

RESOLUTION NO. R-2024- 1620

RESOLUTION APPROVING ZONING APPLICATION DOA-2023-01093
(CONTROL NO. 1996-00004)
a Development Order Amendment
APPLICATION OF - Alex Giangrande, SST II 8135 Lake Worth Rd, LLC
BY BOHLER Engineering, AGENT
(SmartStop Self Storage)

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 pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA-2023-01093 was presented to the Board of County Commissioners at a public hearing conducted on November 21, 2024;

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 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

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

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that 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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application DOA-2023-01093, the Application of Alex Giangrande, SST II 8135 Lake Worth Rd, LLC, by BOHLER Engineering, Agent, for a Development Order Amendment to reconfigure the Site Plan, to add building square footage and modify Conditions of Approvals on 17.28 acres, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on November 21, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Baxter moved for the approval of the Resolution.

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

Commissioner Maria G. Marino, Mayor	-
Commissioner Sara Baxter, Vice Mayor	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Joel Flores	- Aye
Commissioner Marci Woodward	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Bobby Powell	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on November 21, 2024.

Filed with the Clerk of the Board of County Commissioners on November 21, 2024

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

BY: 
COUNTY ATTORNEY

JOSEPH ABBUZZO
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

ALL OF THE PLAT LAKE WORTH SELF STORAGE MUPD, RECORDED IN PLAT BOOK 112, PAGE 28 IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 17.28 ACRES MORE OR LESS

