

RESOLUTION NO. R-2007- 1616

RESOLUTION APPROVING ZONING APPLICATION DOA2007-721  
(CONTROL NUMBER 1996-004)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF LAKE WORTH SELF STORAGE, LTD., PARTNERSHIP  
BY GENTILE, HOLLOWAY, O'MAHONEY & ASSOC, AGENT  
(LAKE WORTH 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 public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA2007-721 was presented to the Board of County Commissioners at a public hearing conducted on September 24, 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, this approval is subject to Article 2.E (Monitoring), 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 purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.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 DOA2007-721, the application of Lake Worth Self Storage Ltd., Partnership, by Gentile, Holloway, O'Mahoney & Assoc, agent, for a Development Order Amendment to modify a Condition of Approval (Landscape #15) 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 24, 2007, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

The motion was seconded by Commissioner McCarty and, upon being put to a vote, the vote was as follows:

Addie L. Greene, Chairperson	¥ Absent
Jeff Koons, Vice Chair	¥ Absent
Karen T. Marcus	¥ Aye
Robert J. Kanjian	¥ Aye
Mary McCarty	¥ Aye
Burt Aaronson	¥ Aye
Jess R. Santamaria	¥ Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on September 24, 2007.

Filed with the Clerk of the Board of County Commissioners on 24th of September

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 BOCK, CLERK &  
COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



EXHIBIT A  
LEGAL DESCRIPTION

PARCEL #1:

TRACT 50, BLOCK 24, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THRU 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL #2:

BEGINNING AT THE NORTHWEST (NW) CORNER OF TRACT 49, BLOCK 24, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THRU 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE WEST LINE OF SAID TRACT 49 TO THE SOUTHWEST (SW) CORNER OF SAID TRACT 49, A DISTANCE OF 660.65 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 52 SECONDS EAST ALONG THE SOUTH LINE OF SAID TRACT 49, A DISTANCE OF 329.28 FEET TO A POINT; THENCE NORTH 00 DEGREES 02 MINUTES 47 SECONDS WEST, A DISTANCE OF 660.65 FEET TO A POINT ON THE NORTH LINE OF TRACT 49, WHICH IS 329.01 FEET FROM THE NORTHWEST (NW) CORNER OF SAID TRACT 49; THENCE NORTH 89 DEGREES 59 MINUTES 52 SECONDS WEST ALONG THE NORTH LINE OF TRACT 49, A DISTANCE OF 328.75 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING FROM PARCEL #1 AND PARCEL #2 THE FOLLOWING DESCRIBED PROPERTY TO WIT:

A TRACT OF LAND LYING IN PALM BEACH COUNTY IN TRACTS 49 AND 50, BLOCK 24, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THRU 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY AND FURTHER LOCATED NORTH 00 DEGREES 02 MINUTES 47 SECONDS WEST, 72.69 FEET ALONG SAID RIGHT-OF-WAY LINE FROM THE SOUTH BOUNDARY OF TRACT 49; THENCE NORTH 22 DEGREES 32 MINUTES 47 SECONDS WEST, 323.06 FEET TO A POINT; THENCE NORTH 45 DEGREES 02 MINUTES 47 SECONDS WEST, 409.90 FEET TO A POINT ON THE NORTH BOUNDARY OF TRACT 50. THENCE SOUTH 89 DEGREES 59 MINUTES 52 SECONDS EAST, ALONG SAID NORTHERN BOUNDARY OF TRACT 50 AND TRACT 49, A DISTANCE OF 413.47 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY; THENCE SOUTH 00 DEGREES 02 MINUTES 47 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE, 587.96 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING**.

