

RESOLUTION NO. R-2005- 1421

RESOLUTION APPROVING ZONING APPLICATION DOA2005-358
(CONTROL NUMBER 2001-028)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF WELLINGTON STORAGE LIMITED PARTNERSHIP
BY BASEHART CONSULTING, INC., AGENT
(WELLINGTON 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, 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 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application DOA2005-358 was presented to the Board of County Commissioners at a public hearing conducted on July 28, 2005; 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 2.E (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 has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan, contingent upon the approval of Small Scale Development Amendment No. SCA 2005-00026;
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 2.K.3.b 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 Application DOA2005-358, the petition of Wellington Storage Limited Partnership, by Basehart Consulting, Inc., agent, for a Development Order Amendment to reconfigure the site plan, add square footage and modify/delete conditions of approval 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 July 28, 2005, 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 NEWELL and, upon being put to a vote, the vote was as follows:

Tony Masilotti, Chair	-	AYE
Addie L. Greene, Vice Chairperson	-	AYE
Karen T. Marcus	-	AYE
Jeff Koons	-	ABSENT
Warren H. Newell	-	AYE
Mary McCarty	-	ABSENT
Burt Aaronson	-	ABSENT

The Chair thereupon declared that the resolution shall not become effective until Small Scale Development Amendment No. SCA 2005-00026 (WELLINGTON MUPD II, a.k.a. WELINGTON MUPD) is effective.

Filed with the Clerk of the Board of County Commissioners on 24TH day of AUGUST, 2005

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:

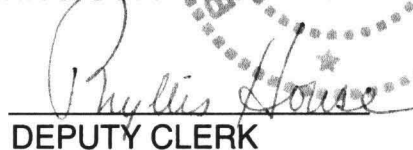

DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

A parcel of land lying within a portion of Tract 12, Block 18, PALM BEACH FARMS COMPANY PLAT NO.3, according to the Plat thereof recorded in Plat Book 2 Pages 45-54, inclusive, of the Public Records of PALM BEACH County, Florida, being more particularly described as follows:

COMMENCING at the Northeast corner of Section 12, Township 44 South, Range 41 East; thence South 01°30' 24" West, along the East line of said Section 12, a distance of 2327.21 feet; thence North 88°29'36" West, departing said East line, a distance of 240.44 feet to a point on the West right of way line for State Road No. 7, as shown on Florida Department of Transportation Right of Way map, Section 93210-2519, sheet 16 of 28 (last revision date 11/18/96), said point also being the POINT OF BEGINNING; thence South 01°37'56" West, along said West Right of Way line for State Road No. 7, a distance of 339.86 feet; thence South 88°57'32" West, along the South line of the aforementioned Tract 12, Block 18; thence North 01°15'34" West, along the West line of said Tract 12, Block 18, a distance of 660.00 feet to the Northwest corner of said Tract 12, Block 18; thence North 88°16'41" East, along the North line of said Tract 12, Block 18, a distance of 282.11 feet; thence South 01°38'04" West, a distance of 300.51 feet; thence North 88°16'41" East, a distance of 363.62 feet to a point on the aforementioned West Right of Way line for State Road No. 7; thence South 01°38'04" West, along said West Right of Way line a distance of 28.02 feet to the POINT OF BEGINNING.

Containing 7.078 acres, more or less.

