

RESOLUTION NO. R-2003- 1128

RESOLUTION APPROVING ZONING PETITION PDD2003-010
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF KEEPERS SELF STORAGE - LANTANA LLC
BY LAND DESIGN SOUTH, AGENT
(A KEEPERS 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 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 PDD2003-010 was presented to the Board of County Commissioners at a public hearing conducted on July 24, 2003; 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 has considered the findings in the staff report and 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. 2003-0023;
- 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 PDD2003-010, the petition of Keepers Self Storage - Lantana LLC by Land Design South, agent, for an Official Zoning Map Amendment to a Planned Development District Rezoning from the Residential Single Family Zoning District to the Multiple Use Planned Development District 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 July 24, 2003, 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 Koons and, upon being put to a vote. the vote was as follows:

Karen T. Marcus, Chair	- Aye
Tony Masilotti, Vice Chairman	- Absent
Jeff Koons	- Aye
Warren H. Newell	- Absent
Mary McCarty	- Absent
Burt Aaronson	- Aye
Addie L. Greene	- Aye

The Chair thereupon declared that this resolution shall not become effective until Small Scale Development Amendment No. 2003-0023 (LANTANA/HIGH RIDGE II a.k.a. A KEEPERS SELF STORAGE) is effective.

Filed with the Clerk of the Board of County Commissioners on 22 day of August, 2003.

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:

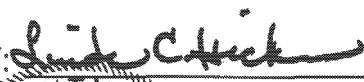
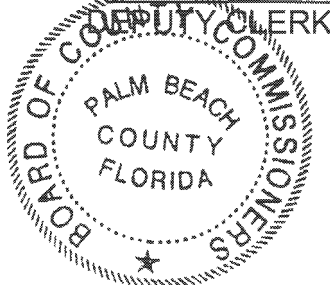

DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

Being a parcel of land in Government Lot 4 in the northwest quarter of Section 4, Township 45 South, Range 43 East, said parcel also being a portion of Hiatus Tract 37, Township 44 ½ South, Range 43 East, Palm Beach County, Florida, said parcel being more particularly described as follows:

Commencing at the northwest corner of Section 4; thence South 03°20'19" West (State Plane Grid Bearing Datum) along the west line of Section 4, a distance of 500 feet to the southwest corner of that parcel described in Deed Book 710, Page 5, Public Records of Palm Beach County, Florida; thence North 89°39'58" East along the south line of said parcel, 139.30 feet to the POINT OF BEGINNING and southwest corner of the parcel described herein, said point being on the easterly right-of-way line of High Ridge Road as deeded to Palm Beach County in Official Record Book 208, Page 624, Public Records of Palm Beach County, Florida, said easterly right-of-way line being delineated on the Palm Beach County Engineering Department Right-of-Way Map of High Ridge Road, Drawing No. 3-58-020; thence North 16°00'16" East along said right-of-way line, 56.46 feet to a point of curvature; thence northerly along said right-of-way line being an arc of a curve concave to the west having a radius of 1950.08 feet, a central angle of 13°17'15", an arc distance of 452.25 feet to the south right-of-way line of Lantana Road (S.R. 812), the same also being known as the south line of Parcel 115 as taken by the County of Palm Beach and recorded in Official Record Book 5760, page 1848, Public Records of Palm Beach County, Florida; thence North 51°18'59" East along said south right-of-way line, 32.47 feet to a point on a line that is 60.00 feet south of and parallel with the south line of Section 33, Township 44 South, Range 43 East; thence continue South 88°29'12" East along said south right-of-way line, 204.46 feet to the southwesterly right-of-way line of Lantana Road deeded to the State of Florida in Official Record Book 2148, page 1655, Public Records of Palm Beach County, Florida, said right-of-way being known as Parcel 291 and delineated on the Department of Transportation State Road 9 (I-95) Right-of-Way Map, Section No. 93220-2412; thence South 32°04'16" East along said southwesterly right-of-way line, 123.28 feet; thence South 85°25'47" East along said right-of-way line, 0.33 feet to the east line of said parcel described in Deed Book 710, Page 5, Public Records of Palm Beach County, Florida; thence South 03°20'19" West along said east line being parallel with the west line of said Section 4, a distance of 408.50 feet to the southeast corner of said parcel; thence South 89°39'58" West along the south line of said parcel, 360.70 feet to the POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

