

RESOLUTION NO. R-96- 394

RESOLUTION APPROVING ZONING PETITION PDD95-100  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF K R COMMERCIAL ASSOCIATES LTD.  
BY RUSSELL SCOTT, AGENT  
WEST PALM BEACH MINI 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 PDD95-100 was presented to the Board of County Commissioners at a public hearing conducted on February 22, 1996; 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) 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) 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) 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) 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 PDD95-100, the petition of K R COMMERCIAL ASSOCIATES LTD. by RUSSELL SCOTT, agent, for an OFFICIAL ZONING MAP AMENDMENT from the General Commercial (CG) to the Multiple Use Planned Development (MUPD) Zoning District with a requested use for self-service storage, 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 February 22, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on March 28, 1996.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

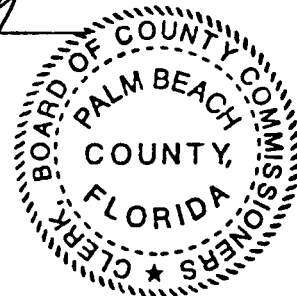
DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

**PARCEL A**

A parcel of land located in Section 6, Township 44 South, Range 43 East, containing 11.58 acres, more or less and more particularly described as follows:

Commencing at the southeast corner of said Section 6 as a point of reference, thence North 03°07'00" East, 40.01 feet along the east line of Section 6; thence North 87°55'36" West, 52.86 feet to the point of intersection of the westerly right-of-way line of S.R. 807 and the northerly right-of-way line of the Lake Worth Drainage District L-6 as is shown on S.R. 807 Right-of-Way Map, recorded in Road Plat Book 3, Page 37, Public Records of Palm Beach County, Florida; said point also being the POINT OF BEGINNING of the property concerned; thence continue North 87°55'36" West, 608.64 feet along said northerly right-of-way line of L.W.D.D. L-6, thence North 02°59'19" East, a distance of 845.45 feet, thence South 87°00'41" East, a distance of 596.27 feet, more or less, to the westerly right-of-way line of aforesaid S.R. 807; thence South 03°07'00" West, 431.47 feet, along said westerly right-of-way line to a curve concave to the east, having a radius of 5779.65 feet and a central angle of 03°59'30"; thence along the arc of said curve in a southerly direction, 402.66 feet to the point of tangency; thence South 00°52'30" East, 1.92 feet to the POINT OF BEGINNING.

TOGETHER WITH the following described parcel:

**PARCEL B**

A parcel of land located in Section 6, Township 44 South, Range 43 East, containing 0.345 acres, more or less and more particularly described as follows:

Commencing at the southeast corner of said Section 6 as a point of reference; thence North 03°07'00" East (assumed bearing datum), 40.01 feet along the east line of Section 6, thence North 87°55'36" West, 52.86 feet to the point of intersection of the westerly right-of-way line of S.R. 807 and the northerly right-of-way line of the Lake Worth Drainage District L-6 Canal as is shown on S.R. 807 Right-of-Way Map, recorded in Road Plat Book 3, Page 37, Public Records of Palm Beach County, Florida, thence continue North 87°55'36" West, 608.64 feet along said northerly right-of-way line of Lake Worth Drainage District L-6 Canal, thence North 02°59'19" East, a distance of 845.45 feet to the POINT OF BEGINNING of the parcel described herein; thence South 87°00'41" East, a distance of 596.27 feet, more or less, to the westerly right-of-way line of aforesaid S.R. 807, thence North 03°07'00" East along said westerly right-of-way line, 2.41 feet to the southeast corner of that parcel described in Official Record Book 3917, Page 7 as delineated on the plat of SUMMIT PARK OF COMMERCE, P.C.D., as recorded in Plat Book 61, Pages 148 and 149, Public Records of Palm Beach County, Florida, thence North 87°00'41" West along the south line of said parcel, 200.00 feet to the southwest corner thereof; thence North 03°07'00" East along the west line of said parcel, 35.45 feet, more or less, to the south line of said SUMMIT PARK OF COMMERCE plat, thence North 87°10'24" West along said south plat line, 396.36 feet to the southwest corner of said plat, thence South 02°59'19" West along the southerly extension of the west line of said plat, 36.74 feet to the POINT OF BEGINNING.

