

RESOLUTION APPROVING ZONING PETITION DOA86-62(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF M. TRAIL INC.
BY BOB BASEHART, AGENT
(MATTHEWS 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, and the Palm Beach County Unified Land Development Code, 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 Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA86-62(B) was presented to the Board of County Commissioners at a public hearing conducted on January 6, 1997; 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 Unified 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 the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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 the standards imposed on it by applicable provisions of the Palm Beach County Unified 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 determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified 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 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 DOA86-62(B), the petition of M. Trail Inc., by Bob Basehart, agent, for a Development Order Amendment for a Self-storage facility and vehicle rental (requested uses) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 6, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 6, 1997.

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

LEGAL DESCRIPTION

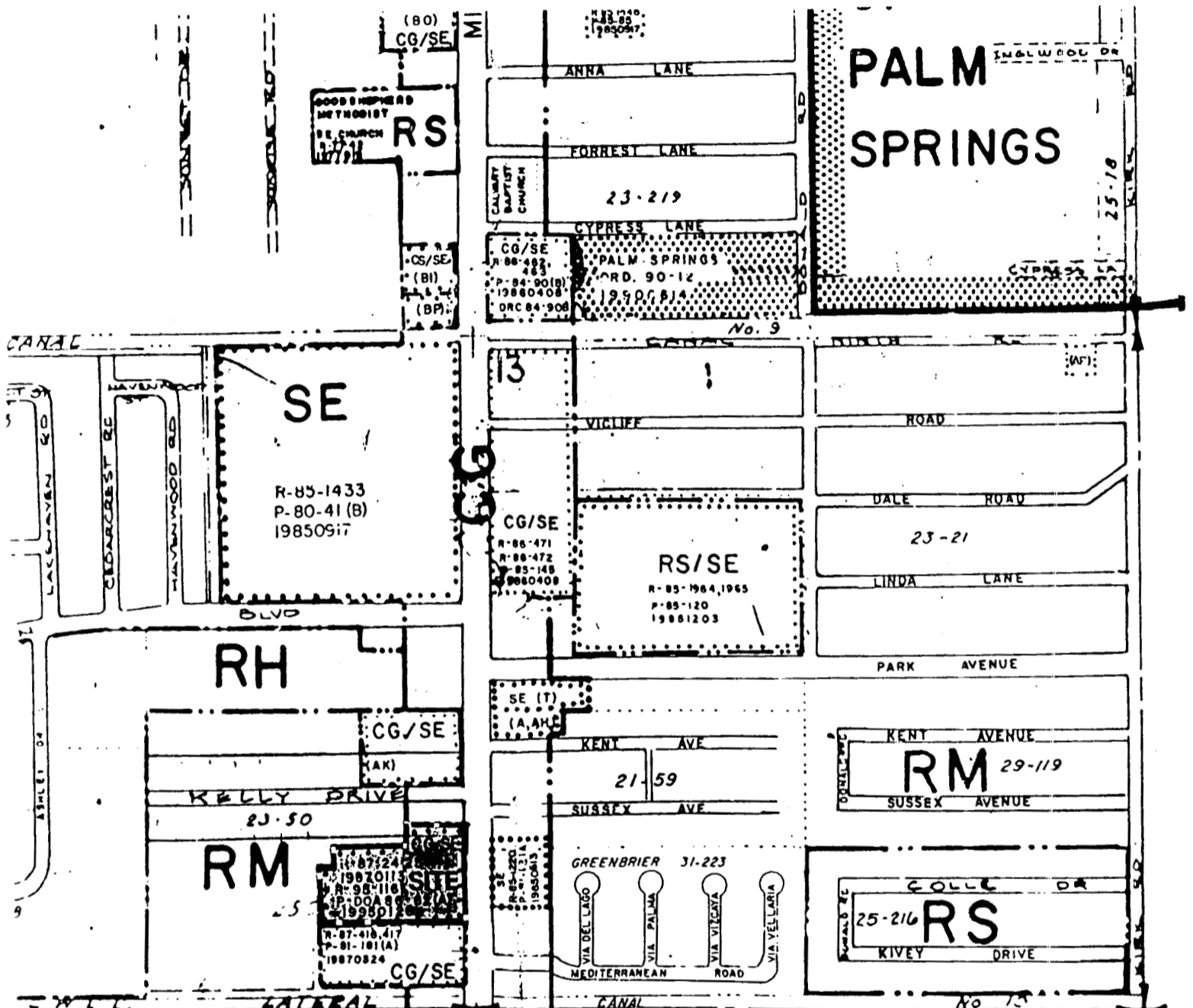
Beginning at the Northeast corner **of** the Southeast quarter **of** the Southeast quarter of the Southwest quarter, also known **as** Tract 16 **of** Section **13**, Township **44** South, Range **42** East, **Palm Beach County**, Florida; thence run South along the quarter section line, a distance of 330.00 feet; thence run West, parallel to the North boundary **of** said quarter section, a distance of 630.00 feet; thence run North, parallel to the East boundary of said quarter section, a distance of 198.00 feet; thence run East, parallel to the North boundary **of** said quarter section, a distance of 50.00 feet; thence run **North**, parallel to the East boundary of said quarter section, a distance **of** 66.00 feet; thence run East, parallel to the North boundary of said quarter section, a distance of **298.00** feet; thence run North, parallel to the East boundary of said quarter section, a distance **of** 66.00 feet to a point on the North boundary line of the Southeast quarter of the Southeast quarter **of** the Southwest quarter, said point also on **the** South line of Lot **22**, plat of Veldor, **as** recorded in Plat Book 23, Page 50, Public Records of Palm Beach County, Florida; thence run North, parallel to the East boundary of said quarter section, a distance **of** 33.00 feet; thence run East, parallel to the North boundary **of** said quarter section, a distance of 282.00 feet to a point **on** the East line of the Southwest quarter of Section **13**; thence run South along the quarter section line, a distance **of** **33.00** feet to the **Point** of Beginning.