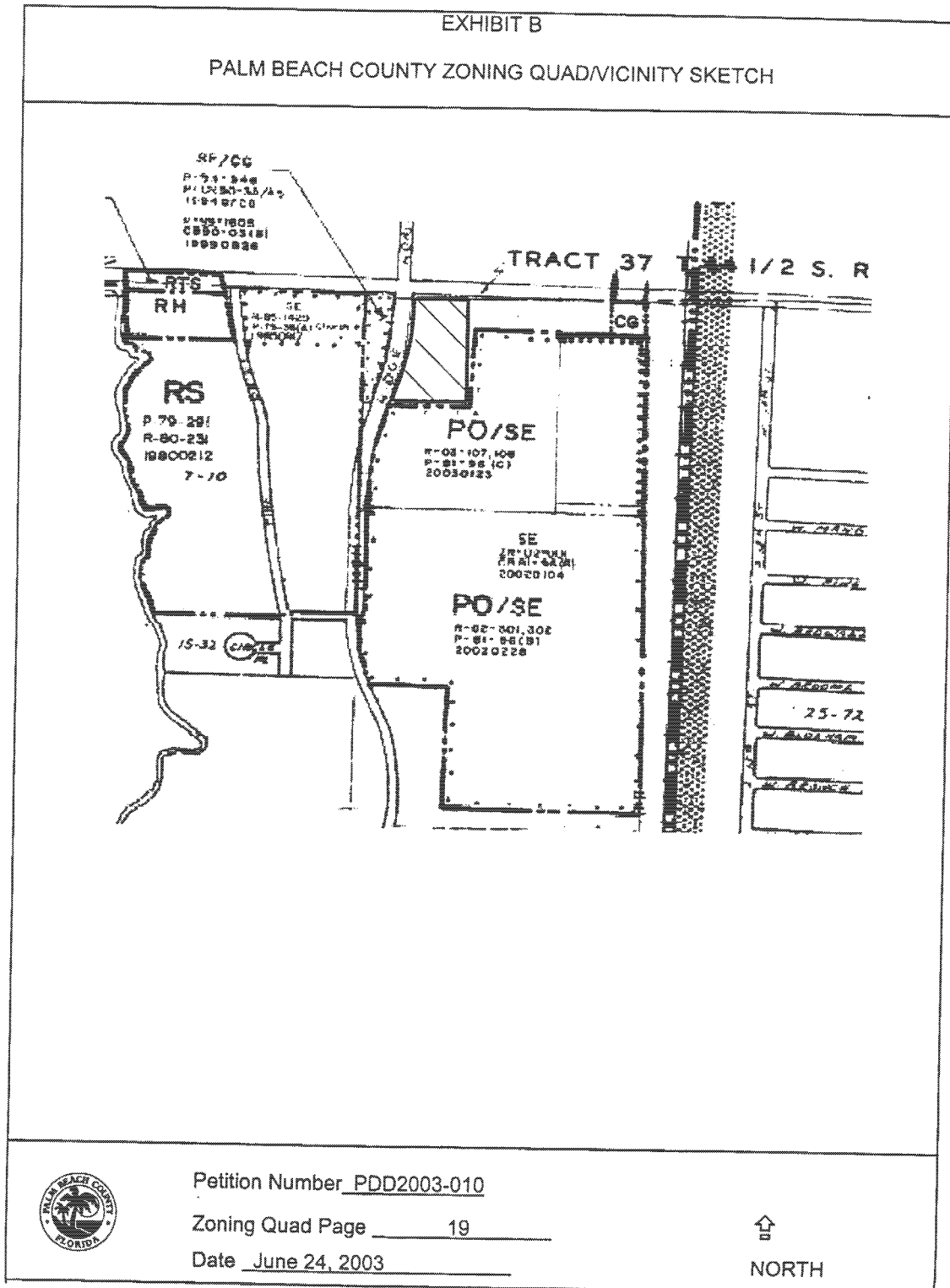


EXHIBIT C

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 May 21, 2003. 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)