EXHIBIT B
VICINITY SKETCH

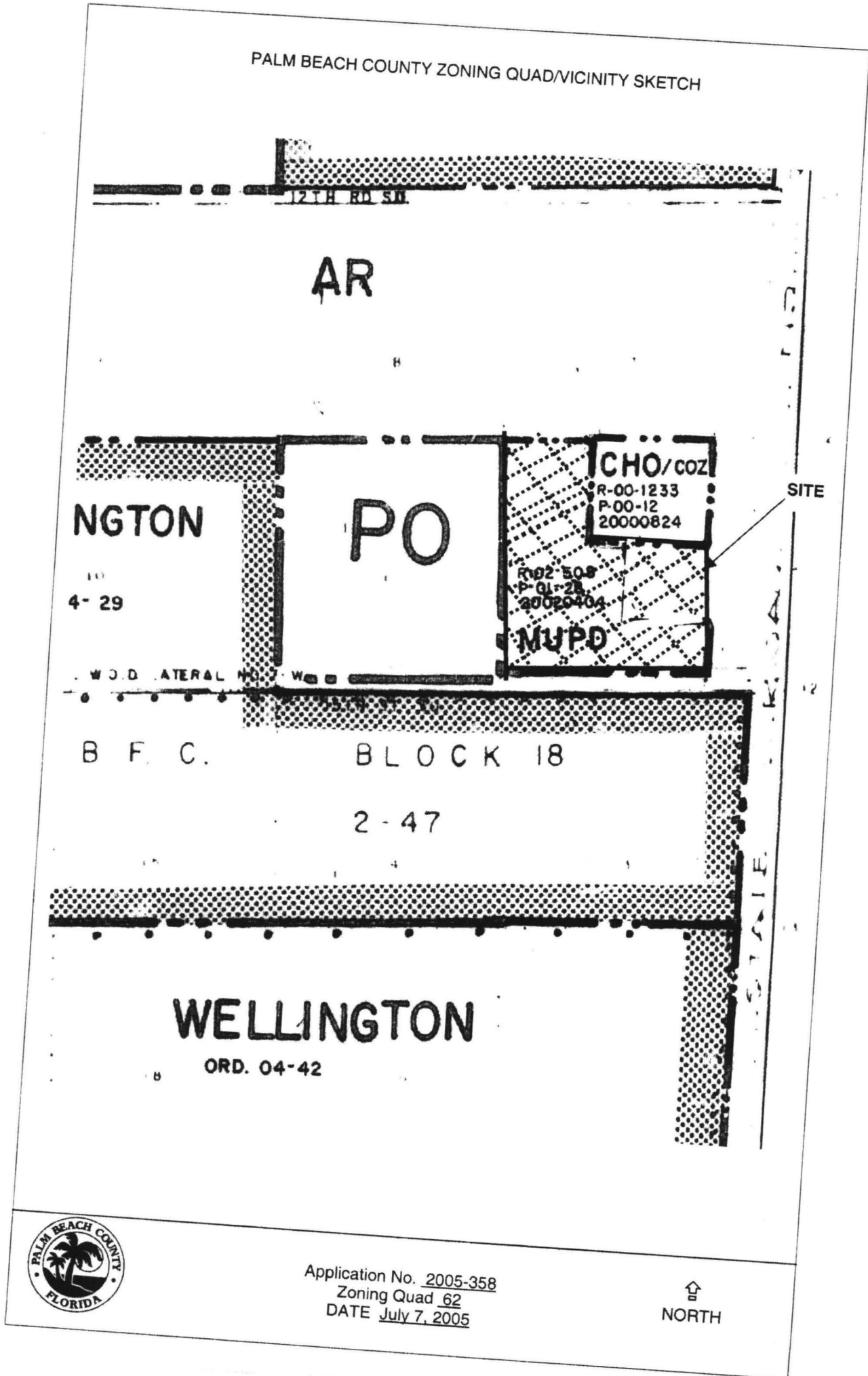


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2002-0508 (Petition 2001-028), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)
2. Condition A.1 of Resolution R-2002-0508, Petition 2001-028, which currently states:

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 January 14, 2002. 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-Zoning)

Is hereby amended to read:

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 16, 2005. 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-Zoning)

ACCESS

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record a cross access agreement from the subject property to the properties to the north and south, in a form acceptable to the County Attorney. (DRC: COUNTY ATT - Zoning) (Previous Condition B.1 of Resolution R-2002-0508, Petition 2001-028)

ARCHITECTURAL REVIEW

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the buildings. (BLDG PERMIT: BLDG - Zoning) (Previous Condition C.1 of Resolution R-2002-0508, Petition 2001-028)
2. At time of submittal for final DRC certification of the site plan, the architectural elevations for all the buildings shall be submitted simultaneously with the PDP/site plan for final architectural review and approval. Elevations shall be designed to be consistent with the Architectural Design Guidelines adopted by the BCC on July 24, 2001. Development shall be consistent with the approved architectural elevations. (DRC: ZONING-Arch Review) (Previous Condition C.2. of Resolution R-2002-0508, Petition 2001-028)
3. Condition C.3. of Resolution R-2002-0508, Petition 2001-028, which currently states:

The maximum height for all buildings including air conditioning, mechanical equipment and satellite dishes shall not exceed the following:

- a. Three (3) story limited access self-service storage and quality restaurant: thirty-five (35) feet; and
- b. Multi-access: fifteen (15) feet.

All heights shall be measured from finished grade to the highest point.
BLDG PERMIT: BLDG- Zoning)

Is hereby amended to read:

The maximum height for all buildings including air conditioning, mechanical equipment and satellite dishes shall not exceed the following:

- a. Three (3) story limited access self-service storage and medical/professional office building: thirty-five (35) feet; and
- b. Multi-access: fifteen (15) feet.

