

DEVELOPMENT PERMIT APPLICATION

The type of development permit(s) for which this form is applicable and the corresponding fee schedule are described on Pages 5-7. Mandatory application documents and the required ancillary attachments for each type of request are on Pages 8-10. **Prior to the submission of an application, the applicant must contact the Planning and Zoning Division for pre-application meeting at 954-630-4423.**

ALL APPLICATIONS THAT ARE INACTIVE ON THE PART OF THE APPLICANT FOR SIX (6) MONTHS OR MORE MAY BE DEEMED WITHDRAWN BY THE DEVELOPMENT REVIEW COMMITTEE.

Project Name: Oakland Park Cubesmart

Folio number(s). of affected lots: 494222-08-0521, 0530

GENERAL DATA – COMPLETE ALL SECTIONS

Address(s) of property: 880 W. Prospect Road

Legal Description: (or attach description) See attached

Gross Site Square Footage/Acres:

Net Site Square Footage/Acres:

Existing Number of Parking Spaces: Vacant

Proposed Number of Parking Spaces

Title to this Property has been held since: 2017

Existing Zoning: B-2

Existing Use of Property [include no. and sq. ft. of existing structure(s)]:
Vacant

Proposed Use of Property (include no. and sq. ft. of proposed structure(s):
Self Storage Facility and City Fire Station

Type of Development Permit(s) requested:

Rezoning, Conditional use, site plan and variance

OWNER/APPLICANT INFORMATION

(The undersigned has reviewed all instructions concerning the application and understands the application must be complete and accurate prior to staff review or Public Hearing(s). **Attach proof of ownership and owner's authorization for representative.**

Name of Property Owners: Oakland Park Storage

Title: Richard Beavers, Manager

Address: 11920 W. Colonial Dr. #20

City: Ocoee

State: FL

Zip Code: 34761

Phone: 321-278-7828

Signature:

Richard Beavers

Signature:

Email Address: rbeavers60@gmail.com

Email Address:

Name of Applicant's Representative: Richard Coker Jr.

Address: 1404 S. Andrews Avenue

City: Fort Lauderdale

State: FL

Zip Code: 33316

Office Phone: 954-761-3636

Cell Phone: 954-614-3327

Email Address: rgcoker@coker-feiner.com

STAFF USE ONLY

Date Submitted:

Case No.

February 21, 2020

RE: 880 W. PROSPECT ROAD
Oakland Park, FL 33334
Oakland Park Cubesmart

To Whom It May Concern:

Please accept this letter as authorization for Richard Coker Jr. and the law offices of Coker & Feiner to serve as agent for the property owner in connection with all development approvals relating to the property located at 880 W. Prospect Road, Oakland Park, Florida and identified by the following Folio number(s): 4942 22 08 0521 + 4942 22 08 0530. This authorization includes but is not limited to the rezoning, conditional use, site development plan and variance applications.

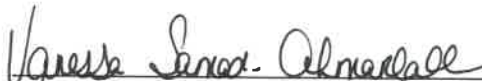
Sincerely,

Oakland Park Storage Builders LLC

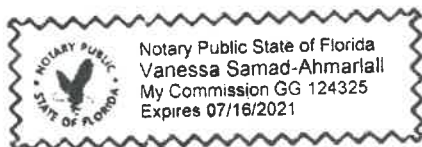

Richard Beavers, Manager

STATE OF FLORIDA)
) SS
COUNTY OF Orange)

The foregoing instrument was acknowledged before me this 21st day of Feb, 2020, by Richard Beavers, as the Manager of Oakland Park Storage Builders LLC, Owner of the property. He is personally known to me and who did not take an oath.


Notary Public

My Commission Expires: July 16, 2021



PROJECT NARRATIVE

CUBESMART AND CITY FIRE STATION – 880 WEST PROSPECT ROAD

The Property.

The property which is the subject of the Development Permit application is located on the southeast corner of W. Prospect Road and Powerline Road. The eastern boundary of the property abuts I-95 and the property is directly across Powerline Road from the Fiveash Water Treatment facility and the SEC railroad tracks. The property is .88 acres (38,332 s.f.) in size, is designated Industrial on the City land use plan map and is currently zoned B-2. The property was purchased in 2017 by the Applicant, Oakland Park Storage Builders LLC.

The proposed project also includes .115 acre (5020.66 s.f.) parcel directly to the south of the main parcel that is under the control of the City ("City Lot"). The City Lot is zoned I-1.

The Project.