PARCEL #3:

THE EAST ONE-HALF (1/2) OF TRACT 63, BLOCK 24, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPTING THEREFROM THE SOUTHERLY 58.23 FEET, MORE OR LESS, HERETOFORE CONVEYED TO COUNTY OF PALM BEACH, STATE OF FLORIDA, FOR ROAD RIGHT-OF-WAY PURPOSES IN DEED BOOK 899, PAGE 675, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND LESS THAT PART CONVEYED TO THE COUNTY OF PALM BEACH, IN OFFICIAL RECORD BOOK 4349, PAGE 1932, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

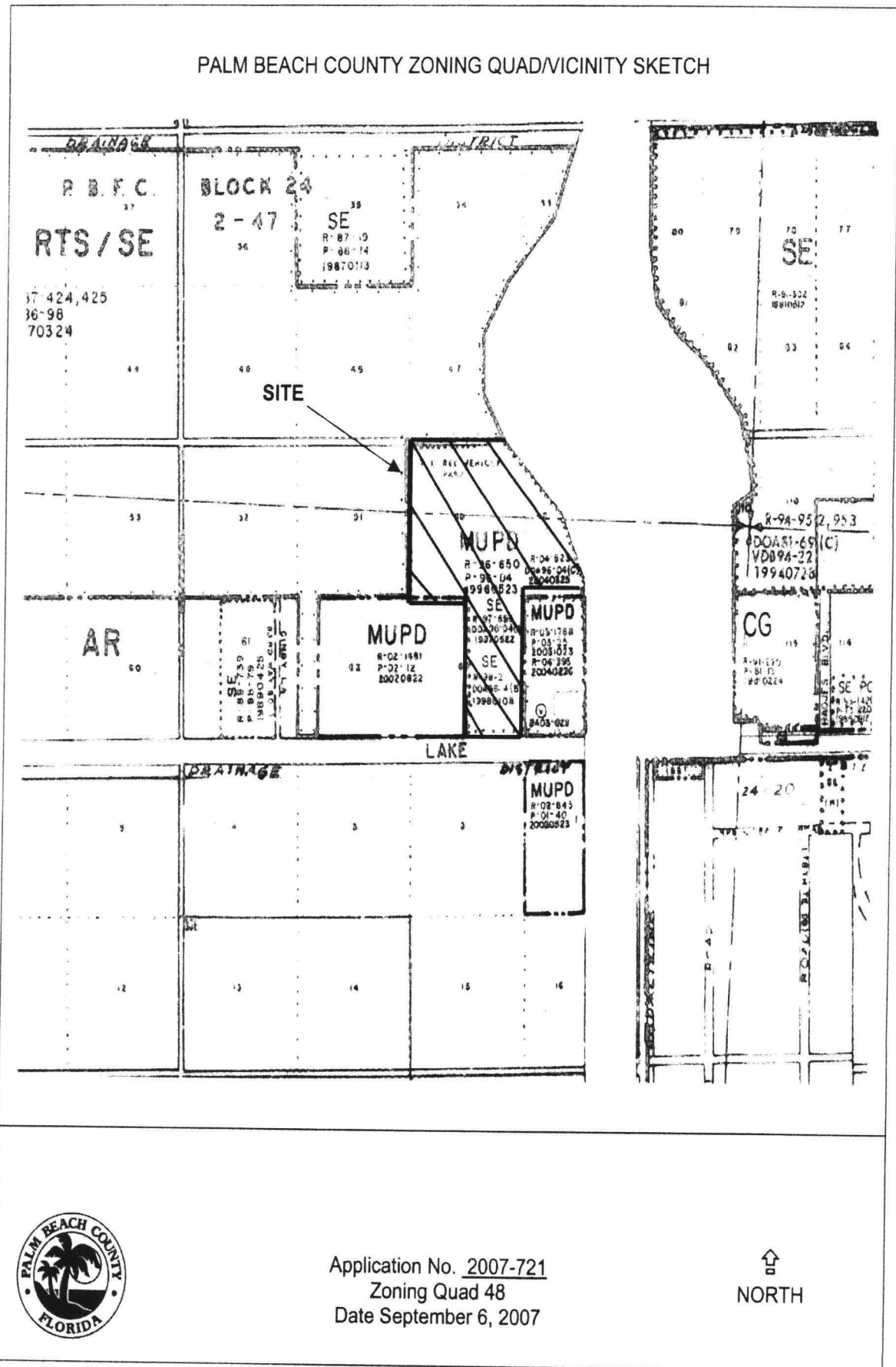
GROSS AREA: 752,721 SQUARE FEET OR 17.280 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS SHOWN HEREON ARE RELATIVE AND ARE BASED ON AN ASSUMED BEARING OF NORTH 89 DEGREES 59 MINUTES 52 SECONDS WEST, ALONG THE SOUTH LINE OF TRACTS 47, 51 AND 52, BLOCK 24, AS SHOWN ON THE PLAT OF CYPRESS WOODS II, PLAT BOOK 62, PAGES 147 THROUGH 151.



