

RESOLUTION NO. R-97- 1291

RESOLUTION APPROVING ZONING PETITION PDD97-46  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF HE-RO DEVELOPMENT CORPORATION  
BY KIERAN KILDAY, AGENT  
(441 SELF SERVICE STORAGE FACILITY)

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 PDD97-46 was presented to the Board of County Commissioners at a public hearing conducted on August **28**, 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 PDD97-46, the petition of He-Ro Development Corporation by Kieran Kilday, agent, for an Official Zoning Map Amendment from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) Zoning District with a self service storage facility; medical or dental clinic, and professional offices (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 August 28, 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 Foster 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	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on September 25, 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

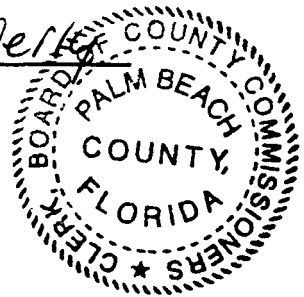


EXHIBIT A

LEGAL DESCRIPTION

**LEGAL DESCRIPTION**

Tract No. 5 in **Section 13**, Township **47** South, Range **41** East, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 2, according to ~~the~~ Plat thereof as recorded in Plat Book **1**, Page **102**, of the Public Records of Palm Beach County, said land situate, lying and being in Palm Beach County, Florida; LESS Right-of-way for State Road No. 7, AND LESS a parcel more fully described as the following:

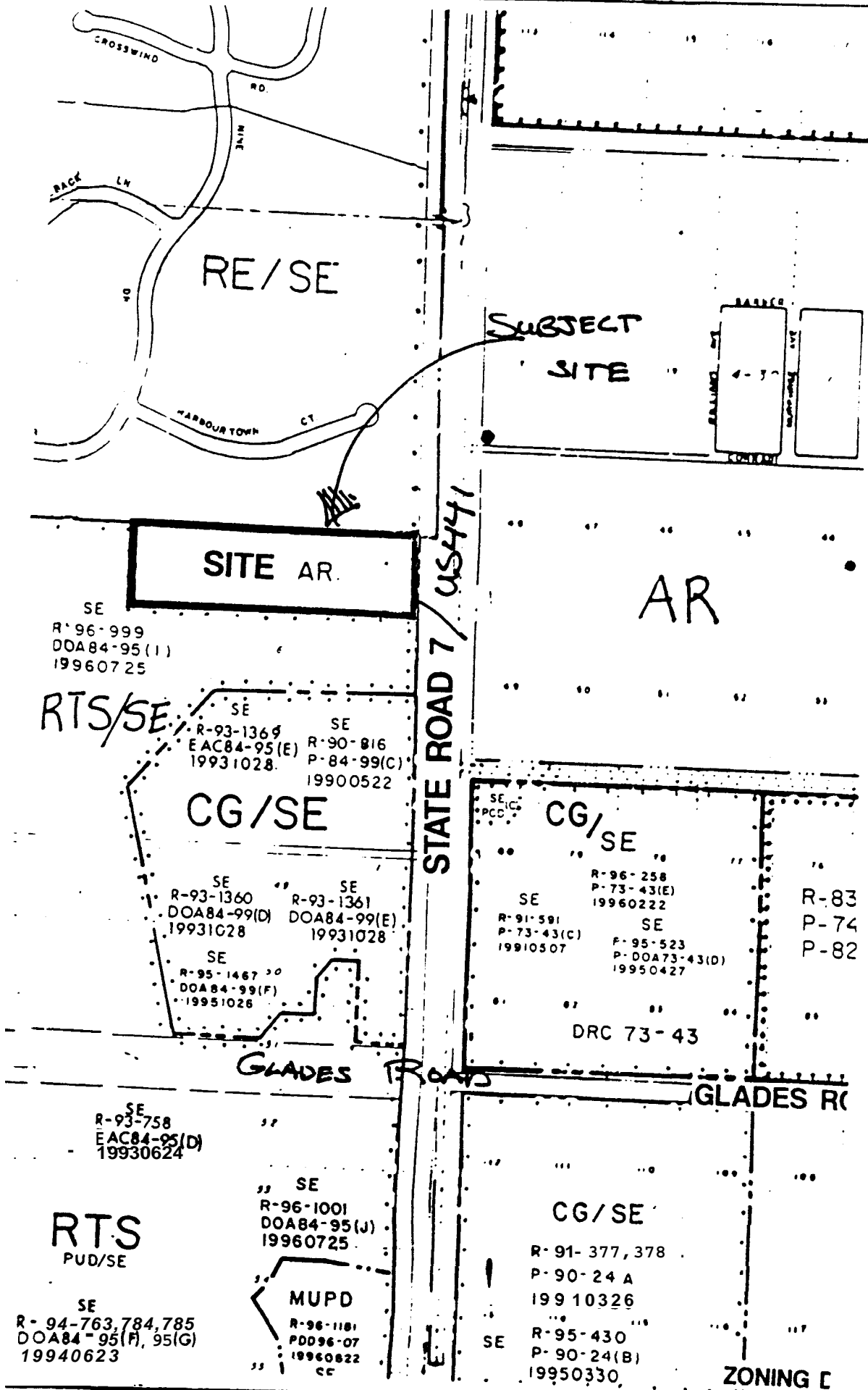
COMMENCING at the Northeast corner of Tract "A" of the plat of MISSION BAY PLAZA as recorded in Plat Book **49**, Pages **160-162** of the Public Records of Palm Beach County, Florida; thence with a bearing of North **00°51'43"** West, along the Northerly extension of the East line of said Tract "A", a distance of **381.59** feet to a point lying on the South line of the aforesaid Tract 5; thence with a bearing of North **89°46'57"** East, along said South line of Tract 5, a distance of **57.00** feet to the POINT OF BEGINNING; thence with a bearing of North **00°51'43"** West, a distance of **326.34** feet to a point lying on the North line of the aforesaid Tract 5 and the South line of BOCA GREENS - PLAT NO. 2, as recorded in Plat Book **39**, Pages **161-163** of the Public Records of Palm Beach County, Florida; thence with a bearing of North **89°46'52"** East, along said North line of Tract 5, a distance of **102.51** feet to a point lying on the West right of way line of State Road 7 per Road Book 1, Page **35** of the Public Records of Palm Beach County; thence with a bearing of South **00°51'43"** East, along said West right of way line, a distance of **326.34** feet to a point lying on the South line of the aforesaid Tract 5; thence with a bearing of South **89°46'57"** West, along said South line of Tract 5, a distance of **102.51** feet, more or less, to the POINT OF BEGINNING.

