

RESOLUTION NO. R-97- 964

RESOLUTION APPROVING ZONING PETITION PDD96-87  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF NEW PINE GLEN  
BY ROBERT BENTZ, AGENT  
(ABBEY PARK COMMERCIAL MUPD)

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 PDD96-87 was presented to the Board of County Commissioners at a public hearing conducted on June 23, 1997; 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 PDD/R96-87, the petition of New Pine Glen by Robert Bentz, agent, for an Official Zoning Map Amendment from Residential Medium Density to Multiple Use Planned Development District with self-service storage facility and truck rental (requested uses) 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 June 23, 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 Roberts 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	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on July 24, 1997.

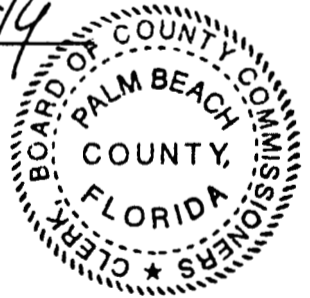
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Dorothy H. Wilken*  
COUNTY ATTORNEY

BY: *Jan Hawerly*  
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

#### PROPOSED COMMERCIAL AREA AT PINE GLEN AT ABBEY PARK

A PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

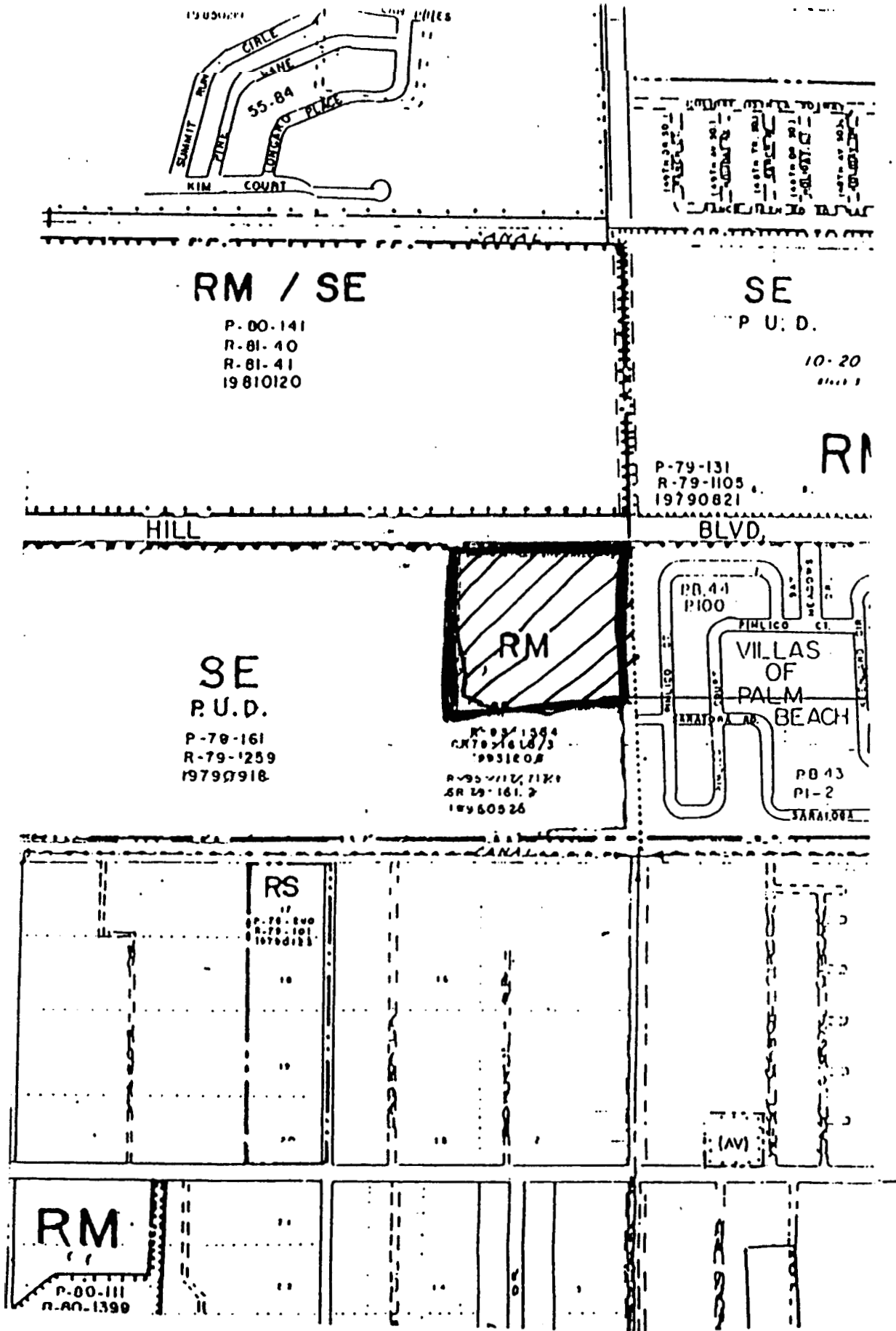
BEGINNING AT THE NORTHEAST CORNER OF ABBEY PARK PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 46, PAGES 180 AND 181, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE, SOUTH 01°29'54" WEST, DEPARTING THE BOUNDARY OF SAID PLAT, A DISTANCE OF 16.00 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF FORESTHILL BOULEVARD, AS RECORDED IN OFFICIAL RECORDS BOOK 6624, PAGE 1024, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, FOR A POINT OF BEGINNING.