B ARCHITECTURAL REVIEW

- 1 At time of submittal for final Development Review Committee (DRC) approval 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 entrance gateways shall be of a decorative nature, consistent in character and architectural style with the main structures. (DRC: ARCH REV – Zoning)
- 3 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. (DRC: ARCH REV – Zoning)
- 4 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 REV – Zoning)
- 5 Prior to final Development Review Committee (DRC) approval, the site plan shall be revised to ensure that no storage bay doors and/or loading zones are visible from adjacent rights-of-way. This condition may be addressed through the use of architectural design features and decorate opaque gates, subject to approval by the Zoning Division. (DRC: ARCH REV – Zoning)

C. ENVIRONMENTAL

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

D 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 ENF – 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 ENF – Health)

E ENGINEERING

1. Prior to the issuance of the first Building Permit or prior to June 1, 2004, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Lantana Road, 72 feet from centerline along the project's entire frontage, free of all encumbrances and encroachments. Property owner 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (BLDG PRMT/DATE: MONITORING – Eng)
2. Prior to issuance of a building permit or June 1, 2004, whichever shall first occur, the property owner shall convey a temporary roadway construction easement along Lantana Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PRMT/DATE: MONITORING – Eng)
- 3 In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule: No Building Permits for the site may be issued after January 1, 2006. 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING – Eng)
- 4 Decorative Street Lighting within the Right of Way of High Ridge Road
 - 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 install decorative antique style street lights with a maximum spacing of one (1) light per one hundred (100) linear feet along the east right of way of High Ridge Road. All street lights shall be installed in accordance with the County Engineer's approval. (BLDG PRMT: MONITORING – Eng)
 - b. When permitted by the Land Development Division, these street lights shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns. All street lighting shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING – Eng)
- 5 The Property owner shall construct:
 - a Right turn lane west approach on Lantana Road at the Projects Entrance Road.
 - 1) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

- 2) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PRMT: Monitoring – Eng)
 - 3) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING – Eng)
- 6 The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (DRC: ENG – Eng)
7. Pursuant to the terms of the Traffic Performance Ordinance, Developer agrees to pay to the County an amount equal to \$ 22,823 to ensure widening of Lantana Road. Funding to the County shall be completed prior to January 28, 2004. Payment of this amount does not vest the Developer, or a successor in interest to the property, against future increases in road impact fee rates that may occur from time to time. Once the total road impact fee credit has been exhausted, Developer, or a successor in interest to the property, shall be required to pay additional road impact fees in accordance with Unified Land Development Code, Article 10. (DATE: MONITORING – Eng)

F. LANDSCAPING – STANDARD

1. Prior to final Development Review Committee (DRC) approval, the petitioner shall meet with Palm Beach County landscape staff to ensure that proposed landscape plans address the following:
 - a Incorporate the maximum amount of existing native vegetation into the final site design; and
 - b Require an appropriate landscape buffer along High Ridge Road to be consistent with the existing landscape pattern of the corridor, and the landscaping and berm proposed for the Solid Waste Authority Lantana Road Transfer Station frontage on High Ridge Road, to the maximum extent possible. (DRC: LANDSCAPE – Zoning)
- 2 All canopy trees to be planted in perimeter buffers shall be native species 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)
- 3 All palms required to be planted on site by this approval shall be native species and 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)
- 4 All shrub or hedge materials shall be native species and 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 where a single row of shrubs is required;
- e. Credit may be given for existing or relocated shrubs provided they meet current ULDC requirements. (CO: LANDSCAPE – Zoning)

5 All trees and palms shall be planted in a meandering and naturalistic pattern (CO: LANDSCAPE – Zoning)

6 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)

G LANDSCAPING ALONG NORTH PROPERTY LINE (LANTANA ROAD FRONTAGE)

