

RESOLUTION NO. R- 2001- 0602

RESOLUTION APPROVING ZONING PETITION PDD2000-102  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT(PDD)  
PETITION OF JOE FEARNLY  
BY RICHARD CARLSON, AGENT  
(FOREST MILITARY SELF-SERVICE STORAGE FACILITY)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD2000-102 was presented to the Board of County Commissioners at a public hearing conducted on April 26, 2001; 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 recommendation of the Zoning Commission; and

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD2000-102, the petition of Joe Fearnly by Richard Carlson, agent, for an Official Zoning Map Amendment (PDD) from General Commercial (CG) to Multiple Use Planned Development (MUPD) with self-service storage, truck rental and outside storage 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 April 26, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti 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:

Warren H. Newell, Chair	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus		Aye
Mary McCarty	-	Aye
Burt Aaronson		Aye
Tony Masilotti		Aye
Addie L. Greene		Absent

The Chair thereupon declared that the resolution was duly passed and adopted on April 26, 2001.

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

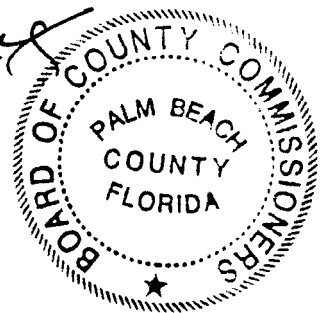


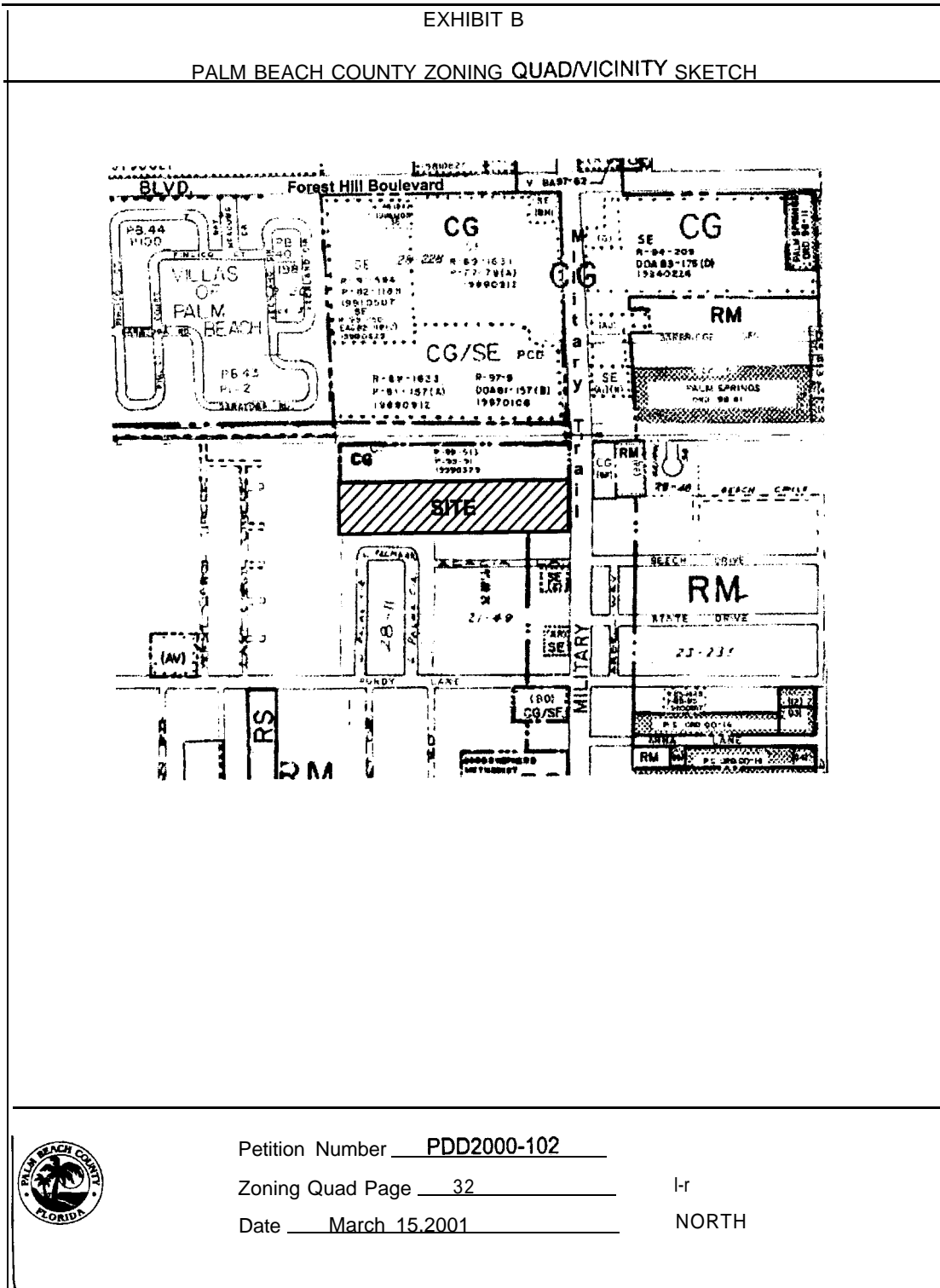
EXHIBIT A  
LEGAL DESCRIPTION

A parcel of property located in Palm Beach County, Florida, being:

