

RESOLUTION NO. R-94-778

RESOLUTION APPROVING ZONING PETITION **DOA87-152(C)**
DEVELOPMENT ORDER AMENDMENT
PETITION OF SOUTHERN 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 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition **DOA87-152(C)** was presented to the Board of County Commissioners at a public hearing conducted on June 23, 1994; and

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

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county **Land** Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency exemption and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County 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 **DOA87-152 (C)**, the petition of Southern Self Storage, for a DEVELOPMENT ORDER AMENDMENT in the General Commercial (CG) Zoning District, to amend master plan; allow self storage (requested use), previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on June 23, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Aye
Burt Aaronson	--	Aye
Ken Foster	--	Absent
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 23rd day of June, 1994.

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

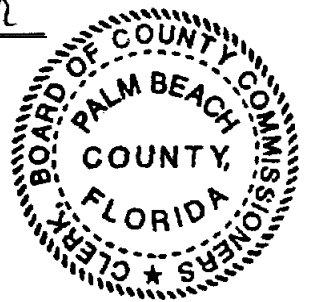


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PART OF PARCEL NO. 1 OF THE TRAILS END PLAZA, AS RECORDED IN PLAT BOOK 31, PAGES 57- 59 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, SAID POINT LYING ON THE CENTER LINE OF MILITARY TRAIL (STATE ROAD 009); THENCE ALONG THE NORTH SOUTH 1/4 LINE OF SAID SECTION 12, WITH A BEARING OF SOUTH 4° 37' 39" WEST, A DISTANCE OF 2014.67 FEET TO A POINT ON SAID 1/4 SECTION LINE; THENCE NORTH 89° 36' 17" EAST, A DISTANCE OF 60.23 FEET TO THE POINT OF BEGINNING; THENCE WITH A BEARING OF SOUTH 4° 37' 39" WEST, A DISTANCE OF 272.02 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF MILITARY TRAIL (SR 009), SAID LINE LYING 60.00 FEET EAST OF AND PARALLEL TO THE NORTH SOUTH QUARTER LINE OF SECTION 12; THENCE WITH A BEARING OF NORTH 89° 18' 17" EAST, A DISTANCE OF 230.00 FEET; THENCE NORTH 00° 45' 40" EAST, A DISTANCE OF 219.93 FEET TO A POINT LYING ON THE NORTH LINE OF PARCEL NO. 1 OF THE TRAILS END PLAZA; THENCE ALONG THE NORTH LINE OF PARCEL NO. 1 OF THE TRAILS END PLAZA WITH A BEARING OF S 89° 37' 16" WEST TO THE POINT OF BEGINNING, CONTAINING 1.126 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