EXHIBIT B

VICINITY SKETCH

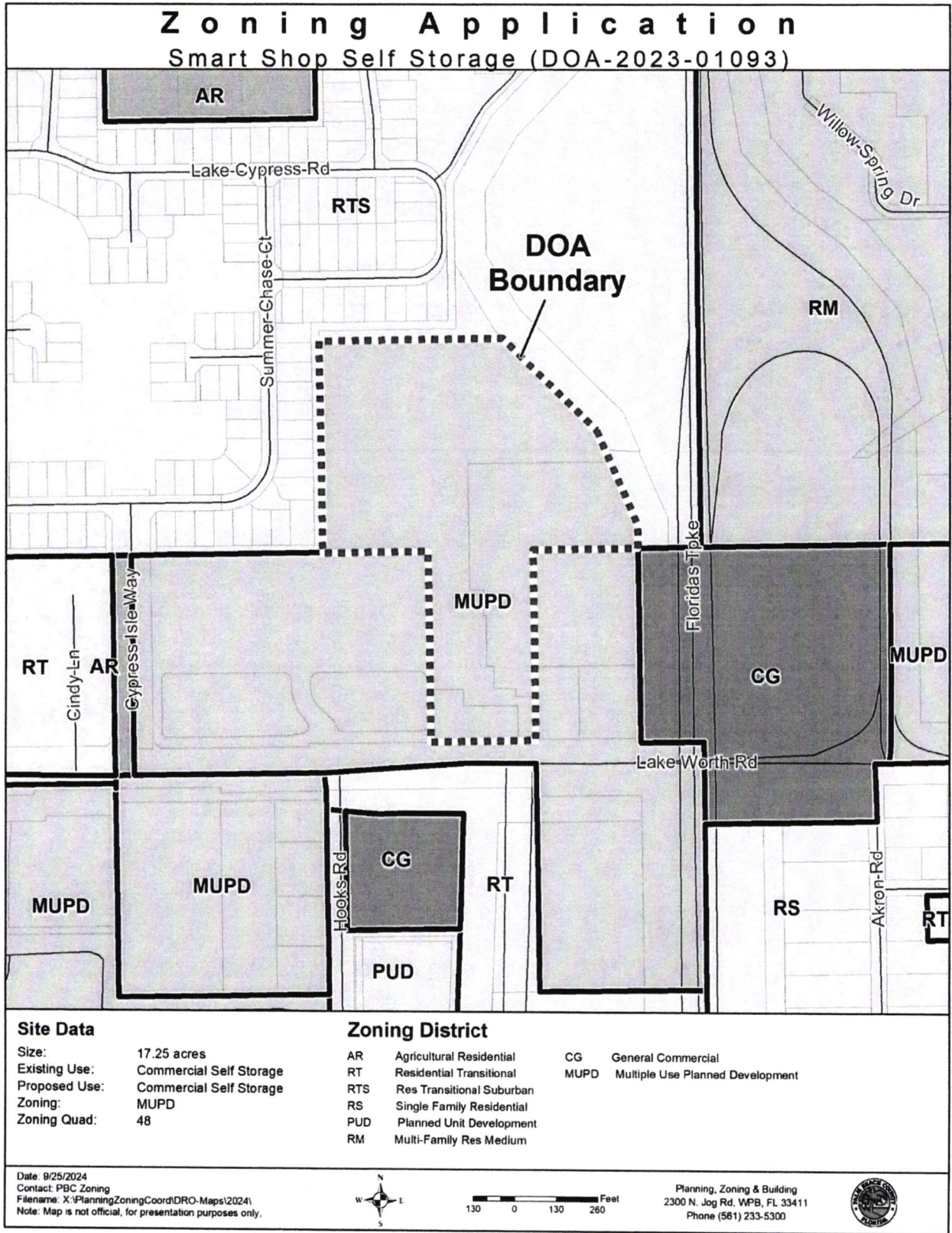


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-83-1106 (Petition 83-94) are hereby revoked. (ONGOING: MONITORING - Zoning) (Previous ALL PETITIONS Condition 1 of Resolution R-2007-1616, Control No.1996-00004)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2007-1616, Control No.1996-00004, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2007-0081 (Control 1996-004), 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 ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2007-01616 (Control 1996-004), 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 ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

3. Previous ALL PETITIONS Condition 3 of Resolution R-2007-1616, Control No.1996-00004, which currently states:

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved site plan is dated May 16, 2007. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved site plan is dated September 11, 2024. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

4. Previous ALL PETITIONS Condition 4 of Resolution R-2007-1616, Control No.1996-00004, which currently states:

The property owner shall have three (3) years from adoption of the resolution approving Petition 1996-004C to commence development on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: MONITORING - Zoning) (Previous All Petitions Condition 4 of Resolution R-2007-0081, Control No. 1996-004) (DATE: MONITORING - Zoning)

Is hereby deleted. [REASON: The current DOA will dictate the commencement of changes.]

ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), architectural elevations shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCHITECTURAL REVIEW - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2007-1616, Control No.1996-00004)

BUILDING AND SITE DESIGN

1. Previous BUILDING AND SITE DESIGN Condition 1 of Resolution R-2007-1616, Control No.1996-00004, which currently states:

All buildings shall be limited to one story except for the proposed Caretaker's Quarters (Building A), which will be limited to two stories.

Is hereby amended to read:

All buildings shall be limited to one story except for the proposed Caretaker's Quarters (Building A), which will be limited to two stories and Limited Access Self Storage (Building T), which will be limited to three stories. (BLDGPM: ZONING - Zoning)

2. Previous BUILDING AND SITE DESIGN Condition 2 of Resolution R-2007-1616, Control No.1996-00004, which currently states:

The maximum height for the following buildings shall be as follows:

- a. Caretaker's quarters and the office, buildings A and S, shall be limited to twenty-five (25) feet;
- b. outdoor covered storage shall be limited to seventeen (17) feet;
- c. buildings P and Q (skating/ice hockey rink) shall be limited to twenty-four (24) feet;
- d. all other buildings shall be limited to fifteen (15) feet; and
- e. all heights shall be measured from the highest point of the buildings to the finished grade.

Is hereby amended to read:

The maximum height for the following buildings shall be as follows:

- a. Caretaker's quarters, shall be limited to twenty-five (25) feet;
 - b. outdoor covered storage shall be limited to seventeen (17) feet;
 - c. buildings P and Q (skating/ice hockey rink) shall be limited to twenty-four (24) feet;
 - d. building T (Limited Self Service Storage) shall be limited to thirty-six (36) feet;
 - e. all other buildings shall be limited to fifteen (15) feet; and
 - f. all heights shall be measured from the highest point of the buildings to the finished grade.
- (BLDGPM: ZONING - Zoning)

3. Openings shall not be permitted in the eight (8) foot high screen wall or in the perimeter facade of the self-service storage buildings except building T and required emergency exits. (BLDGPM: ZONING - Zoning) (Previous BUILDING AND SITE DESIGN Condition 3 of Resolution R-2007-1616, Control No.1996-00004)

