

RESOLUTION NO. R-2005-1787

RESOLUTION APPROVING ZONING APPLICATION DOA2005-023
(CONTROL NUMBER 1984-030)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF PUBLIC STORAGE INC.
BY MOYLE, FLANIGAN, AGENT
(BOCA RIO CENTER 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 DOA2005-023 was presented to the Board of County Commissioners at a public hearing conducted on September 22, 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.
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 DOA2005-023, the petition of Public Storage Inc, by Moyle, Flanigan, agent, for a Development Order Amendment to delete land area 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 September 22, 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 Koons 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	- Aye
Warren H. Newell	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye

The Chair thereupon declared that the resolution was duly passed and adopted on September 22, 2005.


Filed with the Clerk of the Board of County Commissioners on 22nd day of September 2005.

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

A tract of land lying in Section 20, Township 47 South, Range 42 East, being in Palm Beach County, Florida, and being described as Follows:

Tract 2 and that portion of Tract 1 in Block 79, lying 20 feet West of the right-of-way of Shell Pit Road, less the North 27.14 feet of said Tracts 1 and 2, all being a portion of PALM BEACH FARMS SUBDIVISION PLAT NO. 3, according to the plat thereof, recorded in Plat Book 2, Pages 45 through 54, Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

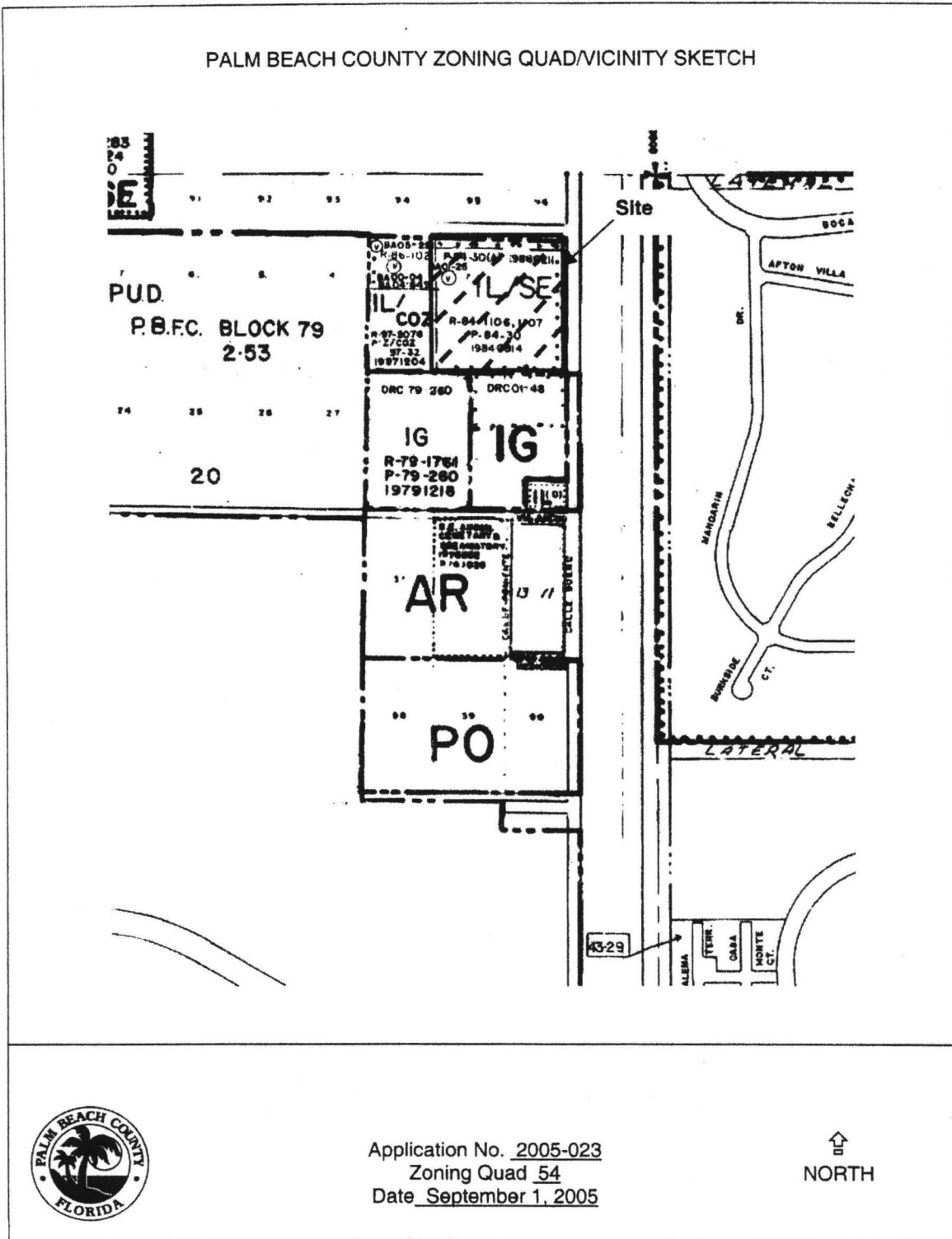


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All conditions from Resolution Number R-84-1107 shall be complied with unless modified by this petition. (Previous Condition 3 of Resolution R-1986-0102, Petition DOA1984-030A)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-84-1107 (Petition 84-30) and Resolution R-86-102 (Petition 84-30(A)), 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. 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 July 18, 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)

3. Condition 13 of Resolution R-1986-0102, Petition DOA1984-030A which currently states:

The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

Is hereby deleted. [REASON: No longer applicable]

4. The petitioner shall comply with prospective amendments to the Zoning Code, should those amendments be enacted prior to issuance of building permits for this project. (ONGOING: ZONING- Zoning) (Condition 14 of Resolution R-1986-0102, Petition DOA1984-030A)

Is hereby deleted. [REASON: Code requirement]

ENGINEERING

1. Condition 1 of Resolution R-1984-1107, Petition 1984-030 which currently states:

The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division. (Previous Condition 1 of Resolution R-1984-1107, Petition 1984-030)

Is hereby deleted. [REASON: Drainage is a Code requirement]

2. The property owner shall convey for the ultimate right of way of Boca Rio Road, 80 feet west of the west right of way line of the LWDD E-2 Canal, an additional 20 feet within 90 days of approval; conveyance must be accepted by Palm Beach County prior to issuance of first building permit. (Previous Condition 2 of Resolution R-1984-1107, Petition 1984-030) (BLDG PERMIT: MONITORING- Eng)

3. The property owner shall convey an access easement to the properties to the west prior to site plan approval. (DRO: ENG-Eng)(Previous Condition 3 of Resolution R-1984-1107, Petition 1984-030)
4. The developer shall construct concurrent with a paving and drainage permit issued from the Office of the County Engineer:
 - a. Left turn lane, south approach on Boca Rio Road at the project's south entrance.
 - b. Right turn lane, north approach on Boca Rio Road at the project's north entrance. (ONGOING:ENG-Eng)(Previous Condition 4 of Resolution R-1984-1107, Petition SE1984-030)

5. Condition 5 of Resolution R-1984-1107, Petition 1984-030, which currently states:

The developer shall contribute Ten Thousand Eight Hundred and Eighty Eight Dollars (\$10,888.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of issuance of the Building Permit. (Previous Condition 5 of Resolution R-1984-1107, Petition 1984-030).

Is hereby deleted. [REASON: Impact fees are a Code requirement]

6. Condition 11 of Resolution R-1986-0102, Petition DOA1984-030(A) which currently states:

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 presently is \$23,950.00." (Previous Condition 11 of Resolution R-1986-0102, Petition DOA1984-030A)

Is hereby deleted. [REASON: Impact fees are Code requirement]

7. Condition 12 of Resolution R-1986-0102, Petition 1984-030(A) which currently states:

The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit. (Previous Condition 12 of Resolution R-1986-0102, Petition 1984-030A)

Is hereby deleted. [REASON: Drainage is a Code requirement]

ERM

1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (ONGOING: ERM-Erm)(Previous Condition 2 of Resolution R-1986-0102, Petition DOA1984-030A)

HEALTH

1. Condition 6 of Resolution R-1984-1107, Petition SE1984-030 which currently states:

Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

Is hereby deleted. [REASON: Code requirement]

2. Condition 7 of Resolution R-1984-1107, Petition SE1984-030 which currently states:

Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

Is hereby deleted. [REASON: Code requirement]
3. Condition 6 of Resolution R-1986-0102, Petition DOA1984-030A which currently states:

Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

Is hereby deleted. [REASON: Code requirement]
4. Condition 7 of Resolution R-1986-0102, Petition DOA1984-030A which currently states:

Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

Is hereby deleted. [REASON: Code requirement]
5. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation. (ONGOING: HEALTH-Health)(Previous Condition 8 of Resolution R-1986-0102, Petition DOA1984-030A)
6. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30-F.A.C.(ONGOING: HEALTH-Health) (Previous Condition 9 of Resolution R-1986-0102, Petition DOA1984-030A)

ZONING-LANDSCAPE-STANDARD

1. A minimum of fifty (50) percent of all new and replacement trees to be planted in the landscape buffers shall meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (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 three and one-half (3.5) feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE-Zoning)
2. All new or replacement palms required to be planted on the property 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;

- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE-Zoning)
- 3. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE-Zoning)
- 4. Prior to October 1, 2005, the property owner shall replace all dead and missing plant materials on the entire subject property. (DATE: ONGOING-Landscape)

LIGHTING

- 1. Security lighting shall be directed away from nearby residences. (ONGOING: CODE ENF-Zoning) (Previous Condition 5 of Resolution R-1986-0102, Petition DOA1984-030A)

LWDD

- 1. The property owner shall convey to the Lake Worth Drainage District, either by Quit Claim Deed or Drainage Easement, the north 30 feet of Tracts 1, 2, and 3 Block 73, Palm Beach Farms Plat No. 3, for the right of way for Lateral Canal No. 46. This conveyance must occur within 90 days of the project's approval. (DATE: MONITORING-LWDD)(Previous Condition 8 of Resolution R-1984-1107, Petition SE1984-030)

SITE DESIGN

- 1. Prior to certification, the site plan shall be amended to reflect the following:
 - a. A reduction in total impervious area to no more than 85%.
 - b. Indication as to which parts of which building will be occupied by the various uses proposed.
 - c. Relocation of required landscaping outside of required rights-of-way.
 - d. Elimination of backout parking onto the access easement on the north property boundary.
 - e. Identification and preservation of existing significant vegetation wherever possible and incorporation of said vegetation into the project design, Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.
 - f. Landscaping and berming as proposed on Exhibit #14. (Previous Condition 9 of Resolution R-1984-1107, Petition SE1984-030)

Is hereby deleted. [Reason: No longer applicable]

- 2. Prior to site plan certification, the site plan shall be amended to reflect the following:
 - a) All landscaping and berming will be revised to reflect that proposed in Petition 84-30, Exhibit # 14. However, the required wall may be replaced by a hedge or berm of at least three (3) feet in height, along the entire north property line.
 - b) Twenty one (21) foot parking stall width in areas of one way traffic.
 - c) Minimum interior landscape requirements.
 - d) All required landscape areas pursuant to Section 4 of the Landscape Ordinance.
 - e) Building footprint which accommodates internal access safe corners. (DRO: ZONING-Zoning) (Previous Condition 1 of Resolution R-1986-0102, Petition DOA1984-030A)

USE LIMITATIONS

1. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the industrial development facility. (ONGOING: CODE ENF-Zoning) (Previous Condition 4 of Resolution R-1986-0102, Petition DOA1984-030A)

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 subjectproperty 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; 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)