONING - Zoning)

3. All architectural features on the miniature golf course shall be limited to a maximum height of fifteen (15) feet, measured from finished grade to the highest point. (ONGOING: ZONING - Zoning) (Previous B Condition 3 of Resolution R-1993-759, Control No.1987-00134)

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.