Less and except therefrom the East 53.00 feet for Military Trail right of way.

Being 3.94 acres more or less.

EXHIBIT B

VICINITY SKETCH



QUAD SHEET 32

PALM BEACH COUNTY

JUL 29 1996

EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Conditions of Approval contained in Resolution R-95-116, Petition ~~86-86(A)~~, are hereby revoked. The approval granted under Resolution R-87-25, Petition ~~86-62~~, remains in effect. (MONITORING)
2. 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 September 27, 1996. 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 CONTROL

1. Similar architectural color, material and roof treatment shall be provided on all sides of the building. (BLDG PERMIT: **BLDG** - Zoning)

C. LANDSCAPING - GENERAL

1. All trees required to be planted on site by this approval shall 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; and
 - 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.
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval shall be native species and meet the following minimum standards at time of installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clustering: staggered heights twelve (12) to eighteen (18) feet;
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements; and
 - d. A group of three (3) palms shall not be substituted for a perimeter canopy tree. (CO: LANDSCAPE - Zoning)
3. All landscaping shall be located on the exterior side of the proposed eight (8) foot high screen walls. (DRC/CO: LANDSCAPE CODE ENF - Zoning)

D. LANDSCAPING ALONG EAST PROPERTY LINE (MILITARY TRAIL)

1. Landscaping and buffering along the east property line (Military Trail frontage), shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip;
- b. An continuous two (2) foot high berm measured from the top of curb;
- c. one (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
- d. one (1) palm or pine tree for each twenty-five (25) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters; and
- e. twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

- 1. a) Prior to certification of the site plan by the Development Review Committee (DRC), the property owner shall revise the site plan to reflect an ingress and egress easement to Military Trail, in accordance with the County Engineer's Approval. The access easement shall be a minimum of 25 feet in width and shall be located from Military Trail west a distance of 282 feet, plus an appropriate taper length, and shall then encroach a minimum of 5 feet south of this property's north property line from the point 282 feet west of Military Trail, an additional distance of 298 feet. This easement is graphically shown on Exhibit 26 of Petition 86-62(A) (DRC: ENG)
- b) Prior to certification of the site plan by the Development Review Committee (DRC), the property owner shall re-record if required the ingress and egress easement to Military Trail, in accordance with Condition 1.(a) above. (DRC:ENG)
- 2. 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 and 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 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 - Eng)

- 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 - Enj)

F. LANDSCAPING NORTH OUTSIDE STORAGE AREA

1. Landscaping **and** buffering along the north, east and west sides of the north outside storage area shall include:
 - a. a continuous two (2) feet high berm, measured from the top of **curb**;
 - b. an eight (8) feet high screen wall shall **be** located on the **plateau** of the berm. A screen wall **shall not be** required for the western **one hundred fifty (150)** feet of this storage area's north property line;
 - c. one (1) canopy tree for each twenty (20) linear feet of property **line** with a maximum spacing of twenty-five **(25)** feet on center;
 - d. one **(1)** palm or pine tree for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters; and
 - e. twenty-four (24) inch high shrub or hedge material installed on the plateau of the **berm** and spaced no more than twenty four (24) inches on center. This hedge shall be maintained at a minimum **height of** forty-eight (48) inches. (CO: LANDSCAPE - Zoning)
2. **An** eight (8) feet high screen wall shall provided on the south side of the north outside storage area.

G. LANDSCAPING ALONG SOUTH SIDE OF INGRESS/EGRESS EASEMENT, AND WESTERLY PORTION OF NORTH PROPERTY LINE

1. Landscaping and buffering within the proposed fifteen (15) foot buffer on the north side of the self service storage building shall include:
 - a. a continuous two **(2)** foot high berm, measured from the top of **curb**;
 - b. an eight (8) high screen wall to **be** located **on** the plateau of the term;
 - c. one (1) canopy tree for each twenty (20) linear feet of property' line with a maximum spacing of twenty-five **(25)** feet on center;
 - d. one (1) palm or pine tree for each twenty-five **(25)** linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters; and
 - e. twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm and spaced no more than twenty four **(24)** irches on center. This hedge shall **be** maintained at a minimum **height of** forty-eight (48) inches. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING WEST OUTSIDE STORAGE AREA

1. Landscaping and buffering along **the** north, west and south sides of the west outside storage area shall include:
 - a. a continuous eight (8) feet high screen wall, measured from **the** top of curb;
 - b. screen wall shall continue to enclose the west and south **sides** of outdoor storage area.
 - c. preserve area **shall be** in accordance with site plan dated September 27, 1996. (CO: LANDSCAPE - Zoning)

I. LIGHTING

1. All outdoor light poles shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
2. Wall mounted lighting along the north, south and west property lines, adjacent to a residential zoning district, shall be hooded and mounted at a height below the proposed wall. This condition will apply only if such lighting is proposed for the project. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
4. 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: BLDG / CODE ENF - Zoning)

J. SIGNS

1. Point of purchase signage shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only;
 - e. Location - within ten (10) feet of northern turnout on Military Trail. (BLDG PERMIT: BLDG - Zoning)
2. No wall signs shall be permitted on the facades of the building. (BLDG PERMIT: BLDG - Zoning)

K. USE LIMITATION

1. A maximum of 19 vehicles, boats or trailers shall be stored in the designated outside storage spaces.
2. A maximum of 5 rental vehicles or trailers shall be stored on site at any time. Rental vehicles shall be stored only on the west side of the proposed self service storage building. (ONGOING: CODE ENF - Zoning)
3. The self service storage facility and outdoor storage area shall be limited to the business hours from 7:00 a.m. to 7:00 p.m. daily. (ONGOING: CODE ENF - Zoning)
4. Repair or maintenance of vehicles, boats or trailers shall not be permitted on site at any time. (ONGOING: CODE ENF - Zoning)
5. All site improvements shall be in compliance with the certified site plan and all other code requirements. All site improvements shall be completed prior to the issuance of a Certificate of Occupancy (CO) for the self service storage facility. (CO: MONITORING - Bldg/ Zoning)
6. There shall be no underground or bulk storage of gasoline, propane or diesel fuel on the property. (BLDG PERMIT: BLDG)

7. No barbed wire or hazardous topping shall **be** installed on the proposed eight (**8**)feet high screen walls. (ONGOING: CODE **ENF**)

L. 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** any revocation **of** ~~an~~ Official Zoning Map Amendment, **Conditiona** 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)**