

RESOLUTION NO. R-2007- 0430

RESOLUTION APPROVING ZONING APPLICATION PDD2005-1625
(CONTROL NO. 2005-599)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
APPLICATION OF FOUR JR CORPORATION
BY LAND RESEARCH MANAGEMENT, INC., AGENT
(NORTHLAKE 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, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider applications 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 PDD2005-1625 was presented to the Board of County Commissioners at a public hearing conducted on March 22, 2007; 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 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; contingent upon the approval of Small Scale Development Amendment No. SCA 2006-00012.
2. This official zoning map amendment (rezoning) is consistent with the stated purpose and intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations;
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment;
5. 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;
6. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern; and,
7. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY - Adequate Public Facilities Standards) of the Palm Beach County Unified Land Development Code.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 PDD2005-1625, the application of Four JR Corporation, by Land Research Management, agent, for an Official Zoning Map Amendment from the Agricultural Residential and Specialized 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 March 22, 2007, 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 Aaronson and, upon being put to a vote, the vote was as follows:

Addie L. Greene, Chairperson	- Aye
John F. Koons, Vice Chair	- Aye
Karen T. Marcus	- Aye
Warren H. Newell	- Aye
Mary McCarty	- Absent
Burt Aaronson	- Aye
Jess R. Santamaria	-

The Chairperson thereupon declared that the resolution shall not become effective until Small Scale Development Amendment No. SCA 2006-00012 (OSPREY ISLES OFFICE II a.k.a. NORTHLAKE SELF STORAGE) is effective.

Filed with the Clerk of the Board of County Commissioners on 22nd day of March, 2007.

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

DESCRIPTION OF PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 10471, PAGES 349 THROUGH 352, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 14, TOWNSHIP 42 SOUTH, RANGE 41 EAST; THENCE RUN SOUTH 01°28'43" WEST, ALONG THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 4214.42 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°28'43" WEST, ALONG SAID EAST LINE A DISTANCE OF 397.99 FEET TO THE NORTH RIGHT-OF-WY LINE OF NORTH LAKE BOULEVARD, AS NOW LAID OUT AND IN USE; THENCE NORTH 89°02'40" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1068.34 FEET, THENCE NORTH 01°50'08" EAST, DEPARTING SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 409.18 FEET; THENCE SOUTH 88°26'41" EAST, A DISTANCE OF 1065.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 430,626 SQUARE FEET OR 9.888 ACRES MORE OR LESS.

BEARING SHOWN HEREON ARE BASED ON THE EAST LINE OF SECTION 14, TOWNSHIP 42 SOUTH, RANGE 41 EAST, BEARING SOUTH 01°28'43" WEST.