EXHIBIT B  
VICINITY SKETCH



Application No. 2007-721  
Zoning Quad 48  
Date September 6, 2007



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-83-1106 (Petition 83-94) are hereby revoked. (ONGOING: MONITORING - Zoning) (Previous All Petitions Condition 1 of Resolution R-2007-0081, Control No. 1996-004)
2. All Petitions Condition 2 of Resolution R-2007-0081, Control No. 1996-004, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-98-002 and R-2004-523 (Control 1996-004), 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 or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2007-0081 (Control 1996-004), 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 or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

3. All Petitions Condition 3 of Resolution R-2007-0081, Control No. 1996-004, which currently states:

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved site plan November 13, 2006. All modifications must be approved by the Board of County Commissioners or Zoning Commission 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 approved by the Board of County Commissioners. The approved site plan is dated May 16, 2007. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

4. The property owner shall have three (3) years from adoption of the resolution approving Petition 1996-004C to commence development on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: MONITORING - Zoning) (Previous All Petitions Condition 4 of Resolution R-2007-0081, Control No. 1996-004)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), architectural elevations 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. 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) (Previous Architectural Review Condition 1 of Resolution R-2007-0081, Control No. 1996-004)

## BUILDING AND SITE DESIGN

1. All buildings shall be limited to one story except for the proposed Caretaker's Quarters (Building A), which will be limited to two stories. (BLDG PRMT: BLDG - Zoning) (Previous Building and Site Design Condition 1 of Resolution R-2007-0081, Control No. 1996-004)
2. The maximum height for the following buildings shall be as follows:
  - a. caretaker's quarters and the office, buildings A and S, shall be limited to twenty-five (25) feet;
  - b. outdoor covered storage shall be limited to seventeen (17) feet;
  - c. buildings P and Q (skating/ice hockey rink) shall be limited to twenty-four (24) feet;
  - d. all other buildings shall be limited to fifteen (15) feet; and
  - e. all heights shall be measured from the highest point of the buildings to the finished grade. (BLDG PRMT: BLDG Zoning) (Previous Building and Site Design Condition 2 of Resolution R-2007-0081, Control No. 1996-004)
3. Openings shall not be permitted in the eight (8) foot high screen wall or in the perimeter facade of the self-service storage buildings, except for required emergency exits. (BLDG PERMIT: BLDG Zoning) (Previous Building and Site Design Condition 3 of Resolution R-2007-0081, Control No. 1996-004)
4. Similar architectural character and treatment shall be provided on building facades facing perimeter property lines and rights of way. (BLDG PERMIT: BLDG Zoning) (Previous Building and Site Design Condition 4 of Resolution R-2007-0081, Control No. 1996-004)
5. All air conditioning and mechanical equipment shall be screened from view and not visible from any property line. Screening shall consist of a visually opaque barrier consistent with the color, character and architectural style of the principal structure. (CO: BLDG - Zoning) (Previous Building and Site Design Condition 5 of Resolution R-2007-0081, Control No. 1996-004)
6. The minimum setback for the outdoor storage area shall be two hundred (200) feet from the north residential property line and two hundred fifty (250) feet from the west property line adjacent to Summerchase PUD. (DRO: ZONING - Zoning) (Previous Building and Site Design Condition 6 of Resolution R-2007-0081, Control No. 1996-004)
7. The width of the project's entrance on Lake Worth Road if permissible by DOT shall consist of two (2) one way fifteen (15) foot aisles with a ten (10) foot wide landscape median. (DRO: ZONING Zoning) (Previous Building and Site Design Condition 7 of Resolution R-2007-0081, Control No. 1996-004)
8. A permanent four (4) foot chain link, vinyl coated fence shall be installed between the on site lake and the Summer Chase Boundary line, prior to site clearing or as soon as possible. Petitioner shall also install a six (6) foot chain link, vinyl coated fence to prevent pedestrian access from the south property line along the eastern E2W Canal, subject to LWDD approval. (BLDG PRMT: BLDG - Zoning) (Previous Building and Site Design Condition 8 of Resolution R-2007-0081, Control No. 1996-004)