THENCE, SOUTH 88°30'06" EAST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF FORESTHILL BOULEVARD, A DISTANCE OF 653.83 FEET; THENCE, SOUTH 45°00'06" EAST, CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID FOREST HILL BOULEVARD, A DISTANCE OF 55.07 FEET TO THE INTERSECTION THEREOF WITH THE WESTERLY RIGHT-OF-WAY LINE OF HAVERHILL ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 6624, PAGE 1024, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE, SOUTH 01°30'06" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID HAVERHILL ROAD, AND ALONG A LINE 54.50 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID SECTION 11, A DISTANCE OF 226.29 FEET; THENCE, SOUTH 02°18'44" WEST, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID HAVERHILL ROAD, A DISTANCE OF 172.89 FEET; THENCE, SOUTH 01°30'06" EAST, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID HAVERHILL ROAD, AND ALONG A LINE 66.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID SECTION 11, A DISTANCE OF 160.00 FEET; THENCE, SOUTH 88°29'54" WEST, DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF SAID HAVERHILL ROAD, A DISTANCE OF 76.91 FEET; THENCE, SOUTH 75°55'26" WEST, A DISTANCE OF 222.97 FEET; THENCE, NORTH 80°30'06" WEST, A DISTANCE OF 307.51 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 100.49 FEET; THENCE, WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°50'00", A DISTANCE OF 41.80 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 56°40'06" WEST, A DISTANCE OF 66.05 FEET; THENCE, NORTH 14°01'12" WEST, A DISTANCE OF 14.66 FEET TO A POINT ON A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 239.00 FEET, AND WHOSE RADIUS POINT BEARS NORTH 63°45'58" WEST; THENCE, NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 35°17'08", A DISTANCE OF 147.19 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 09°03'06" WEST, A DISTANCE OF 187.15 FEET; THENCE, NORTH 01°29'54" EAST, A DISTANCE OF 226.77 FEET TO THE POINT OF BEGINNING.

