

RESOLUTION NO. R-2006-0002

RESOLUTION APPROVING ZONING APPLICATION PDD2005-439  
(CONTROL NO. 1992-044)  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
APPLICATION OF DAVID HOWELL  
BY MARDA L. ZIMRING, INC., AGENT  
(GLADES ROAD SELF STORAGE)

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 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), as amended, have been satisfied; and

WHEREAS, Zoning Application PDD2005-439 was presented to the Board of County Commissioners at a public hearing conducted on January 5, 2006; and,

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the site supports an existing commercial communication tower to remain;

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and 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) with approved conditions 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) with approved conditions 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) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 2.F, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 2.K.3.b (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 Application PDD2005-439, the application of David Howell by Marda L. Zimring, Inc., agent, for an Official Zoning Map Amendment from the Agricultural Residential and the General Commercial Zoning Districts to the Multiple Use Planned Development District 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 January 5, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Greene moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson 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	-	Absent
Jeff Koons	-	Absent
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye

The Chairman thereupon declared that the resolution was duly passed and adopted on January 5, 2006.

Filed with the Clerk of the Board of County Commissioners on 5th day of January, 2006.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

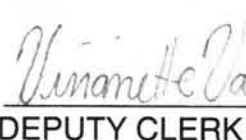
BY:   
DEPUTY CLERK



EXHIBIT A

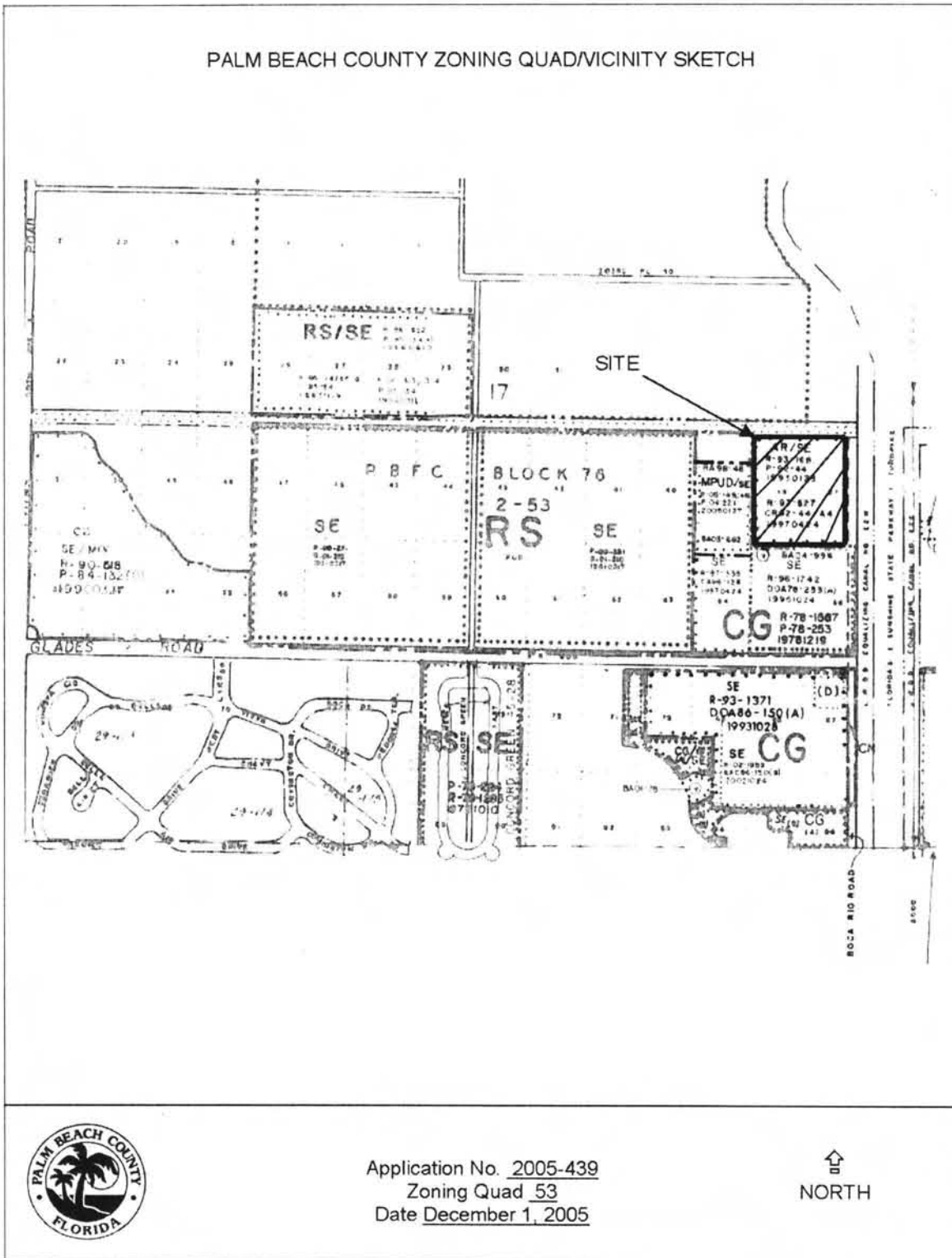
LEGAL DESCRIPTION