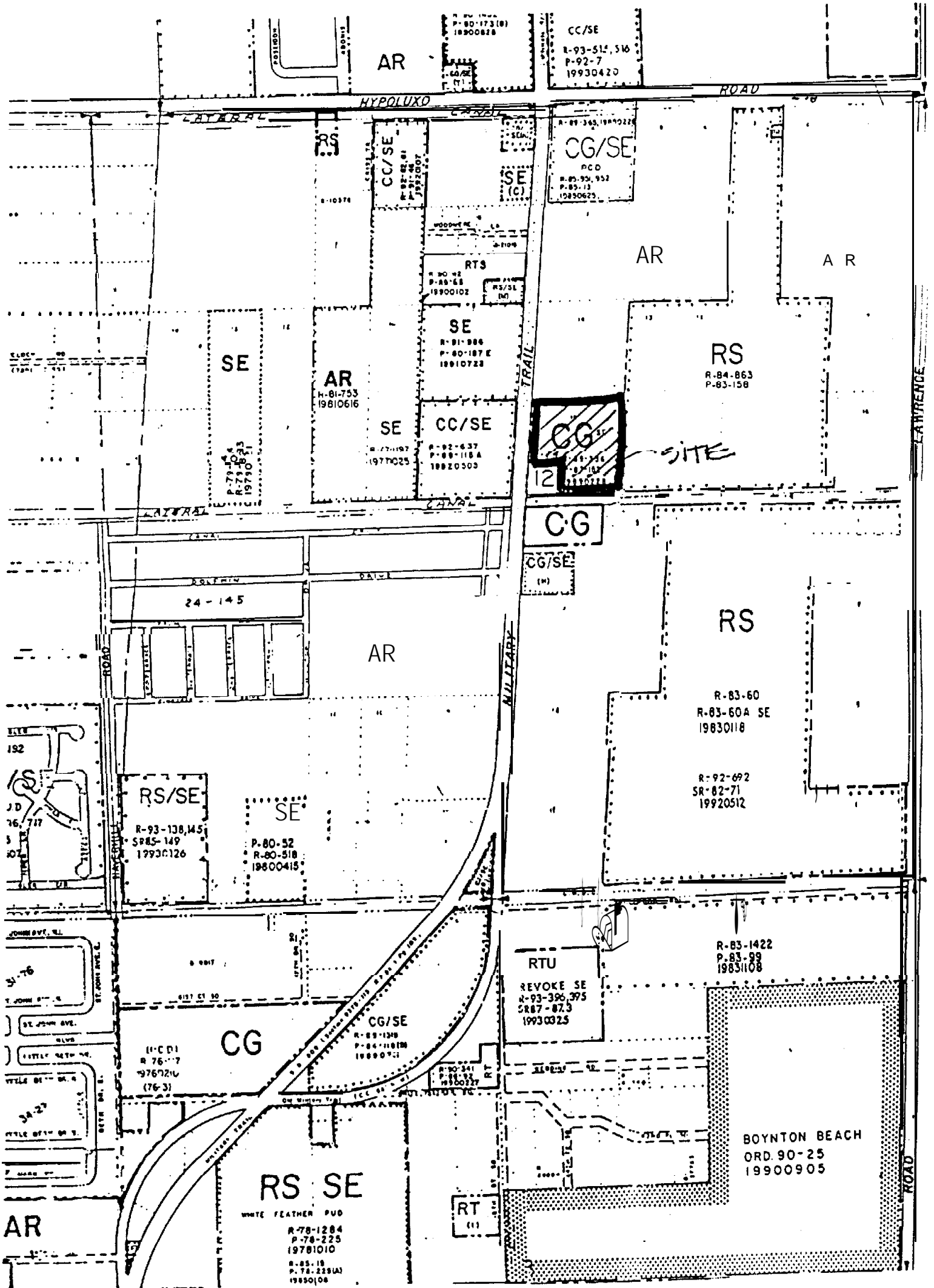


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-89-336 have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval unless expressly modified. (MONITORING)
2. The maximum height for all structures, measured **from** finished grade to highest point, shall not exceed thirty five (35) feet. (BUILDING-Zoning)
3. Petitioner shall submit two (2) copies **of** properly executed (Cross-Access\Unity of Control) documents to the **Zoning** Division simultaneously with the Site Plan Review Committee Meeting. (Previously Condition No. 3 of Resolution No. R-89-336, Petition No. 87-152) (ZONING/COUNTY ATTORNEY) (COMPLETED)
4. Security outdoor lighting shall be of low intensity and light standards will meet a minimum fifteen foot setback requirement from residential developments. (Previously Condition No. 4 of Resolution No. R-89-336, Petition No. 87-152) (BUILDING)
5. Condition No. 5 of Resolution No. R-89-336, Petition No. 87-152 which state:

Proposed structures shall receive uniform architectural treatment.