All heights shall be measured from finished grade to the highest point.
BLDG PERMIT: BLDG- Zoning)

- 4. All roof or ground mounted air-conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning) (Previous Condition C.4. of Resolution R-2002-0508, Petition 2001-028)

ENGINEERING

- 1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:
- Building Permits for the medical office building shall not be issued after July 28, 2008. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)
- 2. Delete Engineering Condition of Approval E2. This condition of approval limited use of the out parcel to a quality restaurant. This restaurant is now being replaced with a Medical Office Building.

ZONING - LANDSCAPING-STANDARD

- 1. All trees to be planted in the right-of-way buffer shall be native canopy trees and meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. Canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length.

Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO:ZONING-Landscape) (Previous Condition F.1 of Resolution R-2002-0508, Petition 2001-028)
- 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;
 - 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: ZONING-Landscape) (Previous Condition F.2. of Resolution R-2002-0508, Petition 2001-028)
- 3. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern, with exception to five (5) foot wide buffers. (CO: ZONING-Landscape) (Previous Condition F.3. of Resolution R-2002-0508, Petition 2001-028)
- 4. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: ZONING-Landscape) (Previous Condition F.4. of Resolution R-2002-0508, Petition 2001-028)

ZONING - LANDSCAPING-INTERIOR

- 1. Condition G.1. of Resolution R-2002-0508, Petition 2001-028, which currently states:

Foundation planting or grade level planters shall be provided along the front facades of the restaurant to consist of the following:

- a. The minimum width of the required landscape area shall be eight (8) feet;
- b. The length of the required landscaped area shall be no less than 50% of the total length of the front side of the structure; and,
- c. The landscape area shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover. (DRC/CO: ZONING-Landscape)

Is hereby amended to read:

Foundation planting or grade level planters shall be provided along the front facades of the medical/professional office to consist of the following:

- a. The minimum width of the required landscape area shall be eight (8) feet;
- b. The length of the required landscaped area shall be no less than 50% of the total length of the front side of the structure; and,
- c. The landscape area shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover. (DRC/CO: ZONING-Landscape)

- 2. Prior to Development Review Committee (DRC) site plan approval, the petitioner shall deposit funds (up to \$10,000) into an escrow account to be used by the Stonehaven Homeowner's Association for the installation of one (1) native canopy tree for each lot abutting State Road 7 (not to exceed twenty-three (23) trees). Tree cost shall be based upon the following minimum standards:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade; and
- c. Canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length. (DRC: CO ATT/ ZONING-Landscape) (Previous Condition H.1. of Resolution R-2002-0508, Petition 2001-028)

- 3. Landscaping along the east property line abutting State Road 7/US 441 shall be upgraded to include:

- a. A minimum twenty (20) foot wide right-of-way buffer strip. No easement encroachment shall be permitted;
- b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) foot measured from top of curb;
- c. One (1) canopy tree for each thirty (30) linear feet of property line;
- d. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters.
- e. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- f. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches;
- g. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches; and
- h. All shrub or hedge material shall be planted in overlapping masses consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:
 - eighteen (18) to twenty-four (24) inches small shrub;
 - twenty-four (24) to thirty-six (36) inches medium shrub; and
 - thirty-six (36) to forty-eight (48) inches large shrub. (CO: ZONING-Landscape) (Previous Condition I.1 of Resolution R-2002-0508, Petition 2001-028)

ZONING - LANDSCAPING-FRONTAGE

1. Landscaping along the south 400 feet of the west property line (except where the access easement is located), and the south property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer along the south 400 feet of the west property line, less the south 45 feet therein. No easement encroachment shall be permitted;
 - b. A minimum fifteen (15) foot wide landscape buffer along the south property line. No easement encroachment shall be permitted;
 - c. One (1) native canopy tree for each twenty (20) linear feet of property line;
 - d. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
 - e. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - f. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches;
 - g. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches; and
 - h. All shrub or hedge material shall be planted in overlapping masses consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:
 - eighteen (18) to twenty-four (24) inches small shrub;
 - twenty-four (24) to thirty-six (36) inches medium shrub; and
 - thirty-six (36) to forty-eight (48) inches large shrub. (CO: ZONING-Landscape) (Previous Condition J.1 of Resolution R-2002-0508, Petition 2001-028)

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previous Condition K.1 of Resolution R-2002-0508, Petition 2001-028)