EXHIBIT B
VICINITY SKETCH

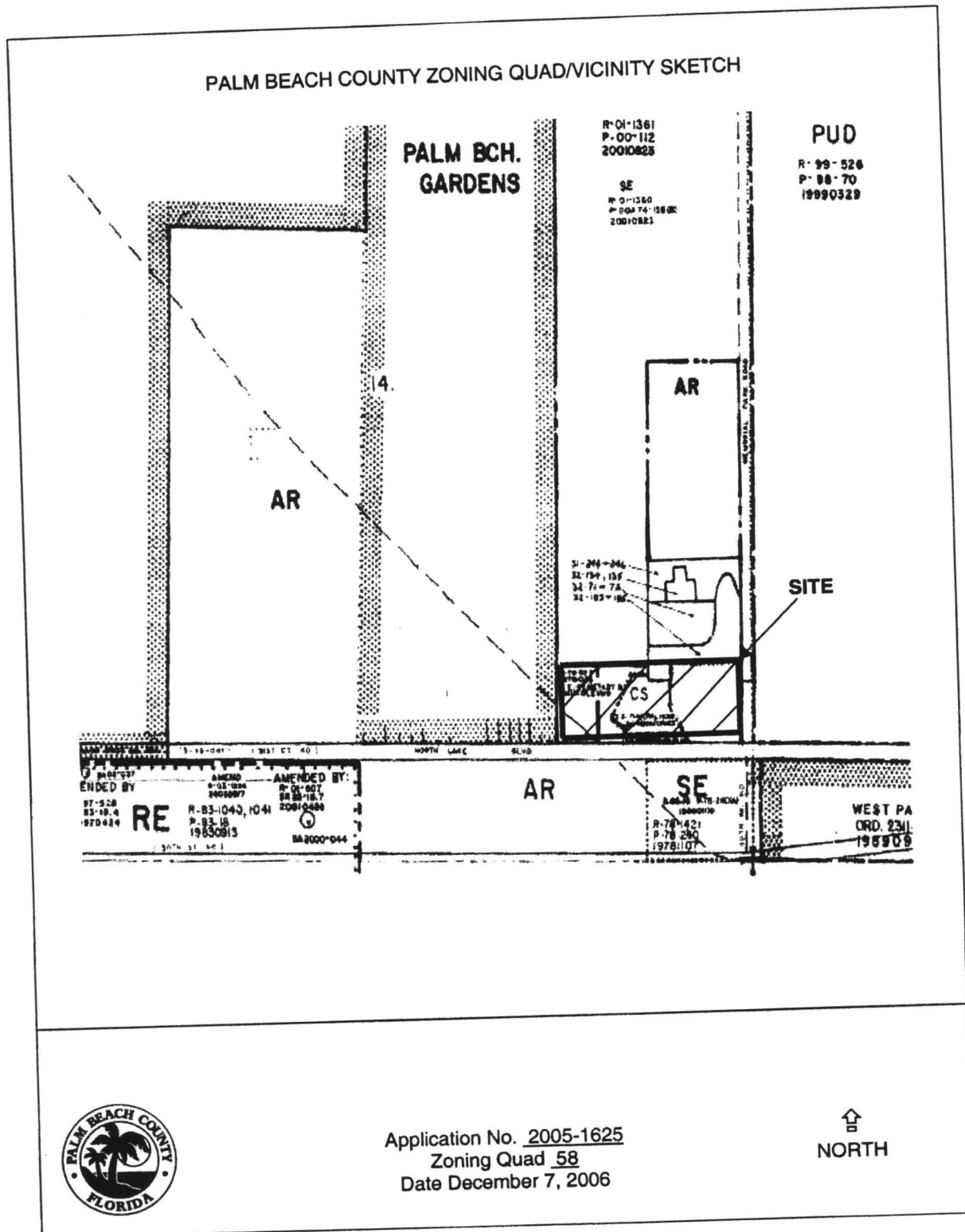


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved site plan is dated October 16, 2006. 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. (DRO: ZONING - Zoning)
2. Prior to final plan approval by the Development Review Officer (DRO), the plan shall be revised to to relabel the areas labeled "future development" as "open space". (DRO: ZONING - Zoning)
3. Prior to final approval by the Development Review Officer (DRO), the plan shall be revised to remove the access connection to Osprey Isles PUD. At the time further development is proposed, the BCC will reevaluate the need for this access. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the office buildings shall be submitted for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. (DRO: ARCH REVIEW-Zoning)
2. Prior to submittal for final Development Review Officer (DRO) approval, the two elevations discussed at the March 22, 2007 BCC Hearing shall be reviewed by staff to ensure the most appropriate set of elevations is being selected to best fit the site situation and comply with Article 5.C of the ULDC. (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:
 - A. No Building Permits for the site may be issued after January 4, 2010. 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. Prior to issuance of a building permit the property owner shall provide a temporary roadway construction easement along Northlake Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG. PERMIT: MONITORING-Eng)
3. Landscape Within the Median of Northlake Boulevard

- A. The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Northlake Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph d below.
- B. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
- C. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
- D. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner.
- E. Alternately, at the option of the Property Owner, and prior to the issuance of a Building Permit, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Northlake Boulevard. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended.

The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance

- 4. The Property owner shall construct a right turn lane east approach on Northlake Boulevard at the project entrance road.
 - A) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)

- C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
- 5. Prior to May 1, 2007 or prior to final site plan approval, whichever shall first occur, the property owner shall record an access easement to Palm Beach County. This easement shall be 80 feet in width and shall be located along this parcel's east property line on an alignment approved by the County Engineer (DATE/DRO: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)
- 2. A preserve management plan shall be approved by ERM prior to final approval by the Development Review Officer (DRO). The preserve management plan must include all preserve areas within the development. A Conservation Easement, or other instrument approved by ERM shall be required for all preserve areas prior to approval of the Preserve Management Plan. (DRO: ERM - ERM)

HEALTH

- 1. The site shall be served by sanitary sewer and a community water system. Neither an onsite sewage treatment and disposal system (OSTDS) nor potable water wells shall be approved for use on the property. All existing OSTDS shall be abandoned in accordance with Chapter 64E-6, FAC and Palm Beach County ECR-I. All existing onsite potable water supply systems shall be abandoned in accordance with Chapter 64E-8, FAC, and Palm Beach County ECR-II. (ONGOING: HEALTH - Health)
- 2. 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)

LANDSCAPE – STANDARD

- 1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)
- 2. A minimum of seventy-five (75) percent of canopy trees to be planted in the landscape buffers shall be native and 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)
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 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)

MASS TRANSIT

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)
2. Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (BLDG PERMIT/PLAT: MONITORING-Bldg/Eng)

PLANNING

1. The site shall be limited to a maximum of 75,000 square feet of self-service storage and a maximum of 75,000 s.f. of office and/or live/work or residential units. (DRO: PLANNING - Planning)

SCHOOL BOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County

School District Boundary Office at (561) 434-8100 for the most current school assignment(s).

SIGNS

1. Freestanding sign for the subject property shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point fifteen (15) feet;
 - b. maximum sign face area per side - one hundred (120) square feet;
 - c. maximum number of signs -one (1) one for Northlake Boulevard frontage;
 - d. style - monument style only; and,
 - e. signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning)

USE LIMITATIONS

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property, except within designated loading and delivery areas. (ONGOING: CODE ENF - Zoning)

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.

Departmental administrative actions made pursuant to this condition may be appealed as 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)