The North  $\frac{3}{4}$  of the North  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 13, Township 44 South, Range 42 East, Palm Beach County, Florida, Less the North 40 feet Canal right-of-way; Less the East 53 feet for right-of-way of Military Trail and Less the South 226.36 feet of the North 266.36 feet thereof.

EXHIBIT B

VICINITY SKETCH



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Date March 15, 2001

I-r

NORTH

## 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 April 10, 2001. 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. ARCHITECTURAL CONTROL

1. The proposed storage buildings shall be designed and constructed to be consistent with the facade elevations by Dominic Scarfo Architect dated April 18, 2001. Deviations from these elevations may be permitted to comply with applicable architectural conditions of approval. (BLDG PERMIT: BLDG - Zoning)
2. The exterior elevations of all buildings shall include the following:
  - a. Varied roof elevations within the same building. The varied elevations shall be accomplished by horizontally offsetting or jogging the roof plane so that all roof lines shall not run in a continuous distance for more than one hundred (100) feet;
  - b. Varied building materials and textures;
  - c. Exterior colors shall be neutral, pastel, or earth tone colors. Building colors shall be varied by providing contrasting, but complimentary, colors for the building trims (i.e. stucco banding, door and window frames, etc.). Roof and trim colors shall be coordinated with base colors;
  - d. Combination of architectural details such as, but not limited to, stucco banding, reveals, decorative vents and louver, columns or pilasters, and/or quoins;
  - e. Integrated design of gutters and downspouts into the architectural design of the building;
  - f. Similar architectural character and treatment shall be provided on all sides of the building;
  - g. All roof top mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment (i.e. cupola, dormer, etc.);
  - h. Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture; and,
  - i. All building entries shall be easily identifiable and integrated into the building's architecture. (DRC/BLDG PERMIT: ZONING/BLDG/ZONING)
3. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
4. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 91,525 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division and DRC. (DRC: ZONING)
2. The maximum height for the two story, limited access self-storage building including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty (30) feet. The multi-access self-storage buildings shall not exceed fifteen (15) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
3. All ground or roof mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)
4. No barbed or razor wire shall be permitted on the site. (CO/ONGOING: BLDG -Zoning/CODE ENF)

D. HEALTH

1. Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 64E-6 FAC and Palm Beach County ECR-1 must be submitted to the Palm Beach County Health Department prior to final site plan approval. (DRC: HEALTH)

E. ENGINEERING

No Engineering comments.

F. LANDSCAPE - STANDARD

1. Fifty percent (50%) of canopy trees required to be planted in the perimeter buffer shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet;
  - 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; and,
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site 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. (CO: LANDSCAPE - Zoning)

3. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
4. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)
5. Prior to the issuance of the first building permit, tree protection barriers shall be installed around the existing trees to remain in the buffers and the outside storage area. (BLDG PERMIT:LANDSCAPE)

G. LANDSCAPING ALONG THE EAST PROPERTY LINE (MILITARY TRAIL FRONTAGE)

1. Landscaping and buffering along the east property line shall be upgraded to include:
  - a. a minimum thirty (30) foot wide landscape buffer strip. A maximum five (5) foot width reduction may be permitted as necessary to accommodate a septic system/drain field;
  - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb. Field adjustment of the berm may be permitted for existing trees;
  - c. one (1) small canopy tree planted every twenty (20) feet on center;
  - d. one (1) small native palm for each thirty (30) linear feet of the property line with a maximum spacing of thirty (30) feet between clusters; and,
  - e. twenty-four (24) inch high shrub or hedge material to be spaced no more than twenty four (24) inches on center at installation, and to be maintained at a minimum height of thirty-six (36) inches. A minimum fifty percent (50%) of the shrub or hedge material shall be installed on the plateau of the berm. (CO: LANDSCAPE)

H. LANDSCAPING ALONG THE EAST THREE HUNDRED AND TWENTY (320) FEET AND THE WEST TWO HUNDRED AND FIFTEEN (215) FEET OF THE NORTH PROPERTY LINE (ABUTTING BELLSOUTH FACILITY)

1. Landscaping and buffering along the east three hundred and twenty (320) feet and the west two hundred and fifteen (215) feet of the north property line shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip;
  - b. a continuous two (2) foot high berm measured from top of curb. Field adjustment of the berm may be permitted for existing trees;
  - c. one (1) canopy tree planted every twenty (20) feet on center;
  - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - e. twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. A minimum fifty (50) percent of the shrub or hedge materials shall be planted on the plateau of the berm. (CO: LANDSCAPE)