9. All air conditioning/compressor equipment for the skating facility shall be ground mounted and located on the east side of the building for rink 1 and the south side of rink 3 adjacent to the dumpster location. (CO: BLDG - Zoning) (Previous Building and Site Design Condition 9 of Resolution R-2007-0081, Control No. 1996-004)

## 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 25, 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) (Previous Engineering Condition 1 of Resolution R-2007-0081, Control No. 1996-004)
2. Prior to January 15, 2008, the property owner shall provide a temporary roadway construction easement to Palm Beach County along Lake Worth Road. This roadway construction easement shall also contain an isosceles trapezoid connecting the corner clips across this property owners entrance a minimum of 100 feet north of the north right of way line of Lake Worth Road. Construction within this easement shall conform to Palm Beach County Standards. 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. (DATE: MONITORING-Eng). (Previous Engineering Condition 2 of Resolution R-2007-0081, Control No. 1996-004)
3. The use of the proposed 2900 square foot office shall be limited to an ancillary office use by the self-service storage and on site truck rental only. (ONGOING: BLDG Eng) (Previous Engineering Condition 3 of Resolution R-2007-0081, Control No. 1996-004)
4. LANDSCAPE WITHIN MEDIAN
  - 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 all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and 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: ENG-Eng) [Note:Complete]
  - b. All required median landscaping, including an irrigation system if required shall be installed at the property owner's expense. All 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 Homeowner'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 on or before the issuance of a Certificate of Occupancy. (CO: BLDG - Eng)



[Note:Complete]

- c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: BLDG - Eng) (Previous Engineering Condition 4 of Resolution R-2007-0081, Control No. 1996-004) [Note:Complete]
5. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

Building Permits for the 8,320 square feet of retail area, and no more than 42,000 square feet of a hockey rink facility shall not be issued until construction has begun for State Road 7 as a 6-lane facility from Southern Boulevard to Boynton Beach Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng) (Previous Engineering Condition 5 of Resolution R-2007-0081, Control No. 1996-004) [Note:Complete]
6. The mix of allowable uses listed above may be adjusted 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. (REVISED TRAFFIC STUDY: MONITORING - Eng) (Previous Engineering Condition 6 of Resolution R-2007-0081, Control No. 1996-004) [Note: ongoing]
7. Developer shall construct a right turn lane east approach on Lake Worth Road at the projects entrance road if permitted by the Florida Department of Transportation. If permitted, this property owner shall fund the cost of the required right of way acquisition through the County Engineers office. Construction shall be completed prior to the Certification of Occupancy of the hockey skating rink. This right lane shall be a minimum of 280 feet in length with a taper length of 50 feet. (CO: MONITORING DOT/Eng) (Previous Engineering Condition 7 of Resolution R-2007-0081, Control No. 1996-004) [Note: Complete]
8. Developer shall construct a right turn lane east approach on Lake Worth Road at the projects entrance road if permitted by the Florida Department of Transportation. If permitted, this property owner shall fund the cost of the required right of way acquisition through the County Engineers office. Construction shall be completed prior to the Certification of Occupancy of the hockey skating rink. This right lane shall be a minimum of 280 feet in length with a taper length of 50 feet. (CO: MONITORING DOT/Eng) (Previous Engineering Condition 8 of Resolution R-2007-0081, Control No. 1996-004) [Note: Complete]
9. The Developer shall provide the necessary right-of-way acquisition documents including, but not limited to, surveys, property owner's map, legal descriptions for acquisition, and parcel right-of-way maps required for the construction of said right turn lane as referenced above and subject to the approval of the County Engineer. These documents shall include a title search for a minimum of twenty-five (25) years. The right-of-way documents shall be provided prior to October 1, 1997. (DATE: MONITORING - Eng) (Previous Engineering Condition 9 of Resolution R-2007-0081, Control No. 1996-004) [Note: Complete]
10. The Developer shall provide all funding inherent with the provisions outlined in the Eminent Domain proceedings herein and fund all necessary right-of-way acquisition costs including, but not limited to, the actual cost of right-of-way acquired, all legal costs incurred by the County in the acquisition of said right-of-way, including the costs of all expert witness fees and attorneys' fees. Any funds required to be expended by the County shall be advanced to the County by the Developer. In addition, the Developer shall provide, at the Developer's expense, private legal counsel to initiate and pursue to conclusion the acquisition of said property by eminent domain, as required in the eminent domain proceedings above on behalf of Palm Beach County. (ONGOING: ENG-Eng) (Previous Engineering Condition 10 of Resolution R-2007-0081, Control No. 1996-004) [Note:Complete]