1. Landscaping along the north property line abutting Lantana Road shall be upgraded to include:

- a A minimum twenty (20) foot wide right-of-way buffer strip;
- 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 to allow 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)

H LANDSCAPING ALONG NORTHEAST PROPERTY LINE (ABUTTING ACCESSWAY FOR LANTANA TRANSFER STATION)

1 Landscaping along the northeast property line abutting the accessway for the Lantana Transfer Station shall be upgraded to include:

- a A minimum fifteen (15) foot wide landscape buffer strip;
- b A continuous two (2) foot high berm measured from top of curb. Field adjustment of berm may be permitted to allow for preservation of existing vegetation;
- c. One (1) canopy tree for each twenty (20) linear feet of property line;
- d One (1) palm (Cabbage) or pine for each twenty (20) linear feet of property line;
- 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 (Saw Palmetto) 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 WEST PROPERTY LINE (HIGH RIDGE ROAD FRONTAGE)

1 Landscaping along the west property line abutting High Ridge Road shall be upgraded to include:

- a A minimum twenty-five (25) foot wide right-of-way buffer strip No width reductions shall be permitted;

- b A minimum three (3) to four (4) foot high undulating berm with an average height of three and one-half (3.5) foot measured from top of curb.
- c. One (1) canopy tree for each thirty (30) linear feet of property line;
- d One (1) multi-trunk tree for each thirty (30) linear feet of property line;
- e. One (1) palm (Cabbage) or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
- f. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- g One (1) medium shrub (Saw Palmetto) for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
- h 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)

J. LANDSCAPING – INTERIOR

- 1. Foundation planting or grade level planters shall be consistent with the site plan dated May 21, 2003, and shall include a minimum equivalent of one (1) tree or palm for each twenty (20) linear feet of building façade and appropriate groundcover. Exceptions may be permitted to accommodate required emergency exits. (DRC/CO: ZONING/LANDSCAPE – Zoning)
- 2 Prior to final Development Review Committee (DRC) approval, the divider median for the westernmost access/card reader gate shall be upgraded to include a minimum five (5) foot wide planting area (excluding curbing). The divider median shall be planted with a minimum of two (2) Royal Palms or other native specimen palms subject to Zoning Division approval, and appropriate shrubs and/or groundcover. (DRC: 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 two-hundred and twenty (220) feet from the south property line. (CO: BLDG – Zoning)
- 4 All outdoor lighting shall be extinguished no later than 10:30 p.m (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. 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 site plan prior to the final approval of the DRC. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. (DRC: PALM TRAN – Palm Tran)

- 2 Prior to the issuance of the first building permit, the property owner shall convey to Palm Beach County an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran. The location sketch, legal description, and dedication documents of this easement shall be approved by Palm Tran prior to the recordation of the documents. (BLDG PERMIT: MONITORING – Eng)

M MUPD

- 1 Prior to issuance of a certificate of occupancy, 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. (CO: ZONING/CO ATT – Zoning)

N PLANNING

1. Prior to final certification of the site plan, the site plan shall indicate that the site is limited to non-retail uses only. (DRC/ONGOING: PLANNING – Planning)

O SIGNS

- 1 Freestanding point of purchase signs shall be limited as follows
 - a. Maximum sign height: fifteen (15) feet;
 - b. Maximum sign face area: seventy-five (75) square feet per side;
 - c. Maximum number of signs: one (1);
 - d. Location: Lantana Road frontage;
 - e. Style: monument; and
 - f. Signs shall be limited to tenant identification only. (CO: BLDG – Zoning)
- 2 Wall signs shall be limited to the north and west facades of the office, and buildings one (1) and two (2). Individual lettering size shall be limited to twenty-four (24) inches high. (CO: BLDG – Zoning)

P USE LIMITATIONS

4. No outdoor retail business activities shall be allowed on site, except for deliveries. (ONGOING: CODE ENF – Zoning)
- 2 An accessory truck and trailer vehicle rental facility shall not be permitted (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 Ingress/egress through the access gates shall be controlled by an electronic combination keypad and/or other device/procedure to allow the gate to remain closed when the access way is not in use. (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)