The proposed project contains the following:

1. A six story building with a maximum height of 72 feet with a total 97,367 s.f. of building area.
2. The building will contain a City Fire Station on portions of the first and second floor of the building with a total square footage of 10,825. The remainder of the building will consists of self-storage bays and related space, stairs, elevators and lobby area and a 770 s.f. office for the self-storage use for a total of 86,542 s.f. of non-Fire Station space.
3. The Fire Station parking and access area is separated from the self-storage use with direct access onto Powerline Road. There are ten (10) covered parking spaces in the Fire Station area dedicated for the Fire Station use.
4. The self-storage facility will have a loading and unloading area next to the office with three (3) adjacent visitor parking spaces. In addition, there will be nine (9) parking spaces on the City Lot for visitors to the CubeSmart.

The Development Approvals.

In order to develop the project as proposed, the following development approvals are necessary:

1. The property owned by the Applicant will need to be rezoned from B-2 to B-3. The B-3 zoning district permits a self-storage facility as a Conditional Use. The Development Permit Application includes a request to rezone the property to B-3.

2. The self-storage use is a Conditional Use in the B-3 zoning district. Accordingly, the Development Permit Application includes a request for Conditional Use approval.
3. The Applicant is also requesting three (3) variances to permit the combined CubeSmart/Fire Station project to be developed as proposed.

Agreements between The City and the Applicant.

The City and the Applicant intend to enter into an agreement for the construction and use of the Fire Station use and for the use of the City Lot. Those agreements are being negotiated between the parties and will be finalized prior to City Commission approval of the project.

CONDITIONAL USE JUSTIFICATION STATEMENT
CUBESMART AND CITY FIRE STATION – 880 WEST PROSPECT ROAD

As described in the Project Narrative, the proposed project combines a self-storage facility and a City fire station into a single integrated project. The proposal includes a rezoning of the property from B-2 to B-3. The self-storage facility is listed as a conditional use in the B-3 zoning district and accordingly is subject to the procedures and criteria set forth in Section 24-165 of the land development code.

Sec. 24-165(C) Review criteria . *The Commission shall not approve a conditional use, unless and until it finds that:*

(1) The proposed use is essential to the proper functioning of a utility system or is specifically listed as a permitted conditional use in the district in which it is to be located;

A self-storage facility is permitted as conditional use and the B-3 zoning district.

(2) The use is deemed desirable for the public convenience or welfare, and the use is in harmony with the purpose and intent of this chapter and will not be detrimental or injurious to the surrounding area.

The proposed CubeSmart facility will serve a need in the community. Many residents find that they do not have room in their homes and apartments to store items that are important to them. The closest self-storage facility is almost three miles to the east of the property and the proposed facility would present a much more convenient option for the surrounding residents. The proposed CubeSmart is climate controlled and secure so residents can be assured that their stored items remain safe and in good condition. The proposed use will not be detrimental or injurious to the surrounding area and in fact will be a substantial upgrade in use from the industrial and repair uses in the areas including the Fiveash Water Treatment facility.

(3) When granting approval for conditional use, the board may attach conditions and safeguards, in addition to those prescribed in the district regulations, as they determine are necessary for the protection of the surrounding area and to preserve the spirit and intent of the ordinance.

The applicant acknowledges that the City may impose conditions on the approval of a conditional use.

(4) The application must also meet all of the following criteria, where appropriate:

- (a) Conformance with comprehensive plan.*
- (b) Harmony with adjacent uses (existing or zoned).*
- (c) Facility levels of service maintained.*
- (d) Use not hazardous to nearby housing, particularly traffic; see (B) above.*
- (e) The architectural and site design are compatible with the character of the surrounding area.*

The property on which the proposed CubeSmart facility is to be located is designated for Industrial use and the proposed use is consistent with this designation. The CubeSmart facility is a very low intensity use with very little impact on City services and a very low traffic generator. Given the general traffic congestion in the surrounding roadways the proposed use is the ideal use for the property. The proposed self-storage facility generates no hazardous materials and does not emit smoke, gases or other materials that may be objectionable to the surrounding property owners. The architectural design of the facility will greatly enhance the surrounding area. In addition, the integration of the City Fire Station with the CubeSmart facility allows the surrounding properties to be better served by a vital city service while greatly reducing the capital costs of the Fire Station Facility.

VARIANCE JUSTIFICATION STATEMENT
CUBESMART AND CITY FIRE STATION – 880 WEST PROSPECT ROAD

Variance Requested.

- A. Sec. 24-39 (F) FAR.** The B-3 zoning district allows a maximum floor area of 1.0. The proposed CubeSmart and Fire Station project has an FAR of 2.54 and accordingly the applicant is requesting a variance to permit the proposed project with an FAR of 2.54.
- B. Sec. 24-39 (D) Site Coverage.** The B-3 zoning district requires that 20% of the site be covered in landscaping and green space. The proposed combined CubeSmart and Fire Station project has a coverage percentage of 17.7%.
- C. Sec. 24-39 (H)(2)(a) Setback.** This code section requires that the front setback be at least one-half the height of the building for buildings over 50 feet in height. The building is 72 feet in height which requires a 36 foot front setback. The site plan provides for a setback of 34'8" which requires a 1'4" variance.