11. The property owner shall request from the Florida DOT for a NO U-TURN designation for the adjacent median opening on Lake Worth Road to the west of the site (entrance to Summerchase). Concurrent with the request to the Florida DOT, the property owner shall obtain a letter of support for the No U-turn designation from the Office of the County Engineer or his designee. This shall be accomplished prior to July 1, 1997. (DATE: MONITORING - Eng) (Previous Engineering Condition 11 of Resolution R-2007-0081, Control No. 1996-004) [Note: Request was complete. DOT did not want this sign posted.]
12. Prior to site plan approval the developer shall record cross-access easements with the property to the east to accommodate a minimum of two cross-access locations. Necessary modifications to the entrance road and parking shall be made in conjunction with cross-access points to comply with traffic and land development standards. (DRO: ENG-Eng) (Previous Engineering Condition 12 of Resolution R-2007-0081, Control No. 1996-004)

#### HEALTH

1. Property owners and operators of facilities generating industrial, hazardous, or toxic wastes shall not deposit or cause to be deposited any such wastes 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. All trees required to be planted shall be native evergreen species and meet the following minimum standards at time of installation:
  - a. Tree height: fourteen (14) feet along Lake Worth Road and Florida Turnpike and 50% twelve (12) foot and 50% fourteen (14) foot along the remaining perimeter property lines.
  - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
  - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE Zoning) (Previous Landscape Condition 1 of Resolution R-2007-0081, Control No. 1996-004)
2. All palms required to be planted shall be native, booted, species and meet the following minimum standards at time of installation:
  - a. Palm heights: twelve (12) feet grey wood.
  - b. Clustering: staggered heights twelve (12) to eighteen (18) feet.
  - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE Zoning) (Previous Landscape Condition 2 of Resolution R-2007-0081, Control No. 1996-004)
3. All new or replacement shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect::
  - a. eighteen (18) to twenty-four (24) inches groundcover and small shrub;
  - b. twenty-four (24) to thirty-six (36) inches medium shrub;
  - c. forty-eight (48) to seventy-two (72) inches large shrub; and,
  - d. this condition does not apply to the five (5) foot wide compatibility buffer, or where a single row of hedge is required on one or both sides of a wall, or

condition I.1.e and I.1.f. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition 3 of Resolution R-2007-0081, Control No. 1996-004)

4. All new or replacement trees and palms may be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)(Previous Landscape Condition 4 of Resolution R-2007-0081, Control No. 1996-004)
5. A group of three (3) or more palm or pine trees may not supersede the requirement for perimeter canopy tree in that location, unless specified herein. (CO: LANDSCAPE Zoning) (Previous Landscape Condition 5 of Resolution R-2007-0081, Control No. 1996-004)
6. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition 6 of Resolution R-2007-0081, Control No. 1996-004)
7. All storage buildings within Phases I and II, perimeter landscaping to include Lake Worth Road, screen walls, retention lake and ancillary site development shall be completed prior to issuance of a building permit for the skating facility. (BLDG PERMIT: LANDSCAPE Zoning) (Previous Landscape Condition 7 of Resolution R-2007-0081, Control No. 1996-004)

