

RESOLUTION NO. R-2000- 0572

RESOLUTION APPROVING ZONING PETITION CA99-090
CLASS A CONDITIONAL USE
PETITION OF EDGAR ADAMSON JR. & HIXIE STEPHENS
BY KEITH HURBS, AGENT
(E&H 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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA99-090 was presented to the Board of County Commissioners at a public hearing conducted on March 23, 2000; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, 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.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
- a. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Petition CA99-090, the petition of Edgar Adamson Jr. & Hixie Stephens, by Keith Hurbs, agent, for a Class A Conditional Use to allow a self-service storage facility in the General Commercial (CG) Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on March 23, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts 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:

Maude Ford Lee, Chair	-	Aye
Warren Newell, Vice Chair	-	Absent
Karen T. Marcus	-	Aye
Carol A. Roberts	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on April 27, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

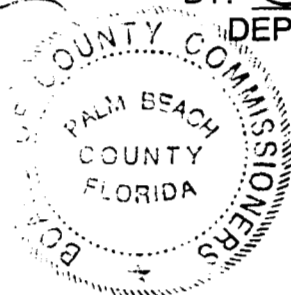


EXHIBIT A

LEGAL DESCRIPTION

The South 100 feet of the North 553 feet of the East 195 feet of the West 235 feet and the East 106 feet of the West 341 feet of the South 210 feet of the North 663 feet and the East 20 feet of the West 361 feet of the South 20 feet of the North 663 feet of the REPLAT OF MADRID PARK as recorded in Plat Book 20, Page 20, of the Public Records of Palm Beach County, Florida.

The North 20.00 feet of the South 136.00 feet of the North 779.00 feet of the East 207.00 feet of the West 240.00 feet of the **REPLAT OF MADRID PARK** as recorded in Plat Book 20, Page 20, of the Public Records of Palm Beach County, Florida and Also:

All lying and being in Section 29, Township 43 South, Range 43 East, Palm Beach County, Florida. Containing 0.095 acres more or less.

Lots 6, 7, and 8 in Block 11 of **MADRID PARK**, according to the Plat thereof in Plat Book 13, Page 78, in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida;

AND, in addition thereto, to following described property:

BEGINNING at the Northwest Section corner of Section 29, Township 43, Range 43, run South along West line of said Section 553 feet to a point; thence East parallel to South line Okeechobee Road 135 feet to a point which is the POINT OF BEGINNING; thence continue in a straight line East 100 feet to a point; thence South parallel to Congress Avenue 50 feet to point; thence West parallel to Okeechobee Road 100 feet to a point; thence North 50 feet to POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

