

RESOLUTION NO. R-97- 1572

RESOLUTION APPROVING ZONING PETITION PDD89-115(B)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF MILITARY TRAIL ASSOC. PARTNERSHIP
BY BERIL KRUGER, AGENT
(MILITARY 10)

12/14/97

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 PDD89-115(B) was presented to the Board of County Commissioners at a public hearing conducted on September 25, 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 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 PDD89-115(B), the petition of Military Trail Assoc. Partnership by Beril Kruger, agent, for an Official Zoning Map Amendment from CC to MUPD with Self-service storage facility; Vehicle rental and General auto repair and maintenance (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 September 25, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty 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	--	Aye
Ken Foster	--	Absent
Karen T. Marcus	--	Absent
My	--	Aye
Warren Newell	--	Absent
Card A Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on October 23, 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

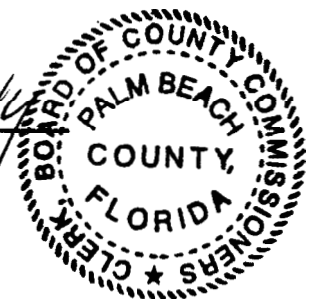


EXHIBIT A
LEGAL DESCRIPTION

TRACT 16 IN THE NORTHWEST QUARTER, AMENDED PLAT OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MARY A. LYMAN ET AL, PALM BEACH COUNTY, FLORIDA ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE 74, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THE EAST 45 FEET OF SAID TRACT 16 FOR ROAD RIGHT OF WAY.