#### ZONING - LANDSCAPING-ALONG THE SOUTH PROPERTY LINE AND THE SOUTH 160' OF THE WEST PROPERTY LINE

8. Landscaping and buffering along the south property line shall be upgraded to include:
  - a. A minimum thirty (30) foot wide landscape buffer strip.
  - b. A continuous three (3) foot high berm with the height of berm measured from the top of curb.
  - c. One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.
  - d. One (1) palm for each thirty (30) linear feet perimeter property line with a maximum spacing of sixty (60) feet between clusters. A grouping of three or more palms may supersede the requirement for a canopy tree in that location.
  - e. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE-Zoning) (Previous Landscape Condition 8 of Resolution R-2007-0081, Control No. 1996-004)

#### ZONING - LANDSCAPING-ALONG THE EAST PROPERTY LINE

9. Landscaping and buffering along the property lines shall be upgraded to include:
  - a. A minimum thirty (30) foot wide landscape buffer strip.
  - b. One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.
  - c. One (1) palm for each thirty (30) linear feet perimeter property line with a maximum spacing of eighty (80) feet between clusters. A grouping of three or more palms may supersede the requirement for a canopy tree in that location.
  - d. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty-eight (48) inches. (CO: Landscaping - Zoning) (Previous Condition Landscape 9 of Resolution R-2007-0081, Control No. 1996-004)

#### ZONING - LANDSCAPING-ALONG THE SOUTH AND EAST PROPERTY LINE ABUTTING TURNPIKE PCD

10. Landscaping and buffering along the south and east property lines abutting the Turnpike PCD shall be upgraded to include:
  - a. a minimum fifteen (15) foot landscape buffer strip. No width reduction or easement encroachment shall be permitted with exception in areas to accommodate the sidewalk required in Condition C.10;
  - b. one (1) canopy tree for each twenty (20) linear feet of the property line;
  - c. one (1) palm tree for each thirty (30) linear feet of the property line with a maximum spacing of eighty (80) feet between clusters;
  - d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
  - e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. Medium shrubs may be exempt in areas where the sidewalk is required under condition C.10; and
  - f. the above landscape requirements shall be completed prior to the issuance of the Certificate of Occupancy (CO) for building S.(CO: Landscaping Zoning) (Previous Condition Landscape 10 of Resolution R-2007-0081, Control No. 1996-004)

ZONING - LANDSCAPING-ABUTTING SUMMERCHASE PUD AND LAKE WORTH COMMONS MUPD

11. Landscaping and buffering along the north and property lines shall be upgraded to include:
  - a. A minimum thirty (30) foot wide landscape buffer strip.
  - b. One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.
  - c. One (1) palm for each thirty (30) linear feet perimeter property line with a maximum spacing of eighty (80) feet between clusters. A grouping of three or more palms may supersede the requirement for a canopy tree in that location.
  - d. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE-Zoning) (Previous Condition Landscape 11 of Resolution R-2007-0081, Control No. 1996-004)

ZONING - LANDSCAPING-INTERIOR AFFECTED AREA BUILDINGS A ,B, AND S

12. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces in the affected area. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRO: ZONING Zoning) (Previous Condition Landscape 12 of Resolution R-2007-0081, Control No. 1996-004)
13. Foundation planting or grade level planters shall be provided along the south, east and west facades of the limited access self-service storage facility (building S), to consist of the following:
  - a. The minimum width of the required landscape areas shall be five (5) feet;
  - b. the length of the required landscaped areas shall be no less than fifty (50) percent of the total length of the east side, and seventy-five (75%) of the south and west facades; and,
  - c. landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRO: LANDSCAPE - Zoning) (Previous Condition Landscape 13 of Resolution R-2007-0081, Control No. 1996-004)
14. Special planting treatment shall be provided on both sides of the southern access point on Lake Worth Road. Planting shall consist of the following:
  - a. a minimum five (5) foot wide landscape area, excluding curb;

- b. a minimum of three (3) canopy trees along each side of the access drive, with a maximum spacing of twenty (20) feet on center; and,
  - c. a continuous thirty-six (36) inch high hedge, planted twenty-four (24) inches on center. (CO: LANDSCAPE - Zoning) (Previous Condition Landscape 14 of Resolution R-2007-0081, Control No. 1996-004)
15. Condition Landscape 15 of Resolution R-2007-0081, Control No. 1996-004 which currently states:

Special planting treatment shall be provided on the north and south sides of the self-service storage entrance gate as indicated on the site plan dated January 16, 2004. Planting shall consist of the following:

- a. A minimum of three (3) specimen palm (Medjool, Canary, Royal, or any other species acceptable to the Landscape Section);
- b. shrub or hedge materials; and,
- c. an opaque decorative wrought iron-gate, or other material subject to the review and approval by the Architectural Review Section prior to final DRO approval of the site plan. A minimum of six (6) feet in height shall be installed at the main entrance for the self-storage facility in the location indicated on the site plan dated January 16, 2004. (CO/DRO: LANDSCAPE/ARCH REVIEW Zoning)

is hereby amended to read:

Special planting treatment shall be provided within the south 160 feet of the property. Planting shall consist of the following:

- a. A minimum of three (3) specimen palm (Medjool, Canary, Royal, or any other species acceptable to the Landscape Section); and
- b. shrub or hedge materials. (DRO: LANDSCAPE - Zoning)

#### LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (Previous Condition M.1. of Resolution 2004-523, Control No. 96-004) (CO/ONGOING: BLDG/CODE ENF Zoning) (Previous Condition Lighting 1 of Resolution R-2007-0081, Control No. 1996-004)
2. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point. (CO: BLDG Zoning) (Previous Condition Lighting 2 of Resolution R-2007-0081, Control No. 1996-004)
3. All outdoor lighting for Phase 1 outdoor storage, Phase 2 and 3 self-service storage, shall be extinguished no later than 8:30 p.m. Phase 4 retail no later than 10:30 p.m.. When the skating rinks are closed, parking lot lighting shall be extinguished no later than 12:30 a.m. Sunday thru Thursday and 2:30 a.m. Friday and Saturdays. Security lighting is exempt from these provisions. (ONGOING: CODE ENF Zoning) (Previous Condition Lighting 3 of Resolution R-2007-0081, Control No. 1996-004)

#### LAKE WORTH DRAINAGE DISTRICT

1. Prior to Final Site Plan approval by the Development Review Officer (DRO), the property owner shall convey to the Lake Worth Drainage District a five (5) foot easement over the Eastern portion of the subject property which borders the existing physical LWDD E-2W right of way as recorded in ORB 5717-PG 1712. (DRO: LWDD – LWDD)

#### PALM TRAN



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) (Previous Palm Tran Condition 1 of Resolution R-2007-0081, Control No. 1996-004)
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. (PLAT: ENG-PalmTran or BLDG PERMIT:MONITORING-PalmTran) (Previous Palm Tran Condition 1 of Resolution R-2007-0081, Control No. 1996-004)

## SIGNS

1. Point of purchase/freestanding sign on the 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 - one-hundred (100) square feet;
  - c. maximum number of signs - one (1);
  - d. style - monument style only; and,
  - e. location - maximum distance of eighty (80) feet from the east property line. (CO: BLDG Zoning) (Previous Condition Signs 1 of Resolution R-2007-0081, Control No. 1996-004)
2. Wall signs shall be limited to the south facade of buildings P and Q, with a maximum letter height of twenty-four (24) inches; and, on the south side of buildings A and S, with a maximum letter height of eighteen (18) inches. Wall signs shall be limited to identification of tenants only. (CO: BLDG Zoning) (Previous Condition Signs 2 of Resolution R-2007-0081, Control No. 1996-004)

## USE LIMITATIONS

1. The retail space shall not be used for a pawn shop, restaurant, entertainment, data processing, daycare, motorized vehicle repair, medical offices, building materials or the sale of food or beverages. The concession service for the hockey rink shall be limited to soft drinks and pre-prepared food items only. (ONGOING: CODE ENF - Zoning) (Previous Condition Use Limitations 1 of Resolution No. R-2007-0081, Control No. 1996-004) [This condition is applicable to the skating/hockey rink only.]
2. Hours of operation for the skating rinks shall be as follows: The skating rinks may be open to the public from 8:00 a.m. to 12:00 a.m. Sunday through Thursday; and 8:00 a.m. to 2:00 a.m. Friday and Saturdays. At all other times, the skating rinks shall be available for use by reservation only to team leagues, and individual or private groups. (ONGOING: CODE ENF-Zoning) (Previous Condition Use Limitations 2 of Resolution No. R-2007-0081, Control No. 1996-004) [This condition is applicable to the skating/hockey rink only.]
3. When the skating rinks are closed, the parking lot shall be locked/gated no later than 12:30 a.m. Sunday thru Thursday and 2:30 a.m. Friday and Saturday. (ONGOING: CODE ENF Zoning) (Previous Condition Use Limitations 3 of Resolution No. R-2007-0081, Control No. 1996-004) [This condition is applicable to the skating/hockey rink only.]
4. Indoor entertainment shall be limited to roller and ice skating. (ONGOING: CODE ENF Zoning) (Previous Condition Use Limitations 4 of Resolution No. R-2007-0081,