EXHIBIT B  
VICINITY SKETCH

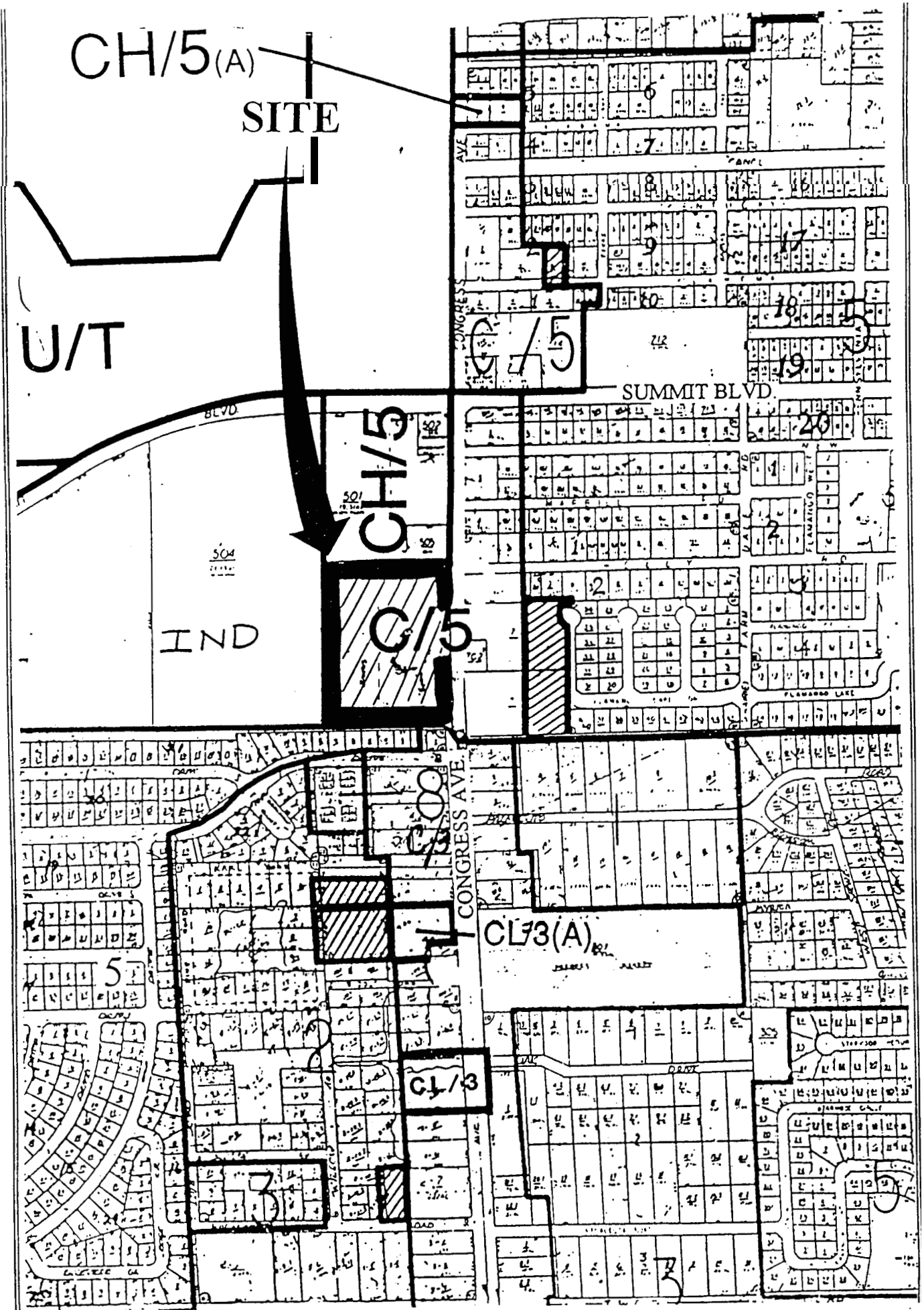


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the affected area is limited to the requested use and site design approved by the Board of County Commissioners (site plan dated November 15, 1995). The site plan may be modified by the Development Review Committee to meet conditions **of** approval and/or in accordance with the provisions of the ULDC. (DRC: ZONING)

B. BUILDING AND SITE DESIGN

1. No openings, except required emergency exits, shall be permitted on the facade of buildings directly facing the south property line. This condition shall not **apply** if the petitioner obtains a variance from the Board **of** Adjustment **or** the ULDC is amended. (BLDG PERMIT: BLDG - Zoning)
2. All new roof mounted mechanical and electrical equipment shall **be** screened from view **so** as not to be visible from any property line. (CO: BLDG - Zoning)
3. Overnight storage or parking shall be limited to designated RV/Boat Storage area and loading zone. (ONGOING: CODE ENF)
4. Prior to final Development Review Committee (DRC) certification, the petitioner shall abandon or obtain removal agreements for proposed improvements within the existing utility easements along the west and south property lines. (DRC: ZONING)