THAT PORTION OF TRACT 37, LESS THE NORTH 44 FEET THEREOF (PER CHANCERY CASE 407), BLOCK 76, THE PALM BEACH FARMS COMPANY PLAT NUMBER THREE (3), AS RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGES 45 TO 54 INCLUSIVE, LYING WEST OF LANDS CONVEYED TO FLORIDA STATE TURNPIKE AUTHORITY PER DEED BOOK 1122, PAGE 656, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING WEST OF THE LANDS CONVEYED TO LAKE WORTH DRAINAGE DISTRICT PER O.R. BOOK 1732, PAGE 612; TOGETHER WITH TRACT 38, LESS THE NORTH 46 FEET THEREOF (PER CHANCERY CASE 407), BLOCK 76, OF AFORESAID PALM BEACH FARMS COMPANY PLAT NUMBER THREE. CONTAINING 8.829 ACRES, TOGETHER WITH A NON EXCLUSIVE ACCESS EASEMENT FOR INGRESS AND EGRESS PER O.R. BOOK 7518 PAGE 1959, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND BEING 25 FEET IN WIDTH LYING IN TRACT 66 OF BLOCK 76 OF PALM BEACH FARMS COMPANY PLAT NO. 2, A PLAT OF WHICH IS ON FILE IN PLAT BOOK 2 AT PAGES 45 TO 54 INCLUSIVE OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID STRIP OF LAND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE AFORESAID TRACT 66; THENCE RUN ALONG THE NORTHERLY BOUNDARY OF TRACT 66 WITH AN ASSUMED BEARING OF NORTH 90 DEGREES, 00' 00" EAST, 274.39 FEET TO A POINT LYING 25 FEET WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-2-W (FORMERLY KNOWN AS FLORIDA STATE TURNPIKE RIGHT-OF-WAY PER O.R. BOOK 1122, PAGE 656) AS MEASURED AT RIGHT ANGLES; THENCE RUN SOUTH 00 DEGREES, 43' 00" EAST, PARALLEL TO BUT 25 FEET WEST OF THE AFORESAID WEST LINE, 540.05 FEET TO A POINT OF INTERSECTION WITH THE EXISTING NORTHERLY RIGHT-OF-WAY LINE OF GLADES ROAD (STATE ROAD 808) AS NOW LAID OUT AND IN USE; THENCE NORTH 90 DEGREES 00' 00" EAST ALONG SAID NORTHERLY LINE, 25.00 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-2-W (FORMERLY KNOWN AS FLORIDA STATE TURNPIKE RIGHT OF WAY PER OFFICIAL RECORD BOOK 1122, PAGE 656); THENCE RUN NORTH 00 DEGREES 43' 00" WEST ALONG SAID WESTERLY LINE, 540.05 FEET TO A POINT OF INTERSECTION WITH THE AFOREMENTIONED NORTHERLY BOUNDARY OF TRACT 66; THENCE NORTH 90 DEGREES 00' 00" WEST, 25.00 FEET ALONG SAID NORTHERLY BOUNDARY, TO THE POINT OF BEGINNING.