Is hereby amended to state:

Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of the building. (**BUILDING-Zoning**)
6. No outdoor storage ~~or of~~ disassembled vehicles or parts thereof shall be permitted on site. (Previously Condition No. 6 of Resolution No. R-89-336, Petition No. 87-152) (CODE ENFORCEMENT)
7. No off-premise signs shall be permitted on the site. (Previously Condition No. 19 of Resolution No. R-89-336, Petition No. 87-152) (ZONING/BUILDING)
8. Outdoor storage shall be prohibited until all of the structures adjacent to the perimeter of the site (parcel A) are constructed. (ZONING/CODE ENFORCEMENT)

B. LANDSCAPING

1. Condition No. 1 of Resolution No. R-89-336, Petition No. 87-152 which states:

Prior to site plan certification, the site plan **shall be** amended to indicate the following:
 - a. Transfer of the specialized vehicular use area landscaping on Parcel B to the perimeter of **site**.
 - b. Perimeter landscape buffer option number two of the Zoning code Section **500.38.D.5(2)**

- C. Relocation of the dumpster and the loading area to the northeastern portion of the site from the western portion of the retail lease building, to an area not visible from Military Trail.**

Is hereby deleted. [REASON: CODE REQUIREMENT HAS CHANGED]

2. The petitioner shall provide a minimum fifteen (15) foot wide Type C Buffer pursuant to Section 6.8.A.23. (Design Objectives) on the east and north property line of parcel A. (ZONING)
3. The petitioner shall, concurrent with the installation of the eastern buffer of parcel A, **install the equivalent of one (1) Palm with a minimum of eight (8) feet of clear trunk for every thirty (30) linear feet of buffer within the eastern buffer of parcel B. (BUILDING/ZONING)**
4. **Locate and preserve the mature ficus tree on site.** (Previously Condition No. 2 of Resolution No. R-89-336, Petition No. 87-152) (ZONING) (TREE NO LONGER EXIST)
5. Condition No. 20 of **Resolution No. R-89-336, Petition No. 87-152**, which states:

The petitioner shall install ten (10) to twelve (12) foot canopy trees along the east, south, and west perimeters of the site.

Is hereby amended to state:

The petitioner shall install ten (10) to **twelve (12) foot canopy trees along the south, east and west perimeters of parcel B.**

All trees required to be planted on site by this approval for Parcel A shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 feet **above grade.**
- c. Canopy diameter: seven (7) feet. **Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.** (BUILDING-Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.** (Previously Condition No. 16 of Resolution No. R-89-336, Petition No. 87-152) (ERM)

D. HEALTH

1. **Since sewer service is available to the property, septic tank shall not be approved for use on the property.** (Previously Condition No. 17 of Resolution No. R-89-336, Petition No. 87-152) (HEALTH)

2. Because water service is available to the property, a well shall not be approved for potable **water use**. (Previously Condition No. 18 of Resolution No. R-89-336, Petition No. 87-152) (HEALTH)

E. **ENGINEERING**

1. The property owner shall pay a Fair Share Fee in the amount and manner required by the "**Fair** Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project at the time of the Building Permit presently is \$3080 for the outdoor storage area (56 trips X \$55.00 per trip) and \$7205 **for** the mini warehouse component (131 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).
2. Condition number 7 of Zoning Resolution R-89-336 which states:

The developer shall retain the stormwater **runoff** in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain **onsite** three (3) **inches** of the stormwater runoff generated by a three (3) year-one(1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall **be** maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board **for** enforcement.

Is hereby deleted. [REASON: CODE REQUIREMENT]

3. Condition number 8 of Zoning Resolution R-89-336 which states:

If required by the County Engineer or the South **Florida Water** Management District the **developer** shall design **the** drainage system **such** that storm water runoff from the parking areas and **paved** surfaced shall **be** separate from those **areas which** may contain hazardous or undesirable waste from the proposed site.

Is hereby deleted. [REASON: SITE AS A SELF SERVICE STORAGE IS NOT ANTICIPATED TO GENERATE ANY UNDESIRABLE OR HAZARDOUS WASTE]

4. Condition number 10 of Zoning Resolution R-89-336 which states:

Property owner shall be restricted to only one entrance until Military Trail has been constructed to a 4 lane median divided section adjacent to the site.

Is hereby deleted. [REASON: MILITARY TRAIL HAS BEEN CONSTRUCTED AS A 4 LANE MEDIAN DIVIDED SECTION ADJACENT TO THE SITE.]