**CONTAINING: 9.88 ACRES, MORE OR LESS.**

**SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.**

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 June 20, 1997. 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)
2. ~~Prior to final DRC certification the petitioner shall~~ obtain Board of Adjustment approval to allow bay doors to be oriented towards residential property lines. (DRC: ZONING)

#### B. ARCHITECTURAL CONTROL

1. The proposed self service storage building shall be designed and constructed to be consistent with the facade elevations by Stephan A. Yerkes dated August 6, 1996. (BLDG PERMIT: BLDG - Zoning)
2. Similar architectural character and treatment, including but not limited to color (earth tones and pastel colors), material, fenestration and roof treatment, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
3. All air conditioning and mechanical equipment that are roof mounted shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure. (BLDG PERMIT: BLDG - Zoning)

#### C. BUILDING AND SITE DESIGN

1. The proposed self service storage building shall limited to a maximum of 130,000 square feet. (DRC: ZONING)
2. The minimum setback for the proposed self service storage building shall be one hundred (100) feet from the north and ninety (90) feet from the west ~~property~~ lines, one hundred eighty (180) feet from the east property line and three hundred (300) feet from the south property line. (DRC: ZONING)
3. The proposed self service storage building shall be limited to a two story structure with a maximum height, measured from finished grade to highest point, not to exceed thirty-five (35) feet. (BLDG PERMIT: BLDG - Zoning)

#### D. HEALTH

1. Generation and disposal of any hazardous effluent into sanitary sewage 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)

## E. ENGINEERING

1. **The** property Owner ~~shall~~ convey to Palm Beach County Land Development Division by road right-of-way warranty deed for an expanded intersection at the intersection of Forest Hill Boulevard and Haverhill Road,

- a) Forest Hill Boulevard **76** feet from centerline and
- b) Haverhill Road **54 ½** feet from centerline,

This additional right of way shall be dedicated prior to the issuance of the first Building Permit or prior to January 1, 2000 whichever shall first occur. Right of way conveyance shall be as defined in Palm Beach County's Typical Expanded Intersection drawings. 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING/Eng)

2. Prior to issuance of a building permit the property owner ~~shall~~ convey a **10** foot "Temporary Construction Easement" to Palm Beach County for Forest Hill Boulevard and for Haverhill Road along the entire projects frontage. (BLDG PERMIT: MONITORING - Eng)

3. Prior to approval of the site plan by the DRC the property owner shall:

- a) Obtain all drainage easements and agreements to provide for an acceptable drainage connection from this site, to the existing outfall under Abbey Road East south to the Lake Worth Drainage District L-**8** Canal. All easements and agreements shall be approved by the County Engineer. (DRC APPROVAL: COUNTY ENGINEER)
- b) Provide ~~for~~ an access onto Haverhill Road from the site subject to the approval of County Engineer. (DRC APPROVAL: COUNTY ENGINEER)

4. Prior to the issuance of the first building permit the property owner shall revise the Conceptual Drainage Permit from the South Florida Water Management District to reflect deletion of this **9.8** acre site from the Abbey Park PUD. (BLDG PERMIT: MONITORING - County Engineer)

5. The developer of Pine Glen at Abbey Park Plat One (aka New Pine Glen) shall reconstruct the drainage system for Abbey Park East to provide legal positive outfall through the Abbey Park PUD drainage system. This construction shall be completed on or before November **30, 1997**. No building permits or certificates of occupancy shall be issued **after** November **30, 1997** unless this ~~construction~~ is complete. Certification ~~of~~ completion by ~~the~~ developers engineer shall be provided to the County Engineer. (DATE: MONITORING - Eng)

6. LANDSCAPE WITHIN MEDIAN

- A. Prior to issuance ~~of~~ a building permit, the property **owner** shall apply to ~~the~~ Land **Development** Division, Permit **Section**, ~~of 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 the Land Development **Division** 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. Also, any existing trees within the median shall be incorporated into this projects overall design. 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. The maintenance responsibility of any existing trees within the median shall also become the responsibility of this property owner. 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 - Eng)

F. 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 dear trunk;
  - b. Clustering: staggered heights twelve (12) to eighteen (18) feet; and
  - c. Pruning: minimum six (6) fronds, no clipped or spiked cuts.
  - d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements.
  - e. a group of three (3) palms shall not be substituted for a perimeter canopy tree. (CO: LANDSCAPE - Zoning)