Sec. 24-232 of the City's land development code contains the procedure and criteria for the granting of a variance. The criteria set forth in Sec. 24-232(C) are addressed as follows:

C) Basis for a variance. The board of adjustment shall approve a variance only after the applicant has demonstrated justification for the granting of a variance in conformance with the following criteria:

(1) That special conditions and circumstances exist affecting the land, structure or building involved preventing the reasonable use of said land, structure or building.

The irregular shape and compactness of the parcel creates a hardship in the development of an appropriate site layout to accommodate the combined CubeSmart and Fire Station project as well as proper ingress, egress and parking. The FAR requirement in the land development code is meant to address intensity of development. In this case, however, the use is of such low intensity with reduced parking requirements, a higher FAR is not an accurate measure of intensity relative to other commercial uses which have a much greater impact on all applicable services on a per square foot basis. The size, location and configuration of the property would preclude the co-development of the CubeSmart and the City Fire Station without the proposed variance. In fact the size, configuration and location of the property including its proximity to a railroad crossing significantly limit the possible uses on the property.

The size and shape of the property together with the dual use of the property also constitute special and unique circumstances that necessitate the reduction in the landscaping and green space and the small reduction in the front setback.

(2) That the circumstances which cause the hardship are peculiar to the property, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the district.

The size, configuration and location of the property combined with the integrated CubeSmart and Fire Station development create unique circumstances relating to the development of the property which necessitate the requested variances.

(3) That the literal interpretation of the provisions of this chapter would deprive the applicant of a substantial property right that is enjoyed by other property owners in the district. (It is of no importance whatever that the denial of the variance might deny to the property owner some opportunity to use the property in a more profitable way, or to sell it at a greater profit than is possible under the terms of this chapter).

Property owners in the area have more standard sized and shaped properties that allow more flexibility in the development. Additionally, a higher FAR for a self-storage facility does not result in any higher intensity of use than other commercial development with much lower FARs. A self-storage facility with an integrated Fire Station could not be developed on this particular site without the requested variances.

(4) That the hardship is not self-created or the result of mere disregard for, or ignorance of, the provisions of this chapter.

The requested variance is the result of the size, location and configuration of the property combined with the unique integrated use of the property as a self-storage facility and a Fire Station and not as a result of any actions or inactions by the applicant.

(5) That the variance is the minimum variance that will make possible the reasonable use of the property, and that the variance will be in harmony with the general purposes and intent of this chapter and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

The proposed variances are the minimum variances that would allow for the development of the project.

(6) That granting the variance requested will not be detrimental to adjacent property or adversely affect the public welfare. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be grounds for the issuance of a variance.

The granting of the proposed variances will allow the development of the proposed CubeSmart and City Fire Station which will be a great benefit to the adjacent properties. The development will be a low intensity use with low impacts on all public services while provides a positive benefit to all surrounding properties.

(7) Under no circumstances shall the board of adjustment recommend a variance to permit use not generally permitted in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

The proposed use is a permitted use in the B-3 zoning district.

This instrument prepared by:
Joseph P. Mullen, Esquire
Mullen & Bizzarro, P.A.
2929 E. Commercial Blvd., PH-C
Ft. Lauderdale, FL 33308
File No. 3597.1

Tax Folio No.:
494222-08-0521 as to Parcel 1
494222-08-0530 as to Parcel 2

WARRANTY DEED

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 11th day of October, 2017 between Renee Moffat, a single woman, whose post office address is 700 NE 44th Street, Oakland Park, FL 33334, Grantor, and Oakland Park Storage Builders LLC, a Delaware limited liability company, whose post office address is 1041 Crown Park Circle, Winter Garden, FL 34787, Grantee.

WITNESSETH, that said Grantor, for and in consideration of the sum of Nine Hundred Thousand and 00/100 (\$900,000.00) Dollars, and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's successors and assigns forever, the following described land situate, lying and being in Broward County, Florida, to-wit:

Legal description attached hereto, incorporated herein, and identified as Exhibit "A"

SUBJECT TO: (1) taxes for the year 2017 and thereafter; (2) zoning, restrictions, prohibitions and other requirements imposed by governmental authority; and (3) the Plat recorded in Plat Book 22, Page 26 of the Public Records Broward County, Florida.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, said Grantor does hereby covenant with said Grantee that Grantor is fully seized of said land in fee simple; and Grantor has the right and lawful authority to sell and convey said land, and hereby warrants the title to said land, and will defend the same against lawful claims of all persons whomsoever; and the said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2016.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed, and delivered in our presence:

WITNESSES:

Grantor:

Claudia Cardinale
(First Witness)
Printed name: Claudia Cardinale

Renee Moffat
Renee Moffat

[Signature]
(Second Witness)
Printed name: Maria Castro

State of Florida
County of Broward

The foregoing instrument was acknowledged before me this 11th day of October, 2017 by Renee Moffat, who is personally known to me or who has produced a Florida driver license as identification.