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 Resolutions R-96-168, Petition CA92-44; R-96-1741, Petition Z92-44A; and R-97-527, Petition CR92-44/A4, have been repealed unless contained herein. (ONGOING: ZONING - 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 and regulating plan are dated September 12, 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)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C. of the ULDC, and shall be generally consistent with the elevations prepared by Henry O. Trimm NCARB Architect LLC dated September 12, 2005. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)
2. Design of gutters and downspouts shall be integrated into the architectural design of all storage buildings. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW - Zoning)
3. The minimum height of building 2 shall be thirty-five (35) feet measured from finished grade to the highest point of the building. This height shall not be inclusive of structures exempt from ULDC height restrictions including, but not limited to, ornamental towers, spires, and parapets. (DRO: ARCH REVIEW - Zoning)

#### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:  
  
No building permits for the site may be issued after January 2, 2007. 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)

#### ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free



from invasive, exotic and non-native species. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING: ERM - ERM)

#### HEALTH

1. Property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF - Health)

#### ZONING - LANDSCAPING-STANDARD

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)
2. A minimum of sixty (60) percent of all 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: 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; and,
  - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)
3. All 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; and,
  - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)
4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)
5. Field adjustment of berm, wall, 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)

#### ZONING – LANDSCAPING-SOUTH, EAST AND WEST PROPERTY LINES (ABUTTING FLORIDA'S TURNPIKE AND COMMERCIAL PROPERTIES)

1. In addition to code requirements, the landscape buffers along the south, east and west property lines shall be upgraded to include a minimum of one (1) palm or pine tree for each thirty (30) linear feet of the property line. (BLDG PERMIT: LANDSCAPE - Zoning)

## LIGHTING

1. All outdoor, freestanding lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
2. All outdoor lighting shall be extinguished no later than one half (1/2) hour after operating hours, excluding security lighting only. (ONGOING: CODE ENF - Zoning)
3. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

## PROPERTY & REAL ESTATE MANAGEMENT

1. Palm Beach County or the State of Florida shall have the right to co-locate communication equipment on the tower subject to an acceptable lease agreement provided that the placement of the equipment does not interfere with the petitioner's equipment or operations. (Previous Condition I.1 of Resolution R-96-1741, Petition 92-44A) (ONGOING: PREM - PREM)

## SIGNS

1. No freestanding point of purchase sign shall be permitted on the property. (BLDG PERMIT: BLDG - Zoning)
2. Outparcel identification signage shall be limited as follows:
  - a. maximum sign height, measured from finished grade to highest point - six (6) feet;
  - b. maximum sign face area per side - twenty (20) square feet;
  - c. maximum number of signs - one (1) for the entire site, unless off-site signage is provided, in which case no outparcel identification sign shall be permitted;
  - d. style - monument style only;
  - e. location - within twenty (20) feet of the west boundary of the access drive measured from edge of pavement, and within twenty-five (25) feet of the south property line; and,
  - f. content - identification of tenant and logo only. (BLDG PERMIT: BLDG - Zoning)
3. Wall signs shall be limited as follows:
  - a. location - south facade of building 2 only;
  - b. minimum vertical separation from roof line - twelve (12) feet;
  - c. maximum lettering size - thirty-six (36) inches, subject to compliance with ULDC regulations; and,
  - d. content - identification of tenant only. (BLDG PERMIT: BLDG - Zoning)
4. Building mounted signs shall be prohibited on the east facade of building 2, unless required by law. (BLDG PERMIT: BLDG - Zoning)

## USE LIMITATIONS

1. Hours of business operation, including deliveries and loading, shall be limited to 7:00 a.m. to 9:00 p.m. Monday through Saturday, and 8:00 a.m. to 6:00 p.m. Sunday. (ONGOING: CODE ENF - Zoning)
2. Overnight storage or parking of delivery vehicles/trucks or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)
3. Outdoor retail business activities shall not be allowed on the property, excluding deliveries only. (ONGOING: CODE ENF - Zoning)

## UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the property owner shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD - PBCWUD)

## 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 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)