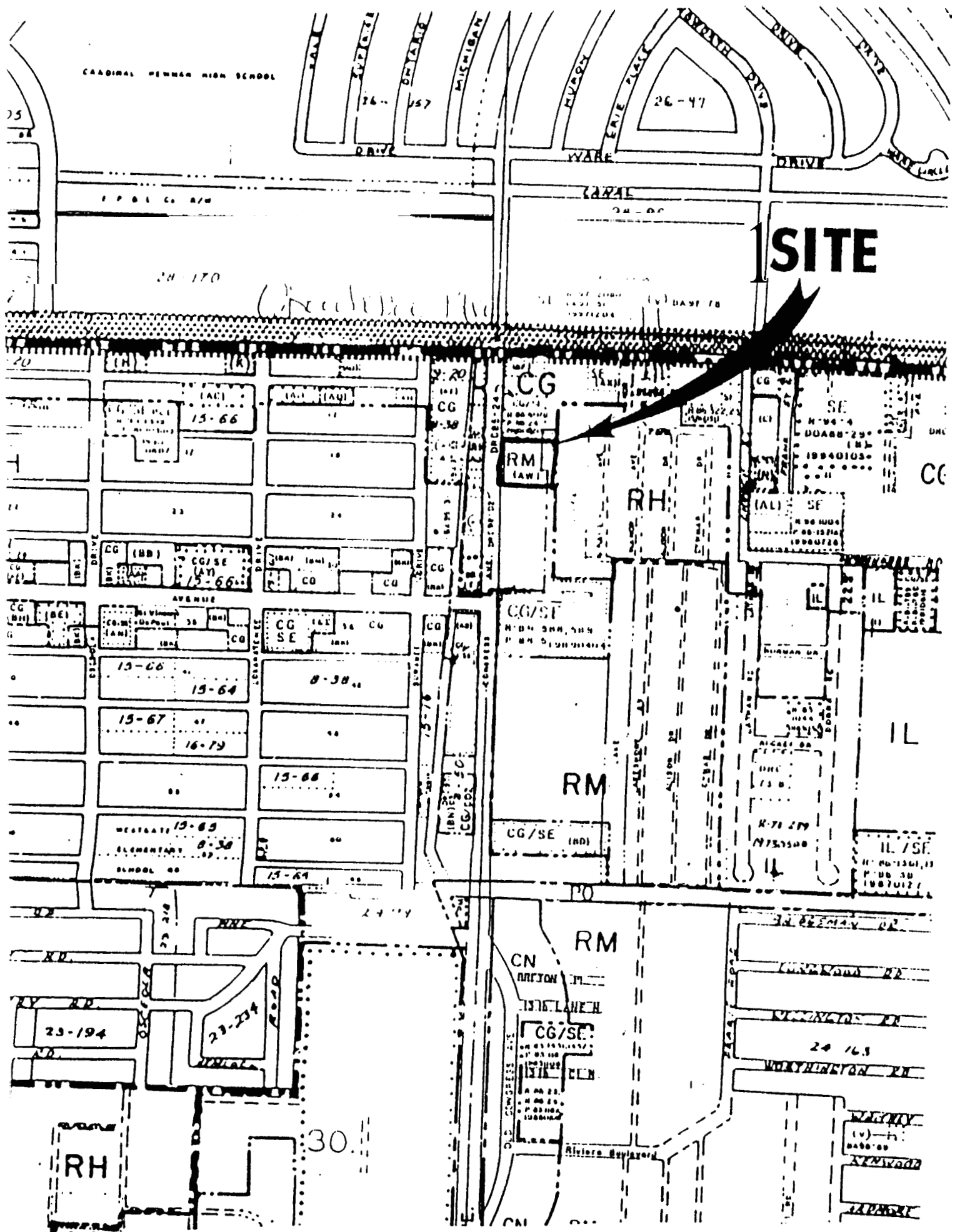


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated January 25, 2000. 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)

B. BUILDING AND SITE DESIGN

1. The proposed self service storage facility building shall be designed and constructed to be consistent with the facade elevations by T&M Architecture & Planning, Inc. dated January 25, 2000. (BLDG PERMIT: BLDG - Zoning)
2. Similar architectural character and treatment, including but not limited to color, roof pitch and treatment, material, fenestration, and horizontal and vertical architectural details or design elements shall be provided on all sides of the buildings. (BLDG PERMIT: BLDG - Zoning)
3. The proposed buildings shall be designed and constructed to be consistent with the following:
 - a. Prior to final site plan approval by the Development Review Committee, additional architectural design elements along the sides and rear elevations, approved by the Public Hearing Section of the Zoning Division, shall be used to reduce the building's mass and scale; and,
 - b. Plain or blank wall areas (without architectural design elements) greater than 6' high x 20' length on the sides and rear elevations (elevations not shown on facade rendering above) shall not be permitted. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)

C. LANDSCAPING ALONG CONGRESS AVENUE

1. Landscaping and buffering along the Congress Avenue property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip; and
 - b. A continuous two (2) foot high berm measured from top of curb. (CO: LANDSCAPE)

D. SIGNS

1. Freestanding sign located on Congress Avenue shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 50 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only.
 - e. Pole signs shall be prohibited. (BLDG PERMIT/CO: BLDG)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Congress Ave 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. (BLDG. PERMIT: MONITORING-Eng)
2. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Congress Ave, 60 feet from the centerline on or before **December 1, 2000** or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)
3. Prior to the 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. (BLDG PERMIT: MONITORING-Eng)
4. Prior to Certificate of Occupancy (CO), property owner shall participate in the future Median Landscaping program of Congress Avenue adjacent to the site by the Westgate CRA. Funding for this program by the property owners shall be in accordance with an adopted Board of County Commissioners policy in accordance with Resolution No. 2000-2 of the Westgate/Belvedere Homes CRA dated April 10, 2000. (CO/MONITORING: ENG)

F. USE LIMITATIONS

1. No outside storage of disassembled vehicles or parts shall be permitted on-site. (ONGOING: CODE ENF)
2. There shall be no vehicle maintenance, washing, or repairs permitted on-site. (ONGOING: CODE ENF)
3. Overnight storage or parking shall be limited to the designated RV/boat storage spaces. (ONGOING: CODE ENF)
4. A truck rental operation shall not be permitted on-site. (ONGOING: CODE ENF)

G. 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 majority vote of the Code Enforcement Board 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 5.8 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. (MONITORING)



**Department of Planning,
Zoning & Building**
100 Australian Avenue
West Palm Beach, FL 33406
(561) 233-5000
www.co.palm-beach.fl.us



**Palm Beach County
Board of County
Commissioners**

Maude Ford Lee, Chair

Warren H Newell, Vice Chairman

Karen T. Marcus

Carol A. Roberts

Mary McCarty

Bun Aaronson

Tony Masilotti

County Administrator

Robert Weisman

**INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING**

TO: Phyllis House, Minutes Manager
FROM: William C. Whiteford, Zoning Director *W.C.W. by r.c.*
DATE: May 3, 2000
RE: Amended Conditions from the April 27, 2000
BCC Hearing

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on April 27, 2000.

The following petitions were amended:

Z/CA99-090	E&H Self Storage
DOA97-078(A)	Ciba-Geigy PUD (nka Ponte Vecchio PUD)
Z/COZ2000-007	Glades Square
PDD99-068	Excelsior Parc
PDD99-092	Spalding MUPD
W81-095(B)	Forest Hill Center

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*'An Equal Opportunity
Affirmative Action Employer'*