3. All perimeter landscaping shall be located on the exterior side of the proposed six **(6)** foot high **screen wall**. (DRC/CO: LANDSCAPE CODE ENF - Zoning)

#### G. LANDSCAPING ALONG PERIMETER PROPERTY LINES

1. Landscaping and buffering along all perimeter property lines shall be upgraded to include:
  - a. a minimum forty (40) foot wide landscape buffer strip;
  - b. **An** continuous **six (6)** foot high berm measured from the top of curb;
  - c. **an six (6)** feet high screen wall shall be located on the plateau of the berm
  - d. **one (1) canopy tree for each three** hundred (300) square feet of buffer area with a **maximum spacing** of twenty **(20)** feet on center;
  - e. 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
  - f. 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 **forty-eight (48)** inches. (CO: LANDSCAPE - Zoning)

#### H. LANDSCAPING - INTERIOR

1. A landscape foundation planting area shall be provided on the north **facade** of the building to consist of the following:
  - a. The landscape foundation planting area shall be centrally located on the building's facade and directly opposite the project's entrance on Forest Hill Boulevard.
  - b. The length of the landscape foundation planting area shall be no less than **40%** of the total length of the building's north facade;
  - c. The minimum width of the required foundation planting areas shall be seven (7) feet; and
  - d. shall be planted at the equivalent of one **(1)** palm for each twenty-five **(25)** linear feet of facade with a maximum spacing of forty **(40)** feet on center between clusters and planted with appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

#### 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 shall be hooded and mounted at a height below the top of the proposed **screen** wall. This condition **will** apply only if wall mounted 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. PLANNING

1. Prior to final site plan certification by the Development Review Committee (DRC), the developer shall submit to the Palm Beach County Planning Division ~~two~~ copies of the recorded restrictive covenant, as required by Ordinance 97-4 approving Small Scale Amendment SCA 96-S9, for the subject property. (DRC: PLANNING)
2. The property shall be subject to the restrictive covenant as referenced in Condition J.1, as recorded in the Palm Beach County Public Records for said **property** and conditions of approval as outlined in Palm Beach County Small **Scale** Amendment SCA 96-S9/SCA 71 COM 1. (ONGOING: PLANNING)

K. SIGNS

1. The Freestanding signs shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - eight **(8)** feet;
  - b. Maximum sign face area per side - Sixty **(60)** square feet;
  - c. Maximum number of signs - two (2);
  - d. Style - monument style only;
  - e. Location - within fifty **(50)** feet of entrance on Forest Hill Boulevard and Haverhill Road. (BLDG PERMIT: BLDG - Zoning)
2. No wall signs shall be permitted on the west or south facades of the building. (ONGOING: BLDG / CODE ENF)

L. USE LIMITATIONS

1. Parking and storage shall be limited to the areas designated on the site plan only. Outdoor storage spaces shall be limited to the fifteen **(15)** rental trucks on the west side of the building and eighty two **(82)** recreational vehicle spaces shown on the south side of the building. Parking/Loading spaces shall be provided at each entry point to the limited access storage. (ONGOING: CODE ENF - Zoning)
2. Repair or maintenance of vehicles, boats or trailers shall not be permitted on site at any time. (ONGOING: CODE ENF - Zoning)
3. There shall be no underground or bulk storage of gasoline, propane or diesel fuel on the property. (BLDG PERMIT: BLDG)
4. No barbed wire or hazardous topping shall be installed on the proposed six **(6)** feet high screen wall. (ONGOING: CODE ENF)
5. The self service storage facility and outdoor storage area shall be limited to the business hours from 7:00 a.m. to 9:00 p.m. daily. (ONGOING: CODE ENF - Zoning)
6. No outdoor loudspeaker systems shall be permitted. (ONGOING: CODE ENF - Zoning)

M. 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.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board 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 ULCC, 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. (MONITORING)