EXHIBIT B
VICINITY SKETCH

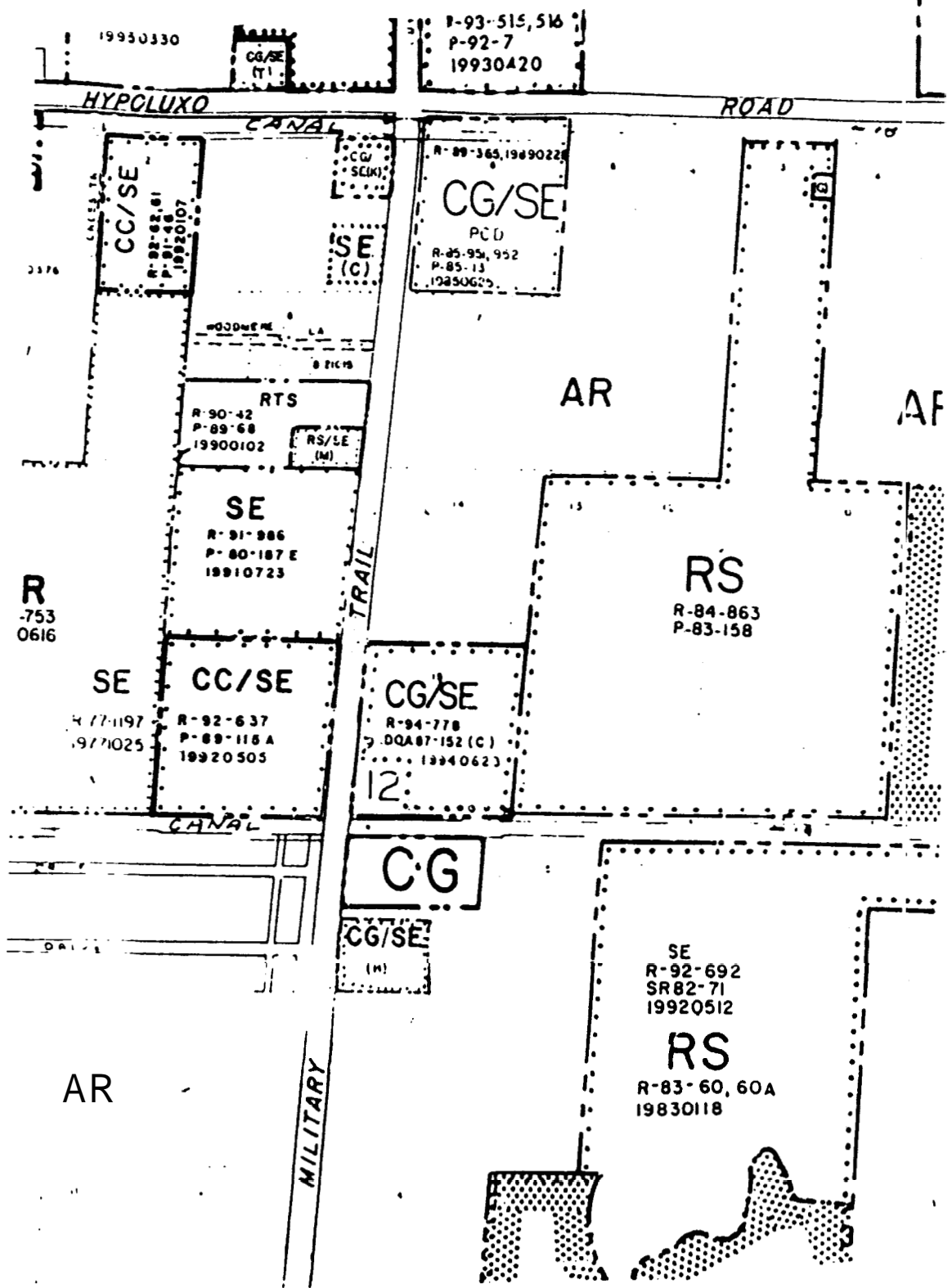


EXHIBIT C

CONDITIONS OF APPROVAL

A ALL PETITIONS

1. **Resolution R-91-989, granting approval of Petition 89-115(A), is hereby revoked. (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 August 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)**

B. ARCHITECTURAL CONTROL

1. **Similar architectural character, roof treatment, colors, and details shall be provided on all sides of the buildings. (BLDG PERMIT: BLDG - Zoning)**
2. **All roof top mechanical and electrical equipment shall be screened from view so as not to be visible from any property line. (BLDG PERMIT: CODE ENF - Zoning)**
3. **Interior and exterior storage areas shall be screened from view so as not to be visible from any property line. (BLDG PERMIT: CODE ENF - Zoning)**
4. **The architectural design of the second story for the Self Service Storage building shall maintain a residential appearance and provide false windows on all sides of the second floor. (BLDG PERMIT: BLDG - Zoning)**

C. BUILDING AND SITE DESIGN

1. **Total gross floor area shall be limited to a maximum of 125,695 square feet. (DRC: ZONING)**
2. **The minimum setback for all structures shall be minimum fifty (50) feet from all property lines. (DRC: ZONING)**
3. **The maximum height for all structures, measured from finished grade to highest point, shall not exceed twenty-five (25) feet (BLDG PERMIT: BLDG - Zoning)**
4. **Prior to final site plan certification, the site plan shall be amended to indicate minimum twenty-one (21) foot widths for one way vehicular circulation around the multi-access Self-service storage facility. (DRC: ZONING)**
5. **The Retail/Auto Service building shall not have any bay doors on the west or east facades of the building. (BLDG PERMIT: BLDG - Zoning)**

D. CONCURRENCY

1. **Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise the project's concurrency to match the uses and square footages as shown on the approved site plan dated August 20, 1997. (DRC: ZONING)**

E. ENGINEERING

1. 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. 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)**

- 2. Prior to issuance of a building permit the property owner shall fund the cost of the existing left turn lane south approach at the projects north entrance. Funding shall be based upon a certified cost estimate by the developers engineer and approved by the County Engineer. (BLDG PERMIT: MONITORING - Eng)**

Funding completed.

- 3. The property owner shall convey to the Lake Worth Drainage District the south ten (10) feet of Tract 16, Mary A. Lyman, et. al., amended plat of Section 12, Township 45 South, Range 42 East as recorded in Plat Book 9, Page 74 for the required right-of-way for Lateral Canal No. 19, by Qui: Claim Deed or an Easement Deed in the form provided by said District prior to final DRC certification. (DRC: ENG)**

4. **If this parcel is to be subdivided into separate lots then the Developer shall plat the subject property in accordance with provisions of palm Beach County's Subdivision and Required Improvements Regulations as amended. (PLAT: ENG)**

F. HEALTH

1. **Generation and disposal of hazardous effluents 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 tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF)**
2. **The owner, occupant or tenant of this facility shall participate in an oil recycling program which ensures proper reuse or disposal of any waste oil. (ONGOING: HEALTH/CODE ENF)**
3. **Any toxic or hazardous waste which may be generated at this site shall be properly handled and disposed of in accordance with Chapter 62-73(1) FAC. (ONGOING: HEALTH/CODE ENF)**

G. LANDSCAPING STANDARDS

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, except on individual residential lots, 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)**

H. LANDSCAPING ALONG EAST PROPERTY LINE (MILITARY TRAIL)

1. **Landscaping and buffering along the east property line (Military Trail) shall be upgraded to include:**
 - a. **A minimum twenty-five (25) foot wide landscape buffer strip;**
 - b. **A continuous two (2) foot high berm measured from top of curb;**
 - 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 thirty (30) linear feet of frontage. A group of three or more palms or pine trees shall not be substituted the required for a canopy tree in that location; and**

- e. **Twenty four (24) 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 thirty-six (36) inches. (CO: LANDSCAPE)**