I. LANDSCAPING ALONG THE NORTH PROPERTY LINE ADJACENT TO THE OUTSIDE STORAGE AREA (ABUTTING BELLSOUTH FACILITY)

1. Landscaping and buffering along the north property line adjacent to the outside storage area shall include:
  - a. a minimum five (5) foot wide landscape buffer strip;
  - b. a six (6) foot high opaque concrete (panel) wall. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
  - a. one (1) canopy tree planted every twenty (20) feet on center; and,
  - b. twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches.(CO: LANDSCAPE)

J. LANDSCAPING ALONG THE EAST FOUR HUNDRED AND TWENTY (420) FEET OF THE SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL/COMMERCIAL)

1. Landscaping and buffering along the east four hundred and twenty (420) feet of the south property line shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reductions or easement encroachments shall be permitted;
  - b. a continuous two (2) foot high berm measured from top of curb. Field adjustment of the berm may be permitted for existing trees;
  - c. a six (6) foot high opaque concrete wall to be installed on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
  - a. one (1) canopy tree planted every twenty (20) feet on center;
  - b. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - c. twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)
3. Along the interior side of the required wall, the property owner shall install one (1) canopy tree planted every twenty (20) feet on center and twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

K. LANDSCAPING ALONG THE WEST ONE HUNDRED AND NINETY (190) FEET OF THE SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the west one hundred and ninety (190) feet of the south property line shall be upgraded to include:



- a. a minimum of fifteen (15) foot wide landscape buffer strip. No width reductions or easement encroachments shall be permitted;
- b. a continuous two (2) foot high berm measured from top of curb. Field adjustment of the berm may be permitted for existing trees;
- c. one (1) canopy tree planted every twenty (20) feet on center;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

L. LANDSCAPING ALONG THE SOUTH PROPERTY LINE. ADJACENT TO MULTI-ACCESS STORAGE BUILDINGS (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the south property line, adjacent to the multi-access storage buildings shall be upgraded to include:
  - a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reductions or easement encroachments shall be permitted;
  - b. a continuous two (2) foot high berm measured from top of curb. Field adjustment of the berm may be permitted for existing trees.
  - c. one (1) canopy tree planted every twenty (20) feet on center;
  - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - e. twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. Fifty (50) percent of the shrub or hedge materials shall be planted on the plateau of the berm.(CO: LANDSCAPE)

M. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the west property line shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reductions or easement encroachments shall be permitted;
  - b. a continuous two (2) foot high berm measured from top of curb;
  - c. one (1) canopy tree planted every twenty (20) feet on center;
  - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - e. twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

N. LANDSCAPING - INTERIOR INCLUDING OUTSIDE STORAGE AREA

- 1. Foundation planting or grade level planters shall be provided along the front and side facades of the limited access self-storage building and retail structures 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 each side of the structure; 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; and

- d. foundation planting required for the north and south sides of the limited self-service storage facility may be transferred to the front and rear (east and west sides) of the facility. (DRC / CO: ZONING / LANDSCAPE)
2. Prior to final DRC, the site plan shall be revised to indicate terminal islands at the vehicle/boat storage/truck rental areas. No striping is permitted in these areas. (DRC:ZONING)

0. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to highest point, and shall be setback a minimum of forty (40) feet from the south and west residential property lines. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. excluding security lighting only. (ONGOING: CODE ENF)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

P. MASS TRANSIT

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING - Eng)

Q. SIGNS

1. Freestanding point of purchase signs fronting on Military Trail shall be limited as follows:
  - a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. maximum sign face area per side - 80 square feet;

- c. maximum number of signs - one (1) for the entire site; and
  - d. style - monument style only. (CO: BLDG)
2. Wall signs shall be limited to twenty-four (24) inches high and located only on the east facade of the limited-access storage building. (CO:BLDG)

R. USE LIMITATION

- 1. Use of the site shall be limited to a maximum gross floor area of 91,525 square feet and the following:
  - a. 18,875 square feet of multi-access storage use;
  - b. 70,400 square feet of limited access storage use;
  - c. vehicle/boat storage use (not to exceed thirty percent of the total lot area);
  - d. 1,250 square feet (caretakers) residence;
  - e. 1,000 square feet of office; and,
  - f. five (5) vehicle rental spaces. (DRC: ZONING)
- 2. No outdoor retail business activities shall be allowed on site, except for deliveries. (ONGOING: CODE ENF - Zoning)
- 3. Repair or maintenance of vehicles and outside storage of disassembled vehicles, parts or inventory shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
- 4. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning)
- 5. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
- 6. Outdoor storage of vehicles and boats shall not be visible from adjacent residential properties. (ONGOING: CODE ENF)
- 7. Hours of operation, including deliveries shall be limited to the following: 7:00 a.m. to 1 1:00 p.m. daily. (ONGOING: CODE ENF - Zoning)

S. 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)