(SEAL)

My commission expires:

Claudia Cardinale
Notary Public

Print name: Claudia Cardinale



EXHIBIT "A"

PARCEL 1:

A parcel of land located in the Northwest one-Quarter (NW 1/4) of Section 22, Township 49 South, Range 42 East, said parcel containing portions of Lots 11 and 12 of Block 2, PROSPECT GARDENS, as recorded in Plat Book 22, Page 26, Public Records of Broward County, Florida, said parcel being bound as follows:

On the North by the Southerly right-of-way line of Prospect Road as shown on Broward County's Right-of-Way Map, Section 86518-2602 (Sheet 2 of 6), dated March 30, 1981, said right-of-way line being 50.00 feet South of and parallel with the North line of the Northwest One-Quarter (NW 1/4) of said Section 22;

On the East by the Westerly limited access line of I-95 as shown on the Florida State Road Department's Right-of-Way Map, Section 86070-2412 (Sheet 10), dated March 3, 1970, and last revised November 6, 1972, said Westerly limited access line being shown on said map as 190.00 feet Westerly of and parallel with the baseline of survey on said map;

On the South by the South line of said Lot 12 of Block 2, said line also being the North right of way line of Lena Boulevard (now known as Northwest 43rd Court), as shown on said Plat of Prospect Gardens.

On the West by a line 80.00 feet Easterly of and parallel with the centerline of right-of-way of Powerline Road as shown on the Florida State Road Department's Right-of-Way Map, Section 86550-2608 (Sheets 14 and 15), dated March 9, 1970;

LESS therefrom all that portion of the above described parcel which lies Northwesterly of the chord of a circular curve which is concave to the Southeast, having a radius of 35.00 feet, and being tangent to said Southerly right-of-way line of Prospect Road and being tangent to a line 80.00 feet Easterly of and parallel with the centerline of right-of-way of Powerline Road as shown on the above referenced Right-of-Way Map, Section 86550-2608;

ALSO LESS therefrom all that portion of the above described parcel conveyed by and described in the Deed recorded in Official Records Book 7485, Page 291, Public Records of Broward County, Florida.

PARCEL 2:

Part of Lots Nine (9) and Eleven (11) in Block Two (2) of PROSPECT GARDENS, according to the Plat thereof, recorded in Plat Book 22, Page 26, Public Records of Broward County, Florida, described as follows:

Commencing at the Southeast corner of the West-Half of Lot Nine (9); West 135.7 feet to a point of beginning; continue West 14.3 feet; thence North to the North line of Lot Eleven (11); thence East 82.82 feet; Southwest 171.9 feet to the Point of Beginning.

SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at the Southeast corner of the West-Half of Lot 9; thence, South $87^{\circ}58'37''$ West, a distance of 135.7 feet to the Point of Beginning (POB); thence South $21^{\circ}24'57''$ West, a distance of 141.69 feet to a point lying on the North right-of-way line of Lena Road (N.W. 43rd Court); thence South $87^{\circ}58'37''$ West, a distance of 73.00 feet, to a point lying on a curve concave to the West, through which a radial line bears North $89^{\circ}35'26''$ East; thence North along said curve lying 80.00 feet East of and parallel to the centerline of Powerline Road (S.R.D. S-809); having a radius of 2371.83 feet, a central angle of $01^{\circ}48'43''$ and an arc length of 75.00 feet, to a Point of Tangency (P.T.); thence North $02^{\circ}13'37''$ West, a distance of 55.00 feet to the beginning of a curve concave to the West, having a radius of 3899.82 feet, a central angle of $01^{\circ}47'30''$, and an arc length of 121.95 feet to a point through which a radial line bears North $85^{\circ}59'13''$ East; thence North $42^{\circ}04'41''$ East, a distance of 50.47 feet to a point lying on the South right-of-way line of Prospect Road; thence North $88^{\circ}10'30''$ East along said right-of-way, a distance of 164.20 feet to a point lying on the West right-of-way of Interstate 95 (I-95); thence South $21^{\circ}24'57''$ West along said right-of-way, a distance of 171.90 feet to the Point of Beginning.