4. Similar architectural character and treatment shall be provided on building facades facing perimeter property lines and rights of way. (BLDGPM: ZONING - Zoning) (Previous BUILDING AND SITE DESIGN Condition 4 of Resolution R-2007-1616, Control No.1996-00004)

5. All air conditioning and mechanical equipment shall be screened from view and not visible from any property line. Screening shall consist of a visually opaque barrier consistent with the color, character and architectural style of the principal structure. (BLDGPM: ZONING - Zoning) (Previous BUILDING AND SITE DESIGN Condition 5 of Resolution R-2007-1616, Control No.1996-00004)

6. Previous BUILDING AND SITE DESIGN Condition 6 of Resolution R-2007-1616, Control No.1996-00004, which currently states:

The minimum setback for the outdoor storage area shall be two hundred (200) feet from the north residential property line and two hundred fifty (250) feet from the west property line adjacent to Summerchase PUD.

Is hereby amended to read:

The minimum setback for the outdoor storage area shall be ninety (90) feet from the north residential property line and two hundred fifty (250) feet from the west property line adjacent to Summerchase PUD. (DRO/ONGOING: ZONING - Code Enforcement)

7. The width of the project's entrance on Lake Worth Road if permissible by DOT shall consist of two (2) one way fifteen (15) foot aisles with a ten (10) foot wide landscape median. (BLDGPM/DRO: ZONING - Zoning) [Note: COMPLETED] (Previous BUILDING AND SITE DESIGN Condition 7 of Resolution R-2007-1616, Control No.1996-00004)

8. A permanent four (4) foot chain link, vinyl coated fence shall be installed between the on site lake and the Summer Chase Boundary line, prior to site clearing or as soon as possible. Petitioner shall also install a six (6) foot chain link, vinyl coated fence to prevent pedestrian access from the

south property line along the eastern E2W Canal, subject to LWDD approval. (BLDGPMPT: ZONING - Zoning) [Note: COMPLETED] (Previous BUILDING AND SITE DESIGN Condition 8 of Resolution R-2007-1616, Control No.1996-00004)

9. All air conditioning/compressor equipment for the skating facility shall be ground mounted and located on the east side of the building for rink 1 and the south side of rink 3 adjacent to the dumpster location. (BLDGPMPT: BUILDING DIVISION - Zoning) (Previous BUILDING AND SITE DESIGN Condition 9 of Resolution R-2007-1616, Control No.1996-00004)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2007-1616, Control No.1996-00004, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after January 25, 2010. 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 Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng) (Previous Engineering Condition 1 of Resolution R-2007-0081, Control No. 1996-004)

Is hereby amended to read:

No Building Permits for the site may be issued after December 31, 2026, 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 January 15, 2008, the property owner shall provide a temporary roadway construction easement to Palm Beach County along Lake Worth Road. This roadway construction easement shall also contain an isosceles trapezoid connecting the corner clips across this property owners entrance a minimum of 100 feet north of the north right of way line of Lake Worth Road. Construction within this easement shall conform to Palm Beach County Standards. The property owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMPT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2007-1616, Control No.1996-00004)

3. The use of the proposed 2900 square foot office shall be limited to an ancillary office use by the self-service storage and on site truck rental only.

(ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2007-1616, Control No.1996-00004)

4. LANDSCAPE WITHIN MEDIAN

a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. [Note: COMPLETED] (BLDGPMPT: MONITORING - Engineering)

b. All required median landscaping, including an irrigation system if required shall be installed at the property owner's expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. [Note: COMPLETED]

(BLDGPM: BUILDING DIVISION - Engineering)

c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. [Note: COMPLETED] (CO: BUILDING DIVISION - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2007-1616, Control No.1996-00004)

5. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

Building Permits for the 8,320 square feet of retail area, and no more than 42,000 square feet of a hockey rink facility shall not be issued until construction has begun for State Road 7 as a 6-lane facility from Southern Boulevard to Boynton Beach Boulevard plus the appropriate paved tapers. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2007-1616, Control No.1996-00004)

6. The mix of allowable uses listed above may be adjusted 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. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2007-1616, Control No.1996-00004)