C. USE LIMITATIONS

1. No outside storage of disassembled vehicles or parts shall be permitted on site. (ONGOING: CODE ENF)
2. There shall be no vehicle maintenance, washing or repairs permitted on site. (ONGOING: CODE ENF)
3. No advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall except as provided by a Special Permit. (ONGOING: CODE ENF)
4. Hours of operation shall be from 7 a.m. to 10 p.m. daily. (ONGOING: CODE ENF)
5. Hours of operation for outside storage shall be from 6 a.m. to 12 a.m. daily. (ONGOING: CODE ENF)

D. SIGNAGE

1. The existing point of purchase/freestanding sign located on the north side of the main entrance from Congress Avenue shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - thirty (30) feet;
  - b. Maximum sign face area - 160 square feet;
  - c. Maximum number of signs - one (1);
  - d. Style - monument style only. (CO: BLDG)

2. The point of purchase/freestanding sign located to the east of the self service storage facility shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
  - b. Maximum sign face area - 100 square feet;
  - c. Maximum number of signs - one (1);
  - d. Style - monument style only. (CO: BLDG)

**E. ENGINEERING**

**1. LANDSCAPE WITHIN MEDIAN**

- 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 all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. 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 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 on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Landscape)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: MONITORING - Eng)

**F. LANDSCAPING - STANDARD**

1. All trees required to be planted on site by this approval shall be native evergreen species and meet the following minimum standards at time of 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. (CO: LANDSCAPE - Zoning)

**G. LANDSCAPING - INTERIOR**

1. A minimum twenty (20) foot wide curbed landscape buffer shall be installed along both sides of the shopping center's main entrance from Congress Avenue. The buffer shall include:
  - a. continuous three (3) foot high berm with the height of berm measured from the top of curb;
  - b. one (1) tree for each twenty (20) linear feet, spaced a maximum of thirty (30) feet on center. A group of three or more palms may supersede the requirement for a native canopy tree in that location;
  - c. one (1) palm for each thirty (30) linear feet, spaced a maximum of fifty (50) feet on center;
  - d. thirty (30) inch high shrub/hedge material spaced no more than twenty four (24) inches on center at installation and located on the plateau of the berm; and
  - e. shrub/hedge material to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)

**H. LANDSCAPING ALONG CONGRESS AVENUE (NORTH OF THE MAIN ENTRANCE)**

1. A minimum fifteen (15) foot wide landscape buffer shall be installed along the east property line north of the main entrance. The buffer shall include:
  - a. one (1) tree for each twenty (20) linear feet spaced a maximum of thirty (30) feet on center; and
  - b. thirty (30) inch high shrub/hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)

**I. LANDSCAPING ALONG CONGRESS AVENUE (SOUTH OF THE MAIN ENTRANCE)**

1. A minimum twenty (20) foot wide landscape buffer shall be installed along the east property line south of the main entrance. The buffer shall include:
  - a. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment. (CO: LANDSCAPE - Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
  - a. one (1) tree for each twenty (20) linear feet spaced a maximum of thirty (30) feet on center;
  - b. one (1) palm for each thirty (30) linear feet, spaced a maximum of fifty (50) feet on center. A group of three or more palms may supersede the requirement for a native canopy tree in that location; and
  - c. thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty eight (48) inches. (CO: LANDSCAPE - Zoning)

J. LANDSCAPING ALONG SOUTH PROPERTY LINE

1. A minimum ten (10) foot wide landscape buffer shall be installed along the south property line. The buffer shall include:
  - a. six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment; and
  - b. maximum five (5) feet of landscape buffer allowed in any easement. (CO: LANDSCAPE - Zoning)
2. The following landscaping shall be installed on the exterior side of the required wall:
  - a. one (1) tree every twenty (20) linear feet, spaced a maximum of thirty (30) feet on center. A group of three or more palms may supersede the requirement for a native canopy tree in that location;
  - b. one (1) palm for each thirty (30) linear feet, spaced a maximum of fifty (50) feet on center; and
  - c. thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE - Zoning)

K. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash or garbage, such as dumpsters and trash compactors, shall not be located within one hundred (100) feet of the south property line. (CO: BLDG - Zoning)

L. ACCESS

1. The width of the main entrance shall be reduced to thirty five (35) feet. (DRC: ZONING)
2. The southern turnout shall be reduced to twenty (20) feet and used for emergency ingress/egress only. (CRC: ZONING)

M. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLCG / CODE ENF - Zoning)
2. All outdoor 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 10:00 p.m., except for pole mounted security lighting. (ONGOING: CODE ENF)

N. UNITY

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of control/title for the entire subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. (DRC: CO ATT)



0. COMPLIANCE

1. 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; 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.

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 my 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.  
(MONITORING)