

RESOLUTION NO. R-2002- 1482

RESOLUTION APPROVING ZONING PETITION PDD2000-011A
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF MAJORIE & PAUL MALOCHE
BY LAND DESIGN SOUTH, AGENT
(ABLE'S STORAGE CENTER)

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 PDD2000-011A was presented to the Board of County Commissioners at a public hearing conducted on August 22, 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;
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 PDD2000-011A, the petition of Majorie & Paul Meloche by Land Design South, agent, for an Official Zoning Map Amendment to a Planned Development District Rezoning from the Agricultural Residential Zoning District to the Multiple Use Planned Development District with 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 August 22, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson 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	-	Aye
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Absent
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on August 22, 2002.

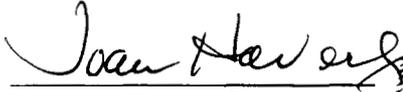
Filed with the Clerk of the Board of County Commissioners on 5 day of September 2002.

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

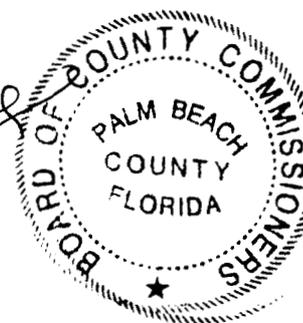


EXHIBIT A
LEGAL DESCRIPTION

The East half (**E**1/2) of the West half (W 1/2) of the Southeast quarter (S.E. 1/4) of the Southeast quarter (**S.E**1/4), less the North 254.67 feet and less the South 54 feet thereof, Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

Containing 8.282 acres.

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 July 11, 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, the architectural elevations shall be submitted for final architectural review and approval. Elevations and the site plan shall be designed to be consistent with Sec. 6.4.D.87 and 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations and DRC certified site plan. (DRC: ARCH. REVIEW - Zoning)
2. Prior to final DRC certification of the site plan, exterior elevations of all buildings shall be reviewed and approved by Architectural Review Section of the Zoning Division. All exterior elevations shall include but are not limited to the following:
 - a. All structures and accessory buildings shall include unified architectural character and image by use of common elements such as consistent architectural features, colors, materials and details;
 - b. The main gateway shall be of decorative nature, consistent in character and architectural style with the main structures;
 - c. All mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment consistent with the color, character and architectural style of the principal structure; and
 - d. Design of gutters and downspouts shall be integrated into the architectural design of the buildings. Painting of the gutters and downspout shall not constitute architectural integration. (DRC: ARCH. REVIEW – Zoning)

C. BUILDING AND SITE DESIGN

1. In the event if the Environmental Resources Management does not approve the option of accepting a cash payment in lieu of a set-aside preserve, the petitioner shall, prior to final Development Review Committee (DRC) certification of the site plan, revise the site plan to indicate the required 1.3 acre preserve area. (DRC: ZONING/ERM – Zoning)

D. CONCURRENCY

1. Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise their concurrency to match the uses and square footages as shown on the approved site plan dated July 11, 2002. (DRC: ZONING – Zoning)

E. ENGINEERING

1. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Lantana Road, 55 feet from centerline on or before April 15, 2003 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient

documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE/BLDG PERMIT: MONITORING – Eng)

2. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a. No Building Permits shall be issued until construction has begun for the 6 lane widening of Lantana Road from Jog Road to Military Trail. (BLDG PERMIT: MONITORING – Eng)
3. Prior to the issuance of the first Building Permit the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (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 toxic or hazardous waste, which may be generated at this site, shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH/CODE ENFORCEMENT – Health)
3. 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)

G. LANDSCAPING – STANDARD

1. Fifty percent of all canopy trees to be planted in perimeter buffers shall be native 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 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;
 - d. This condition shall not apply to five (5) foot wide compatibility buffers and landscape buffers where a single row of shrubs is required along either side of a fence or wall;
 - e. Credit may be given for existing or relocated shrubs provided they meet current ULDC requirements. (CO: LANDSCAPE – Zoning)
- 4. All trees and palms shall be planted in a meandering and naturalistic pattern, with exception to five (5) foot wide buffers. (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)
 - 6. Prior to final Development Review Committee (DRC) certification, the petitioner shall meet with Palm Beach County landscape staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE – Zoning)

H. LANDSCAPING ALONG SOUTH PROPERTY LINE (LANTANA ROAD FRONTAGE)

- 1. Landscaping along the south property line abutting Lantana Road 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 thirty (30) linear feet of 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 NORTH AND WEST PROPERTY LINES

- 1. Landscaping along the north and west property lines shall be upgraded to include:
 - a. A minimum twenty (20) foot wide buffer strip. No easement encroachment or width reduction shall be permitted;
 - b. One (1) native canopy tree for each twenty (20) linear feet of property line;
 - c. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
 - d. One (1) small shrub for each four (4) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - e. One (1) medium shrub for each six (6) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
 - f. One (1) large shrub for each two (2) linear feet of property line, planted twenty-four (24) inches on center, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)

J. LANDSCAPING - INTERIOR

1. Foundation planting or grade level planters shall be provided along the south façade of Building A to consist of the following:
 - a. The minimum width of the required landscape areas shall be eight (8) 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 the 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 lighting shall be extinguished no later than 10:30 p.m. excluding security lighting only. (ONGOING: CODE ENF – Zoning)
4. 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 maintenance 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. PLANNING

1. The northern two hundred (200) feet of the property shall be cross-hatched, which will limit that portion of the property to landscaping and drainage. Parking shall be prohibited in the cross-hatched area. (DRC: ONGOING – Planning)
2. The western fifty (50) feet of the property shall be cross-hatched. (DRC: ONGOING – Planning)
3. This site shall be restricted to a self storage facility and accessory uses as defined by the Unified Land Development Code (ULDC). Since this site is developed as a non-retail project, it shall be limited to a maximum of 0.35 floor area ratio (FAR). (DRC: ONGOING – Planning)
4. Prior to the issuance of the certificate of occupancy, the petitioner shall pave the property to the edge of the eastern property line, with both a vehicular driveway and a sidewalk, at the location shown on the final certified site plan that reads "future access into retail". (CO: MONITORING - Planning)

O. SIGNS

1. Freestanding point of purchase signs shall be limited as follows:
 - a. Maximum sign height: ten (10) feet;
 - b. Maximum sign face area per side: fifty (50) square feet;
 - c. Maximum number of signs: one (1);
 - d. Location: within fifty (50) feet of the Lantana Road entrance. Distance shall be measured from the centerline of the access drive;
 - e. Style: monument; and
 - f. Signs shall be limited to project identification only. (CO: BLDG - Zoning)
2. Wall signs shall be limited to the south and east facades of Building A 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)

P. USE LIMITATION

1. No outdoor retail business activities shall be allowed on site, except for deliveries. (ONGOING: CODE ENF – Zoning)
2. Repair or maintenance of vehicles and outside storage of disassembled vehicles, parts or inventory shall not be permitted on site. (ONGOING: CODE ENF – Zoning)
3. Storage or placement of any material, refuse, equipment or debris shall not be permitted on site. (ONGOING: CODE ENF – Zoning)
4. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF – Zoning)
5. Office hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. (ONGOING: CODE ENF-Zoning)

Q. 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)