7. Developer shall construct a right turn lane east approach on Lake Worth Road at the projects entrance road if permitted by the Florida Department of Transportation. If permitted, this property owner shall fund the cost of the required right of way acquisition through the County Engineers office. Construction shall be completed prior to the Certification of Occupancy of the hockey skating rink. This right lane shall be a minimum of 280 feet in length with a taper length of 50 feet. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2007-1616, Control No.1996-00004)

8. Florida Department of Transportation. If permitted, this property owner shall fund the cost of the required right of way acquisition through the County Engineers office. Construction shall be completed prior to the Certification of Occupancy of the hockey skating rink. This right lane shall be a minimum of 280 feet in length with a taper length of 50 feet. (CO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2007-1616, Control No.1996-00004)

9. The Developer shall provide the necessary right-of-way acquisition documents including, but not limited to, surveys, property owner's map, legal descriptions for acquisition, and parcel right-of-way maps required for the construction of said right turn lane as referenced above and subject to the approval of the County Engineer. These documents shall include a title search for a minimum of twenty-five (25) years. The right-of-way documents shall be provided prior to October 1, 1997. (DATE: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2007-1616, Control No.1996-00004)

10. The Developer shall provide all funding inherent with the provisions outlined in the Eminent Domain proceedings herein and fund all necessary right-of-way acquisition costs including, but not limited to, the actual cost of right-of-way acquired, all legal costs incurred by the County in the acquisition of said right-of-way, including the costs of all expert witness fees and attorneys' fees. Any funds required to be expended by the County shall be advanced to the County by the Developer. In addition, the Developer shall provide, at the Developer's expense, private legal counsel to initiate and pursue to conclusion the acquisition of said property by eminent domain, as required in the eminent domain proceedings above on behalf of Palm Beach County. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2007-1616, Control No.1996-00004)

11. The property owner shall request from the Florida DOT for a NO U-TURN designation for the adjacent median opening on Lake Worth Road to the west of the site (entrance to Summerchase). Concurrent with the request to the Florida DOT, the property owner shall obtain a letter of support for the No U-turn designation from the Office of the County Engineer or his designee. This shall be accomplished prior to July 1, 1997. (DATE: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2007-1616, Control No.1996-00004)

12. Prior to site plan approval the developer shall record cross-access easements with the property to the east to accommodate a minimum of two cross-access locations. Necessary modifications to the entrance road and parking shall be made in conjunction with cross-access points to comply with traffic and land development standards. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-

HEALTH

1. Property owners and operators of facilities generating industrial, hazardous, or toxic wastes shall not deposit or cause to be deposited any such wastes unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF - Health Department) (Previous HEALTH Condition 1 of Resolution R-2007-1616, Control No.1996-00004)

LANDSCAPE - GENERAL

1. Prior to Final Approval by the Development Review Officer, the Applicant shall submit a revised Alternative Landscape Plan. The Plan shall be prepared in compliance with all landscape-related Conditions of Approval as contained herein. (DRO: ZONING - Zoning)

ZONING - LANDSCAPING-STANDARD

1. All trees required to be planted shall be native evergreen species and meet the following minimum standards at time of installation:

- a. Tree height: fourteen (14) feet along Lake Worth Road and Florida Turnpike and 50% twelve (12) foot and 50% fourteen (14) foot along the remaining perimeter property lines.
- 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.
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements.
(BLDGPM: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2007-1616, Control No.1996-00004)

2. All palms required to be planted shall be native, booted, species and meet the following minimum standards at time of installation:

- a. Palm heights: twelve (12) feet grey wood.
- b. Clustering: staggered heights twelve (12) to eighteen (18) feet.
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements.
(BLDGPM: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 2 of Resolution R-2007-1616, Control No.1996-00004)

3. Previous ZONING - LANDSCAPING Condition 3 of Resolution R-2007-1616, Control No.1996-00004, which currently states:

All new or replacement shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. Eighteen (18) to twenty-four (24) inches groundcover and small shrub;
- b. twenty-four (24) to thirty-six (36) inches medium shrub;
- c. forty-eight (48) to seventy-two (72) inches large shrub; and,
- d. this condition does not apply to the five (5) foot wide compatibility buffer, or where a single row of hedge is required on one or both sides of a wall, or condition I.1.e and I.1.f.