2. All outdoor, freestanding lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning) (Previous Condition K.2 of Resolution R-2002-0508, Petition 2001-028)

MASS TRANSIT

1. 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 County Engineer. (DRC: ZONING - Zoning) (Previous Condition L.1 of Resolution R-2002-0508, Petition 2001-028)
2. If required, mass transit access, shelters and/or bus stops, shall be constructed by the petitioner in a location and manner acceptable to Palm Tran and the 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 main responsibility of the property owner. (CO: MONITORING – Eng/Palm Tran) (Previous Condition L.2. of Resolution R-2002-0508, Petition 2001-028)

MULTIPLE USE PLANNED DEVELOPMENT

1. 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-Zoning) (Previous Condition M.1 of Resolution R-2002-0508, Petition 2001-028)

PLANNING

1. Prior to the issuance of a certificate of occupancy, the petitioner shall pave the property to the edge of the northern and southern property lines at the locations shown on the final certified site plan that read "cross access". (Previous Condition N.1. of Resolution R-2002-0508, Petition PDD 2001-028) (CO: MONITORING- Planning)

2. Condition N.2. of Resolution R-2002-0508, Petition PDD 2001-028, which currently states:

Limited to development of a self-storage facility and a quality restaurant only.

Is hereby amended to read:

The subject site shall be limited to development of a self-storage facility and a medical/professional office only. (ONGOING-PLANNING- Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. Prior to January 1, 2003 a thirty (30) foot access easement shall be conveyed to the County to permit entry into the County's Parcel directly west

of the petitioners site. This easement shall be subject to approval by Property and Real Estate Management (PREM) and shall be recorded in the public records of Palm Beach County, Florida. In addition a gate shall be installed on any fencing erected by the petitioner which may impede access to the County's parcel. (DATE: MONITORING/PREM - PREM) (Previous Condition B.1 of Resolution R-2002-0508, Petition 2001-028) [NOTE: COMPLETED]

SIGNS

1. Freestanding point of purchase signs fronting on State Road 7/441 shall be limited as follows:
 - a. Maximum sign height: twelve (12) feet;
 - b. Maximum sign face area: one-hundred (100) square feet;
 - c. Maximum number of signs: one (1);
 - d. Location: within fifty (50) feet of the State Road 7/US 441 entrance. Distance shall be measured from the centerline of the access drive;
 - e. Style: monument; and
 - f. Signs shall be limited to identification of tenants only. (CO: BLDG - Zoning) (Previous Condition O.1 of Resolution R-2002-0508, Petition 2001-028)
2. Wall signs shall be limited to the east facades of the buildings and individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to identification of tenants only. (CO: BLDG - Zoning) (Previous Condition O.2. of Resolution R-2002-0508, Petition 2001-028)

USE LIMITATIONS

1. Condition P.1. of Resolution R-2002-0508, Petition 2001-028, which currently states:

Total gross floor area shall be limited to a maximum of 107,830 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by the Traffic Division and DRC. (DRC: ZONING Zoning/Planning)

Is hereby deleted. It is redundant and governed by the Comp Plan.
2. No outdoor retail business activities shall be allowed on site, except for deliveries. (ONGOING: CODE ENF-Zoning) (Previous Condition P.2.of Resolution R-2002-0508, Petition 2001-028)
3. Condition P.3. of Resolution R-2002-0508, Petition 2001-028, which currently states:

No outdoor entertainment or restaurant seating shall be permitted. (ONGOING: CODE ENF- Zoning)

Is hereby deleted. [REASON: No longer applicable.]
4. Repair or maintenance of vehicles and outside storage of disassembled vehicles, parts or inventory shall not be permitted on site. (ONGOING: CODE ENF Zoning) (Previous Condition P.4.of Resolution R-2002-0508, Petition 2001-028)
5. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF Zoning) (Previous Condition P.5. of Resolution R-2002-0508, Petition 2001-028)

6. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF Zoning) (Previous Condition P.6. of Resolution R-2002-0508, Petition 2001-028)
7. Outdoor storage of vehicles and boats shall not be visible from adjacent properties. In the event outdoor storage is determined to be visible, canopy cover may be used to provide screening, subject to DRC approval. (ONGOING: CODE ENF Zoning) (Previous Condition P.7. of Resolution R-2002-0508, Petition 2001-028)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. 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 property owner, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any property owner, owner, lessee, or user of the subject property; revocation of any concurrency; 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 Code Enforcement Special Master 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 Article 2.E 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. (ONGOING: MONITORING - Zoning)