

RESOLUTION R-2006- 0150

RESOLUTION CORRECTING RESOLUTION R-2005-1421
(CONTROL NO. 2001-028)
RESOLUTION APPROVING ZONING APPLICATION
OF WELLINGTON STORAGE LIMITED PARTNERSHIP
WELLINGTON MUPD
APPLICATION DOA-2005-358

WHEREAS, Wellington Storage Limited Partnership, petitioned the Palm Beach County Board of County Commissioners on July 28, 2005 for a Development Order Amendment To reconfigure site plan, add square footage and amend/delete conditions of approval.; and

WHEREAS, Resolution R-2005-1421, adopted on July 28, 2005 confirming the action of the Board of County Commissioners inadvertently contained errors in Engineering and Health Conditions of Exhibit C; and

WHEREAS, Engineering and Health Conditions of Exhibit C of Resolution R-2005-1421 should have read as shown on attached Exhibit C.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Engineering and Health Conditions of Exhibit C of Resolution R-2005-1421 are hereby corrected.

Commissioner McCarty 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	-	Absent
Addie L. Greene, Vice Chairperson	-	Absent
Karen T. Marcus	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Absent
Mary McCarty	-	Aye
Burt Aaronson	-	Aye

The Chairman thereupon declared the resolution was duly passed and adopted on January 26, 2006.

Filed with the Clerk of the Board of County Commissioners 26th day of January, 2006.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: [Signature]
COUNTY ATTORNEY

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: [Signature]
DEPUTY CLERK

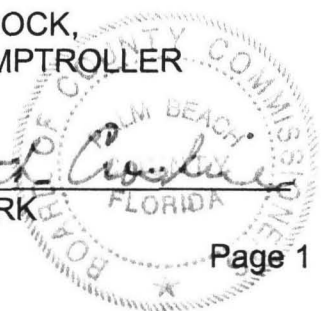


EXHIBIT A
LEGAL DESCRIPTION

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 $01^{\circ}30'24''$ West, along the East line of said Section 12, a distance of 2327.21 feet; thence North $88^{\circ}29'36''$ 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 $01^{\circ}37'56''$ West, along said West Right of Way line for State Road No. 7, a distance of 339.86 feet; thence South $88^{\circ}57'32''$ West, along the South line of the aforementioned Tract 12, Block 18; thence North $01^{\circ}15'34''$ 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 $88^{\circ}16'41''$ East, along the North line of said Tract 12, Block 18, a distance of 282.11 feet; thence South $01^{\circ}38'04''$ West, a distance of 300.51 feet; thence North $88^{\circ}16'41''$ 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 $01^{\circ}38'04''$ 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 C
CONDITIONS OF APPROVAL

ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along SR 7 to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (Previous Condition E.1 of Resolution R-2002-0508, Application PDD2001-028) (BLDG PERMIT: MONITORING – Eng)
2. Condition E.2 of Resolution R-2002-0508, Application PDD2001-028 which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a) Building Permits for the 6500 square foot quality restaurant shall not be issued until the contract has been awarded for the construction of 8 lane widening of SR 7 from Forest Hill Boulevard to SR 80 plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)
- b) Use of the 6,500 square foot restaurant shall be limited to a quality restaurant. (ONGOING)

The mix of allowable Commercial uses, as permitted by the Zoning Division, listed above may be adjusted by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (DATE: MONITORING - Eng)

Is hereby deleted. [REASON: No longer applicable]

3. Prior to issuance of a Building Permit the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (Previous Condition E.3 of Resolution R-2002-0508, Application PDD2001-028) (BLDG PERMIT: MONITORING - Eng)

4. LANDSCAPE WITHIN MEDIAN OF STATE ROAD 7

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of SR 7 Right-of-Ways. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department latest revision to the Streetscape Standards. The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material 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 landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing 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. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng)
- C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (Previous Condition E.4 of Resolution R-2002-0508, Application PDD2001-028) (BLDG PERMIT: MONITORING - Eng)

- 5. The property owner shall fund 50% of the cost of signal installation if warranted as determined by the County Engineer at State Road 7 and the project entrance road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. This shall also include 100% of the cost of median modifications to provide for signalization. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

No building Permits shall be issued until the developer provides acceptable surety to the County Engineer for the installation of this signal. (Previous Condition E.5 of Resolution R-2002-0508, Application PDD2001-028) (BLDG PERMIT: MONITORING – Eng)

- 6. 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)

HEALTH

1. Generation and disposal of any hazardous effluent into sanitary sewer 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 project tenants or owners generating such effluent. (Previous Condition D.1 of Resolution R-2002-0508, Application PDD2001-028) (ONGOING: HEALTH/CODE ENF - Health)
2. Any biomedical waste which may be generated at this site shall be properly handled and disposed of in accordance with Rule 64E-16FAC. (Previous Condition D.2 of Resolution R-2002-0508, Application PDD2001-028) (ONGOING: HEALTH/CODE ENF - Health)
3. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC. (Previous Condition D.3 of Resolution R-2002-0508, Application PDD2001-028) (ONGOING: HEALTH/CODE ENF - Health)