Together with all the tenements, hereditament and appurtenances, with every privilege, right, title, interest, estate, reversion, remainder and easement thereto belonging or in anywise appertaining.

Said lands situate, lying and being in Palm Beach County, Florida and containing 369,728 square feet, **8.49** acres, more or less.

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH / ZONING



Petition Number \_\_\_\_\_

Zoning Quad Page 68

Date: MARCH 1997



## EXHIBIT C

### CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

#### 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 30, 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. **Development of the site** is limited to the site design as approved by **the Board of County Commissioners**. The approved elevation is dated **July 14, 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)

#### B. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment shall be provided on all sides of the building facing perimeter property lines and rights-of-ways. (BLDG PERMIT: BLDG - Zoning)
2. All buildings and structures shall be designed and constructed to **be compatible** with **the general architectural character of** surrounding residential area and utilize earthtones or pastel **colors** on all sides of the buildings. (BLDG PERMIT: BLDG-Zoning)

#### C. BUILDING AND SITE DESIGN

1. Openings allowing pedestrian access shall not be permitted **on** the north, south **or** west exterior facades of the building, except required emergency exits. All **access** to the storage units will **be** from the interior of the project. (BLDG PERMIT: BLDG - Zoning)
2. The maximum height **for** the self service storage facility, with the exception of the caretakers quarters, measured from finished grade to highest point shall **not** exceed fifteen **(15)** feet **or** one story in height. (BLDG PERMIT: BLDG - Zoning)
3. **The maximum height for the caretakers quarters and the medical and professional offices measured from finished grade to highest point, shall not exceed two stories.** (BLDG PERMIT: BLDG - Zoning)
4. **All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material.** (CO: BLDG - Zoning)

**D. HEALTH**

1. Any biomedical waste **which** may be generated at this site shall **be properly** handled and disposed of in accordance with Rule 10D-104 FAC. (ONGOING: HEALTH/CODE ENF)
2. Any toxic or hazardous waste **which** may be generated at this site shall **be** properly handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH/CODE ENF)

**E. ENGINEERING**

1. **The Property owner shall construct** a left turn lane south approach on State Road 7 at this projects entrance road.
  - a) 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. (DRAINAGE REVIEW: **ENG**)
  - b) Permits required by the Florida Department of Transportation Palm Beach County for this construction shall **be** obtained **prior** to the issuance of the first Building Permit for the professional office or medical office. Construction shall **be** completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
2. 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 to **be** paid at the time of issuance of **the** Building Permit presently is \$55,000 (1,000 trips X \$55.00 per trip) (ONGOING: ACCOUNTING-Fair Share Fee Coordinator).
3. LANDSCAPE WITHIN MEDIAN OF SR 7/US441
  - a. Prior to issuance of a building permit, the property owner shall submit a completed DOT permit application to the Land Development Division, Permit **Section**, of the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of SR 7. When permitted by the Florida DOT, 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, shall **be** consistent with the landscaping **theme** adopted for this roadway and supplement any existing landscape material previously planted in this median. **All** landscaping installation and maintenance requirements **shall be** subject to **the standards** as 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**. (TC: **ENG**)