Is hereby amended to read:

All new or replacement shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. Eighteen (18) to twenty-four (24) inches groundcover and small shrub;
- b. twenty-four (24) to thirty-six (36) inches medium shrub;
- c. forty-eight (48) to seventy-two (72) inches large shrub; and,
- d. this condition does not apply to the five (5) foot wide compatibility buffer, or where a single row of hedge is required on one or both sides of a wall, or condition 10.e and 10.f. (BLDGPM: ZONING - Zoning)

4. All new or replacement trees and palms may be planted in a meandering and naturalistic pattern. (BLDGPMPT: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 4 of Resolution R-2007-1616, Control No.1996-00004)

ZONING - LANDSCAPING

5. A group of three (3) or more palm or pine trees may not supersede the requirement for perimeter canopy tree in that location, unless specified herein. (BLDGPMPT: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 5 of Resolution R-2007-1616, Control No.1996-00004)

ZONING - LANDSCAPING-STANDARD

6. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (BLDGPMPT: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 6 of Resolution R-2007-1616, Control No.1996-00004)

7. All storage buildings within Phases I and II, perimeter landscaping to include Lake Worth Road, screen walls, retention lake and ancillary site development shall be completed prior to issuance of a building permit for the skating facility. (TC: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 7 of Resolution R-2007-1616, Control No.1996-00004)

ZONING - LANDSCAPING-ALONG THE SOUTH PROPERTY LINE AND THE SOUTH 160' OF THE WEST PROPERTY LINE

8. Landscaping and buffering along the south property line shall be upgraded to include:

- a. A minimum thirty (30) foot wide landscape buffer strip.
- b. A continuous three (3) foot high berm with the height of berm measured from the top of curb.
- c. One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.
- d. One (1) palm for each thirty (30) linear feet perimeter property line with a maximum spacing of sixty (60) feet between clusters. A grouping of three or more palms may supersede the requirement for a canopy tree in that location.
- e. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches.
(BLDGPMPT: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 8 of Resolution R-2007-1616, Control No.1996-00004)

ZONING - LANDSCAPING-ALONG THE EAST PROPERTY LINE

9. Landscaping and buffering along the property lines shall be upgraded to include:

- a. A minimum thirty (30) foot wide landscape buffer strip.
- b. One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.
- c. One (1) palm for each thirty (30) linear feet perimeter property line with a maximum spacing of eighty (80) feet between clusters. A grouping of three or more palms may supersede the requirement for a canopy tree in that location.
- d. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty-eight (48) inches. (BLDGPMPT: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 9 of Resolution R-2007-1616, Control No.1996-00004)

ZONING - LANDSCAPING-ALONG THE SOUTH AND EAST PROPERTY LINE ABUTTING TURNPIKE PCD

10. Landscaping and buffering along the south and east property lines abutting the Turnpike PCD shall be upgraded to include:

- a. A minimum fifteen (15) foot landscape buffer strip. No width reduction or easement encroachment shall be permitted with exception in areas to accommodate the sidewalk required in Condition C.10;
- b. one (1) canopy tree for each twenty (20) linear feet of the property line;
- c. one (1) palm tree for each thirty (30) linear feet of the property line with a maximum spacing of eighty (80) feet between clusters;
- d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
- e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. Medium shrubs may be exempt in areas where

the sidewalk is required under condition C.10;

f. The above landscape requirements shall be completed prior to the issuance of the Certificate of Occupancy (CO) for building S.(CO: Landscaping Zoning) (Previous Condition Landscape 10 of Resolution R-2007-0081, Control No. 1996-004)

(BLDGPMT: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 10 of Resolution R-2007-1616, Control No.1996-00004)

ZONING - LANDSCAPING-ABUTTING SUMMERCHASE PUD AND LAKE WORTH COMMONS MUPD

11. Landscaping and buffering along the north and property lines shall be upgraded to include:

a. A minimum thirty (30) foot wide landscape buffer strip.

b. One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.

c. One (1) palm for each thirty (30) linear feet perimeter property line with a maximum spacing of eighty (80) feet between clusters. A grouping of three or more palms may supersede the requirement for a canopy tree in that location.

d. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty-eight (48) inches.

(BLDGPMT/ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 11 of Resolution R-2007-1616, Control No.1996-00004)

ZONING - LANDSCAPING-INTERIOR AFFECTED AREA BUILDINGS A AND B

12. Previous ZONING - LANDSCAPING Condition 12 of Resolution R-2007-1616, Control No.1996-00004, which currently states:

A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces in the affected area. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: Deleted to meet current ULDC standards]

ZONING - LANDSCAPING-INTERIOR -BUILDINGS A AND B

13. Previous ZONING - LANDSCAPING Condition 13 of Resolution R-2007-1616, Control No.1996-00004, which currently states:

Foundation planting or grade level planters shall be provided along the south, east and west facades of the limited access self-service storage facility (building S), to consist of the following:

a. The minimum width of the required landscape areas shall be five (5) feet;

b. the length of the required landscaped areas shall be no less than fifty (50) percent of the total length of the east side, and seventy-five (75%) of the south and west facades; and,

c. landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRO: LANDSCAPE - Zoning) (Previous Condition Landscape 13 of Resolution R-2007-0081, Control No. 1996-004)

(DRO: ZONING - Zoning)

Is hereby deleted. [REASON: Deleted because Building S is removed from the plan]

ZONING - LANDSCAPING-INTERIOR AFFECTED AREA BUILDINGS A AND B

14. Special planting treatment shall be provided on both sides of the southern access point on Lake Worth Road. Planting shall consist of the following:

a. A minimum five (5) foot wide landscape area, excluding curb;

b. a minimum of three (3) canopy trees along each side of the access drive, with a maximum spacing of twenty (20) feet on center; and,

c. a continuous thirty-six (36) inch high hedge, planted twenty-four (24) inches on center.

(BLDGPMT: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 14 of Resolution R-2007-1616, Control No.1996-00004)

15. Special planting treatment shall be provided within the south 160 feet of the property. Planting shall consist of the following:

a. A minimum of three (3) specimen palm (Medjool, Canary, Royal, or any other species acceptable to the Landscape Section); and

b. shrub or hedge materials.

(DRO: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 15 of Resolution R-2007-1616, Control No.1996-00004)

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2007-1616, Control No.1996-00004)

2. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point. (BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2007-1616, Control No.1996-00004)

3. All outdoor lighting for Phase 1 outdoor storage, Phase 2 and 3 self-service storage, shall be extinguished no later than 8:30 p.m. Phase 4 retail no later than 10:30 p.m. When the skating rinks are closed, parking lot lighting shall be extinguished no later than 12:30 a.m. Sunday thru Thursday and 2:30 a.m. Friday and Saturdays. Security lighting is exempt from these provisions. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2007-1616, Control No.1996-00004)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to Final Site Plan approval by the Development Review Officer (DRO), the property owner shall convey to the Lake Worth Drainage District a five (5) foot easement over the Eastern portion of the subject property which borders the existing physical LWDD E2W right of way as recorded in ORB 5717-PG 1712. (DRO:LWDD-LWDD)

(PLAT: LAKE WORTH DRAINAGE DISTRICT - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 1 of Resolution R-2007-81, Control No.1996-00004)

PALM TRAN

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: DEVELOPMENT REVIEW OFFICER - Palm-Tran) [Note: COMPLETED] (Previous PALM TRAN Condition 1 of Resolution R-2007-1616, Control No.1996-00004)

2. Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (BLDG/PMT/PLAT: PALM-TRAN - Palm-Tran) [Note: COMPLETED] (Previous PALM TRAN Condition 2 of Resolution R-2007-1616, Control No.1996-00004)

SIGNS

1. Point of purchase/freestanding sign on the property shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
- b. maximum sign face area - one-hundred (100) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only; and,
- e. location - maximum distance of eighty (80) feet from the east property line.

(BLDG/PMT: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2007-1616, Control No.1996-00004)

2. Wall signs shall be limited to the south facade of buildings P and Q, with a maximum letter height of twenty-four (24) inches; and, on the south side of buildings A and S, with a maximum letter height of eighteen (18) inches. Wall signs shall be limited to identification of tenants only.

(BLDG/PMT: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 2 of Resolution R-2007-1616, Control No.1996-00004)

SITE DESIGN

1. Prior to Final Approval by the Development Review Officer (DRO), the Applicant shall provide an updated Phasing Plan. (DRO: ZONING - Zoning)

USE LIMITATIONS

1. The retail space shall not be used for a pawn shop, restaurant, entertainment, data processing, daycare, motorized vehicle repair, medical offices, building materials or the sale of food or beverages. The concession service for the hockey rink shall be limited to soft drinks and pre-prepared food items only. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2007-1616, Control No.1996-00004)

2. Hours of operation for the skating rinks shall be as follows: The skating rinks may be open to the public from 8:00 a.m. to 12:00 a.m. Sunday through Thursday; and 8:00 a.m. to 2:00 a.m. Friday and Saturdays. At all other times, the skating rinks shall be available for use by reservation only to team leagues, and individual or private groups. [This condition is applicable to the skating/hockey rink only.] (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2007-1616, Control No.1996-00004)

3. When the skating rinks are closed, the parking lot shall be locked/gated no later than 12:30 a.m. Sunday thru Thursday and 2:30 a.m. Friday and Saturday. (ONGOING: CODE ENF Zoning) [This condition is applicable to the skating/hockey rink only.] (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2007-1616, Control No.1996-00004)

4. Indoor entertainment shall be limited to roller and ice skating. [This condition is applicable to the skating/hockey rink only.] (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2007-1616, Control No.1996-00004)

5. The petitioner shall provide on site security for the property. In addition, the property owner shall provide a uniformed security guard for the skating facility from dusk to closing to ensure that after each skating session no loitering is permitted in the parking lot. [This condition is applicable to the skating/hockey rink only.] (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 5 of Resolution R-2007-1616, Control No.1996-00004)

6. Previous USE LIMITATIONS Condition 6 of Resolution R-2007-1616, Control No.1996-00004, which currently states:

The outdoor storage spaces shall be limited to a maximum of fifty-eight (58) covered spaces and twenty-five (25) uncovered spaces. The rental vehicles shall be stored in the twelve (12) designated spaces as shown on the site plan dated January 16, 2004.

Is hereby amended to read:

The outdoor storage spaces shall be limited to a maximum of fifty-eight (58) covered spaces and twenty-five (25) uncovered spaces. The rental vehicles shall be stored in the twelve (12) designated spaces as shown on the site plan dated September 11, 2024. (DRO: ZONING - Zoning)

7. Hours of operation for the proposed self service storage facility shall be as follows: Phase 1 of the self-service storage and outdoor storage area may be open twenty-four (24) hours; Phase 2 and 3 self-service storage buildings shall be limited from 8:00 a.m. to 8:00 p.m.; the office/retail hours of operation shall be limited from 7:00 a.m. to 10:00 p.m. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 7 of Resolution R-2007-1616, Control No.1996-00004)

8. Previous USE LIMITATIONS Condition 8 of Resolution R-2007-1616, Control No.1996-00004, which currently states:

There shall be no storage of rental trucks outside of the twelve (12) designated spaces shown on the approved site plan dated January 16, 2004. Rental truck drop off shall be prohibited in any area external to the to the self-service storage facility gated access.

Is hereby amended to read:

There shall be no storage of rental trucks outside of the thirty-three (33) designated spaces shown on the approved site plan dated September 11, 2024. Rental truck drop-off shall be prohibited in any area external to the to the self-service storage facility gated access. (ONGOING: CODE ENF - Zoning)

9. No outside storage of disassembled vehicles or parts shall be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 9 of Resolution R-2007-1616, Control No.1996-00004)

10. There shall be no vehicle maintenance or repairs permitted on site. (ONGOING: CODE ENF

- Zoning) (Previous USE LIMITATIONS Condition 10 of Resolution R-2007-1616, Control No.1996-00004)

11. No advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall except as provided by a Special Permit. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 11 of Resolution R-2007-1616, Control No.1996-00004)

12. There shall be no underground or bulk storage of gasoline, propane or diesel fuel on the property. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 12 of Resolution R-2007-1616, Control No.1996-00004)

13. No alcohol, beer or wine sales or consumption shall be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 13 of Resolution R-2007-1616, Control No.1996-00004)

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.