Control No. 1996-004) [This condition is applicable to the skating/hockey rink only.]

5. The petitioner shall provide on site security for the property. In addition, the property owner shall provide a uniformed security guard for the skating facility from dusk to closing to ensure that after each skating session no loitering is permitted in the parking lot. (ONGOING: CODE ENF Zoning) [This condition is applicable to the skating/hockey rink only.] (Previous Condition Use Limitations 5 of Resolution No. R-2007-0081, Control No. 1996-004)
6. The outdoor storage spaces shall be limited to a maximum of fifty-eight (58) covered spaces and twenty-five (25) uncovered spaces. The rental vehicles shall be stored in the twelve (12) designated spaces as shown on the site plan dated January 16, 2004. ( DRO: ZONING-Zoning)(Previous Condition Use Limitations 6 of Resolution No. R-2007-0081, Control No. 1996-004) [This condition is applicable to the SSSF only.]
7. Hours of operation for the proposed self service storage facility shall be as follows: Phase 1 of the self-service storage and outdoor storage area may be open twenty-four (24) hours; Phase 2 and 3 self-service storage buildings shall be limited from 8:00 a.m. to 8:00 p.m.; the office/retail hours of operation shall be limited from 7:00 a.m. to 10:00 p.m. (ONGOING: CODE ENF - Zoning) (Previous Condition Use Limitations 7 of Resolution No. R-2007-0081, Control No. 1996-004) [This condition is applicable to the SSSF only.]
8. There shall be no storage of rental trucks outside of the twelve (12) designated spaces shown on the approved site plan dated January 16, 2004. Rental truck drop off shall be prohibited in any area external to the to the self-service storage facility gated access. (ONGOING: CODE ENF Zoning) (Previous Condition Use Limitations 8 of Resolution No. R-2007-0081, Control No. 1996-004)[This condition is applicable to the SSSF only.]
9. No outside storage of disassembled vehicles or parts shall be permitted on site. (ONGOING: CODE ENF Zoning) (Previous Condition Use Limitations 9 of Resolution No. R-2007-0081, Control No. 1996-004)
10. There shall be no vehicle maintenance or repairs permitted on site. (ONGOING: CODE ENF Zoning) (Previous Condition Use Limitations 10 of Resolution No. R-2007-0081, Control No. 1996-004)
11. No advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall except as provided by a Special Permit. (ONGOING: CODE ENF Zoning) (Previous Condition Use Limitations 11 of Resolution No. R-2007-0081, Control No. 1996-004)
12. There shall be no underground or bulk storage of gasoline, propane or diesel fuel on the property. (ONGOING: CODE ENF Zoning) (Previous Condition Use Limitations 12 of Resolution No. R-2007-0081, Control No. 1996-004)
13. No alcohol, beer or wine sales or consumption shall be permitted on the property. (ONGOING: CODE ENF Zoning) (Previous Condition Use Limitations 13 of Resolution No. R-2007-0081, Control No. 1996-004)

## UTILITIES

1. If any relocation/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD - PBCWUD) (Previous Utilities Condition 13 of Resolution No. R-2007-0081, Control No. 1996-004)

## COMPLIANCE

1. In granting this approval, the Zoning Commission 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 Zoning Commission for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning) (Previous Condition Compliance 1 of Resolution No. R-2007-0081, Control No. 1996-004)
2. Previous Condition Compliance 2 of Resolution No. R-2007-0081, Control No. 1996-004, which currently states:

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)

Is hereby amended to read:

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 the 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 Section 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 Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning