

RESOLUTION NO. R-2002- 0845

RESOLUTION APPROVING ZONING PETITION PDD2001-040
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF SHI C. CHING
BY KEVIN MCGINLEY, AGENT
(POLO LAKES OFFICE PARK)

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 petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD2001-040 was presented to the Board of County Commissioners at a public hearing conducted on May 23, 2002; and,

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

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan, contingent upon the approval of Small Scale Development Amendment No. OO-SCA 76 COM 2;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 Petition PDD2001-040, the petition of Shih C. Ching, by Kevin McGinley, agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from Agricultural Residential to Multiple Use Planned Development with 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 indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on May 23, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus	-	Aye
<u>Mary McCarty</u>	-	Aye
Burt Aaronson	-	Absent
Tony Masilotti	-	Aye
Addie L. Greene	-	Ate

The Chair thereupon declared that this resolution shall not become effective until Small Scale Development Amendment No. 00-SCA 76 COM 2 (LAKE WORTH/TURNPIKE) is effective.

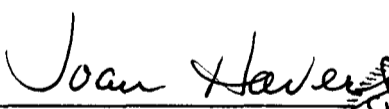
Filed with the Clerk of the Board of County Commissioners on 10 day of June, 2002.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

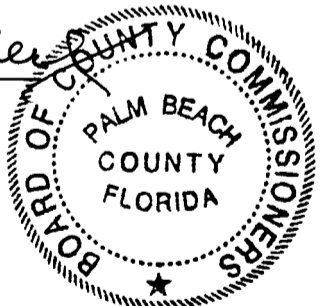


EXHIBIT A
LEGAL DESCRIPTION

Tract 1, Block 28, THE PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof, as recorded in Plat Book 2, Pages 45 through 54, of the public records of Palm Beach County, Florida, less and except the land described in Deed Book 1118, Page 252, Official Records Book 6379, and Official Records Book 6495, Page 761.

EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated February 19, 2002. 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)

B. ARCHITECTURAL REVIEW

1. At time of submittal for final DRC certification of the site plan, the architectural elevations for all the buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations. (DRC: ZONING - Zoning)
2. The maximum height for the office building including air conditioning, mechanical equipment and satellite dishes shall be thirty-five (35) feet. All heights shall be measured from finished grade to the highest point. (BLDG PERMIT: BLDG - Zoning)

C. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within one-hundred-fifty (150) feet of the south and west property lines and shall be confined to the areas designated on the site plan. (DRC/ONGOING: ZONING/CODE ENF - Zoning)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation has been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (DRC: ERM - ERM)

E. ENGINEERING

1. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- 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 the adjacent median of Lake Worth Road which will consist of:

- Median Landscaping
- Concrete Median cut outs.

This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department latest revision to the Streetscape Standards. The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all

new landscape material 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. (BLDG PERMIT:MONITORING - Eng)

- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing 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 Homeowners'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 prior to the issuance of a certificate of occupancy. (CO: MONITORING-Eng)
- C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owner's documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)

F HEALTH

- 1. Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF - Health)
- 2. Any biomedical waste, which may be generated at this site, shall be properly handled and disposed of in accordance with Rule 64E-16FAC. (ONGOING: HEALTH/CODE ENFORCEMENT - Health)
- 3. Any toxic or hazardous waste that may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH/CODE ENFORCEMENT - Health)

G. LANDSCAPING STANDARD

- 1. All trees to be planted in the right-of-way buffers (including Florida's Turnpike) shall be native canopy trees and meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;

- c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
 3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of 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; and
 - c. forty-eight (48) to seventy-two (72) inches – large shrub. (CO: LANDSCAPE - Zoning)
 4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
 5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)

H LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (LAKE WORTH ROAD AND FLORIDA'S TURNPIKE FRONTAGES)

1. Landscaping along the north and east property lines abutting Lake Worth Road and Florida's Turnpike shall be upgraded to include:
 - a. A minimum twenty (20) foot wide right-of-way buffer strip. No easement encroachment or width reduction shall be permitted;
 - b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) foot measured from top of curb. Field adjustment of berm may be permitted for preservation of existing vegetation;
 - c. One (1) canopy tree for each twenty (20) linear feet along the north property line, and one (1) canopy tree for each thirty (30) linear feet along the east property line;
 - d. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
 - e. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - f. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
 - g. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)

I. LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL AND VACANT PARCEL)

- I. Landscaping along the south and west property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide buffer strip along the south and west property lines. No easement encroachment or width reduction shall be permitted;
 - b. A continuous two (2) foot berm measured from finished grade to top of berm. Field adjustment of berm may be permitted for preservation of existing vegetation;
 - c. A six (6) foot high opaque screen panel wall. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the overall development;
 - d. One (1) native canopy tree for each twenty (20) linear feet of property line, to be planted alternating on both sides of the wall; and
 - e. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, to be planted alternating on both sides of the wall. (CO: LANDSCAPE – Zoning)
2. The following landscaping shall be required along the interior side of the required wall:
 - a. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - b. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
 - c. One (1) large shrub for each eight (8) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)
3. Along the exterior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material space no more than twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. Shrub/hedge planting shall be exempted from Condition G.3. (CO: LANDSCAPE – Zoning)

J. LANDSCAPING - INTERIOR

1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING - Zoning)
2. Foundation planting or grade level planters shall be provided along the front and side facades of all structures 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 50% of the total length of each side of the structure; 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. (DRC/CO: ZONING/LANDSCAPE-Zoning)

K. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor, freestanding lighting fixtures be setback fifty (50) feet from the south and west property lines. (CO: BLDG – Zoning)
4. All outdoor lighting shall be extinguished no later than 11:00 p.m. excluding security lighting only. (ONGOING: CODE ENF – Zoning)
5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF-Zoning)

L. MASS TRANSIT

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the County Engineer. (DRC: ZONING - Zoning)
2. If required, mass transit access, shelters and/or bus stops, shall be constructed by the petitioner in a location and manner acceptable to Palm Tran and the County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maint. responsibility of the property owner. (CO: MONITORING - Eng)

M. MUPD

1. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING/CO ATT – Zoning)

N. SIGNS

1. Freestanding point of purchase signs shall be limited as follows:
 - a. Maximum sign height: twelve (12) feet;
 - b. Maximum total sign face area: one-hundred (100) square feet;
 - c. Maximum number of signs: one (1);

- d. Location: within fifty (50) feet of the Lake Worth Road entrance. Distance shall be measured from the centerline of the access drive;
 - e. Style: monument; and
 - f. Signs shall be limited to identification of tenants only. (CO: BLDG - Zoning)
2. Wall signs shall be limited to the north and east facades of the office building and individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to project identification only. (CO: BLDG-Zoning)

O. USE LIMITATION

- 1. Total gross floor area shall be limited to a maximum of 58,797 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage of any building or 1,000 square feet, whichever is less, subject to approval by Traffic Division and DRC. (DRC: ZONING – Zoning)
- 2. No outdoor retail business activities shall be allowed on site, except for deliveries. (ONGOING: CODE ENF – Zoning)
- 3. Repair or maintenance of vehicles and outside storage of disassembled vehicles, parts or inventory shall not be permitted on site. (ONGOING: CODE ENF – Zoning)
- 4. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF – Zoning)
- 5. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF – Zoning)
- 6. Office hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. (ONGOING: CODE ENF-Zoning)
- 7. Food services, restaurant facilities, outdoor vehicle storage and vehicle rental shall be prohibited. (ONGOING/DRC: CODE ENF/ZONING – Zoning)

P. COMPLIANCE

- 1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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; 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 ULDC 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; 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 a 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING - Zoning)