- b. **All** required median landscaping **including** an irrigation system, if **required, shall be** at the property owners expense. **All** landscape material **shall also** be the perpetual maintenance obligation of the **property owner** 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 concurrent with the **improvements** with the first plat. (ENG)
- c. Declaration of Covenants and Restriction Documents **shall be** established **or** amended as required, **prior** to recordation of the first **plat** to reflect this obligation. (PLAT: ENG)
- 4. Prior to final certification of the site plan, **the** property owner shall submit a detailed drainage study, (including a detailed grading plan), **identifying** how the site **will** be able to meet the requirements of the Florida Department of Transportation relative to legal positive outfall for the site. (DRC: ENG)

F. 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: BLDG / CODE ENF - Zoning)
- 2. All outdoor lighting fixtures for the professional and medical office shall not exceed twenty five **(25)** feet in height, measured from finished grade to highest point and **shall** be located a minimum of twelve **(12)** feet from the north, **south** and west property lines. Security lighting shall be below the building line not to exceed 30 feet in height. (CO: BLDG - Zoning)
- 3. **No outdoor** light poles shall be permitted for the self service storage site. Wall mounted lighting shall be located below the **roof** line not to exceed 15 feet in height. Wall mounted lighting shall not be installed on the north or west building facades of the self service storage excluding security lighting required by County Code. (CO: BLDG - Zoning)
- 4. **All outdoor** lighting shall **be** extinguished no later than 10:00 p.m., excluding **security** lighting only. (ONGOING: CODE ENF)

G. LANDSCAPING - STANDARD

- 1. All **canopy trees** required to be planted on site by this approval, 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.
  - 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 meet the following minimum standards at installation:
  - a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
  - 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)
3. Foundation plantings shall be provided along the front and side facades of the medical and professional offices. The minimum width of the required landscape area shall be five (5) feet. The combined length of the required foundation planting shall be no less than 40% of the total length of the applicable side of the structure. All required landscape areas shall be planted with a minimum of one (1) tree or palm every 20 linear feet and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)
4. In the event the mature existing Ficus trees on the adjacent property to the north, south, and west, are either removed or pruned more than 60% of their canopy, within 90 days, the property owner of the subject petition shall install the required Type B or Type C compatibility buffers. (ONGOING: LANDSCAPE - Zoning - Code Enf)

#### H. PLANNING

1. The subject site shall be limited to office and self-storage uses. (ONGOING: PLANNING)
2. On November 30, 1997, the Planning Division shall initiate the processing of a comprehensive plan amendment (round 98-1) from CL to CL-0 for the subject property. (DATE: MONITORING - Planning)

#### I. SIGNS

1. Freestanding point of purchase signs fronting on SR7/US441 shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - twelve (12) feet;
  - b. Maximum sign face area per side - 80 square feet;
  - c. Maximum number of signs - two (2); and
  - d. Style - monument style only. (CO: BLDG)
2. Wall signs shall only be permitted on :
  - a. The south and east facades of the professional/medical building;
  - b. The east facade of the self service storage facility and security caretaker quarters. (BUILDING PERMIT: BLDG)

#### J.

1. Total gross floor area of self service storage facility shall be limited to a maximum of 89,300 square feet. (DRC: ZONING)
2. There shall be no outdoor storage on the site. (ONGOING: CODE ENF-Planning)



3. Overnight storage or parking of delivery vehicles or trucks on the ~~professional and~~ medical site shall not be permitted, except within the loading and delivery areas designated on the site plan. Overnight parking of vehicles utilized for the self service storage facility shall not be permitted on site for a period greater than twenty-four (24) hours. (ONGOING: CODE ENF)
4. Hours of operation for the facility, including deliveries, shall not be allowed prior to 7:00 a.m. nor continue later than 7:30 p.m. daily. Vehicles arriving at the self service storage facility prior to closing shall be permitted to remain on site no later than 9:00 p.m. (ONGOING: CODE ENF - Zoning)
5. No bulk storage of combustible or hazardous material shall be permitted on site, above or below grade. (ONGOING: CODE ENF - Zoning)
6. No air conditioning, mechanical equipment, antennas, satellite dishes or similar appurtenances shall be permitted on the roof of the self-service storage facility. (CO: BLDG - Zoning)
7. Exterior construction activities shall not be permitted on Sundays. (ONGOING: CODE ENF - Zoning)
- a. No barbed wire or other similar dangerous material designed to inflict pain or injury to any person or animal shall be used on site. (CO: BLDG - Zoning)
9. The self-service storage facility shall be completely enclosed except required emergency exits by an aluminum picket fence or the exterior wall to prohibit ingress and egress to the facility after closing. (DRC: Zoning - ONGOING: Code Enf )

K. 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 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. **(MONITORING)**