5. Condition number 11 of Zoning Resolution R-89-336 which states:

The property owner shall pay a Fair share Fee in the amount and manner required by the "**Fair** Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be **amended**. The Fair Share Fee for this **project** presently is **\$140,380.00** (5240 trips X \$26.79 per trip).

Is hereby deleted. [REASON: NEW IMPACT FEE IS INCLUDED WITHIN THE MODIFICATION REQUEST.]

6. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road **right-of-way** warranty deed additional right-of-way required for the construction of a right turn lane, south approach on Military Trail at the project's entrance road. **This** right-of-way shall be 72 feet from centerline, and free of all encumbrances and encroachments. Petitioner **shall** provide Palm Beach County with sufficient documentation acceptable to the Land Acquisition Division to **ensure** that the property is free of all encumbrances and encroachments. (Previously Condition No. 9 of Resolution No. R-89-336, Petition No. 87-152) (ENGINEERING) Note: Survey submitted by the applicant indicates **compliance** with this condition.

7. Property owner shall:

- a. Record an Unity of Control on the subject parcel; and
- b. Record a cross access agreement to the parcel to the south adjacent to Military Trail

prior to site plan approval, subject to approval by the County Attorney and County Engineer until provision 3 of Palm Beach County's Subdivision and Platting Regulations have **been met**. (Previously Condition No. 12 of Resolution No. R-89-336, Petition No. 87-152) (**ENGINEERING**) (COMPLETED)

8. If required by the county Engineer, the property owner shall construct a left turn lane, north approach **and** a right turn lane, south approach on Military Trail at the project's entrance road, concurrent with paving and drainage improvements. (Previously Condition No. 13 of Resolution No. R-89-336, Petition No. 87-152) [NOTE: THE LEFT TURN LANE IS NOW EXISTING AND THE RIGHT TURN LANE IS NO LONGER REQUIRED BASED UPON A REDUCTION IN THE PROPOSED TRAFFIC FROM THE SITE.]
9. The property owner shall fund the construction of a left turn lane, north approach, and a continuous right turn lane, south approach, on Military Trail at the project's entrance road. Acceptable surety for this construction shall be posted prior to April 1, 1988 or prior to Site plan approval, whichever shall first **occur**, and shall include all construction costs and plan revisions. (Previously Condition No. 14 of Resolution No. R-89-336, Petition No. 87-152) [NOTE: THE LEFT TURN LANE IS NOW EXISTING AND THE RIGHT TURN LANE IS NO LONGER **REQUIRED** BASED UPON A REDUCTION IN THE PROPOSED TRAFFIC **FROM** THE SITE.]

F. MONITORING

1. Condition No. 15 of Resolution No. R-89-336, Petition No. 87-152, which states:

Failure to comply with the conditions herein may **result** in the denial or revocation **of** a building permit; the issuance of a stop work order; the denial **of** a Certificate of Occupancy on any building or structure,, or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or use:: of the subject property. Appeals from such action may be taken to the Palm Beach County Board **of** Adjustment **or** as otherwise provided in the Palm Beach County Zoning **Code**. **Violations of** the conditions herein shall **constitute** violations of the Palm Beach County Zoning Code.

Is hereby amended to state:

Failure to comply with any of these conditions of approval at any time may result in:

- a. The denial or revocation of a building permit; the issuance of a stop work order; cease and **desist** order; the denial of a Certificate of **Occupancy** on any building or structure; or the denial or revocation of any permit or approval for any developer; *owner*, commercial-owner, lessee, or **user** of the subject property; and/or
- b. The revocation of the Conditional Use and **any/or** zoning which was approved concurrently with the Conditional Use;
- c. A requirement of the development to conform **with** updated standards of development, applicable 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;
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

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 Conditional Use, Rezoning, or other **actions** based on a Board of County Commission decision, **shall** be by petition for writ of certiorari to the **Fifteenth** Judicial Circuit. (MONITORING)