I. LANDSCAPING ALONG NORTH, SOUTH AND WEST PROPERTY LINES (ACROSS FROM RESIDENTIAL)

1. **Landscaping and buffering along the north, south and west property lines shall include:**
 - a. **A minimum twenty (20) foot wide landscape buffer strip;**
 - b. **A continuous three (3) foot high berm measured from top of curb; and**
 - c. **A six (6) foot high opaque concrete wall located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment. (CO: LANDSCAPE)**
2. **The following landscaping requirements shall be installed on the exterior side of the required wall:**
 - a. **one (1) canopy tree for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet on center;**
 - b. **one (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; 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)**
3. **Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)**

J. LANDSCAPING - INTERIOR

1. **One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)**
2. **Raised landscape medians shall be provided between all rows of abutting parking and vehicular circulation aisles. The minimum landscape width of these medians shall be five (5) feet. One tree and appropriate ground cover shall be planted for each thirty (30) linear feet of the median with a maximum tree spacing of forty (40) feet on center. (DRC: ZONING)**
3. **Raised landscape divider median with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum landscape width of this median shall be nine (9) feet and the minimum length of this median shall be ninety (90) feet. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC: ZONING)**
4. **Landscape foundation planters shall be provided along the front and side facades of all structures except the Self-service storage building. The minimum landscape width of these required planters shall be five (5) feet and the combined length of the planters shall be no less than 40% of the total length of the applicable side of the structure. All required landscape foundation planters shall be planted with a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)**

5. Raised landscape islands shall be provided around the perimeter and interior of the Outdoor Storage area in accordance with the approved site plan. The minimum width shall be five (5) feet of landscape area with one tree and appropriate ground cover installed at a maximum spacing of twenty (20) feet on center. (CO: LANDSCAPE)

K. LANDSCAPE GENERAL

1. All perimeter landscape buffers shall be installed prior to the issuance of the first Certificate of Occupancy. Undeveloped portions of the property shall be sodded and maintained until future construction begins. (CO/CODE ENF: LANDSCAPE/ONGOING)

L. 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 shall not exceed twenty (20) feet in height, measured from finished grade to highest point and setback a minimum distance of twenty-five (25) feet from all property lines. (CO: BLDG - Zoning)
3. The lighting conditions above shall not apply to proposed security lighting attached to the buildings or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

M. MASS TRANSIT

1. A. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or Palm Tran. (DRC: ZONING)

B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first Certificate of Occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way] if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)
2. All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (ONGOING: PALM TRAN)
3. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM TRAN)

N. MUPD

1. **To ensure consistency with the site plan dated August 20, 1997 presented to the Board of County Commissioners, no more than ten (10) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRC: ZONING)**
2. **All requested uses shall remain in the location indicated on the site plan dated August 20, 1997 presented to the Board of County Commissioners. (DRC: ZONING)**
3. **Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings and signage. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)**
4. **Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)**

O. SIGNS

1. **A maximum of two (2) free standing signs shall be located on Military Trail and shall be limited as follows:**
 - a. **The multi-tenant sign located at the main entrance shall be limited to a maximum fifteen (15) height, measured from finished grade to highest point and a maximum 150 square feet sign face area per side;**
 - b. **Outparcel sign shall be limited to a maximum sign height, measured from finished grade to highest point - ten (10) feet with maximum sign face area per side - 100 square feet;**
 - c. **Style - monument style only. (CO: BLDG)**
2. **Wall signage shall be permitted only on the east facade of the buildings. (CO: BLDG)**

P. UNITY

1. **Prior to final 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. The unity shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)**

Q. USE LIMITATIONS

1. **Hours of operation for the *Auto Service* Center, *Self-service* storage, *Truck rental* and the *Outdoor Storage Area* shall be limited from 7:00 a.m. to 7:00 p.m. daily. Hours of operation for the *Restaurant* shall be limited from 7:00 a.m. to 11:00 p.m. daily. (ONGOING: CODE ENF - Zoning)**
2. **When the *Self service* storage facility is not open, the *Outdoor Storage Area* shall be locked and gated. (ONGOING: CODE ENF)**
3. **A maximum of *six (6)* rental trucks vehicles and *nineteen (19)* recreational vehicles, boats or trailers shall be stored in the *Outdoor* Storage Area. (ONGOING: CODE ENF)**
4. **Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site except within the *Outdoor Storage area*. (ONGOING: CODE ENF)**
5. **There shall be no outdoor repair, storage of parts or disassembled vehicles permitted on site. (ONGOING: CODE ENF)**
6. **The proposed outparcel is limited to a 5500 square feet one story sit down type restaurant (ONGOING: CODE ENF - Zoning)**
7. **Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning)**

R. 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)