

RESOLUTION NO. R- 95-5

RESOLUTION APPROVING ZONING PETITION CA94-68
CLASS A CONDITIONAL USE
PETITION OF LAURA MOUNT

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 Land Development Code (Ordinance 92-20) 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 Land Development Code have been satisfied; and

WHEREAS, Zoning Petition **CA94-68** was presented to the Board of County Commissioners at a public hearing conducted on January 6, 1995; 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 Land Development Code 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 Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county 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 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.
8. This Class A Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
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 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 **CA94-68**, the petition of Laura Mount, by: Robert Basehart, AGENT for a CLASS A CONDITIONAL USE allowing a self 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 January 6, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Mary McCarty	--	Aye
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 6th day of January, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN,

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

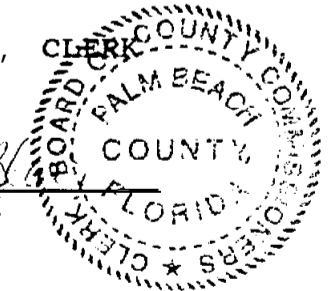


EXHIBIT A

LEGAL DESCRIPTION

The North 300 feet of the South 325 feet of the East 183.7 feet of Tract 107 and the North 300 feet of the South 325 feet of the West 116:3 feet of Tract 108, all in Model Land Co. Subdivision of Section 20, Township 44 South, Range 43 East, Palm Beach County, Florida, Plat Book 5, at Page 79;

Together with:

A parcel of land in the Southwest 1/4 of Section 20, Township 44 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at the Southwest corner of said Section 20; thence S 87'40'08" E (All bearings on an assumed meridian) along the South line of said Section 20 a distance of 843.10 feet; thence N 01'17'01" E a distance of 165.00 feet to the point of beginning; thence continuing N 01'17'01" E a distance of 175.05 feet; thence S 87'40'08" E a distance of 318.26 feet; thence S 01'56'06" W a distance of 296.00 feet, more or less to a point on the northerly future right-of-way line of Lake Worth Road; thence N 87'40'08" W along said North right-of-way line a distance of 214.90 feet; thence N 01'17'01" E a distance of 121.00 feet; thence N 87'40'08" W a distance of 100.00 feet to the point of beginning:

TOGETHER WITH that easement granted in that certain Easement Agreement between Herwart Hugel a/k/a Herv Hugel and Lindsley Stores, Inc., dated November 25, 1980 and recorded November 26, 1980, in Official Records Book 3414, Page 1357, of the Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

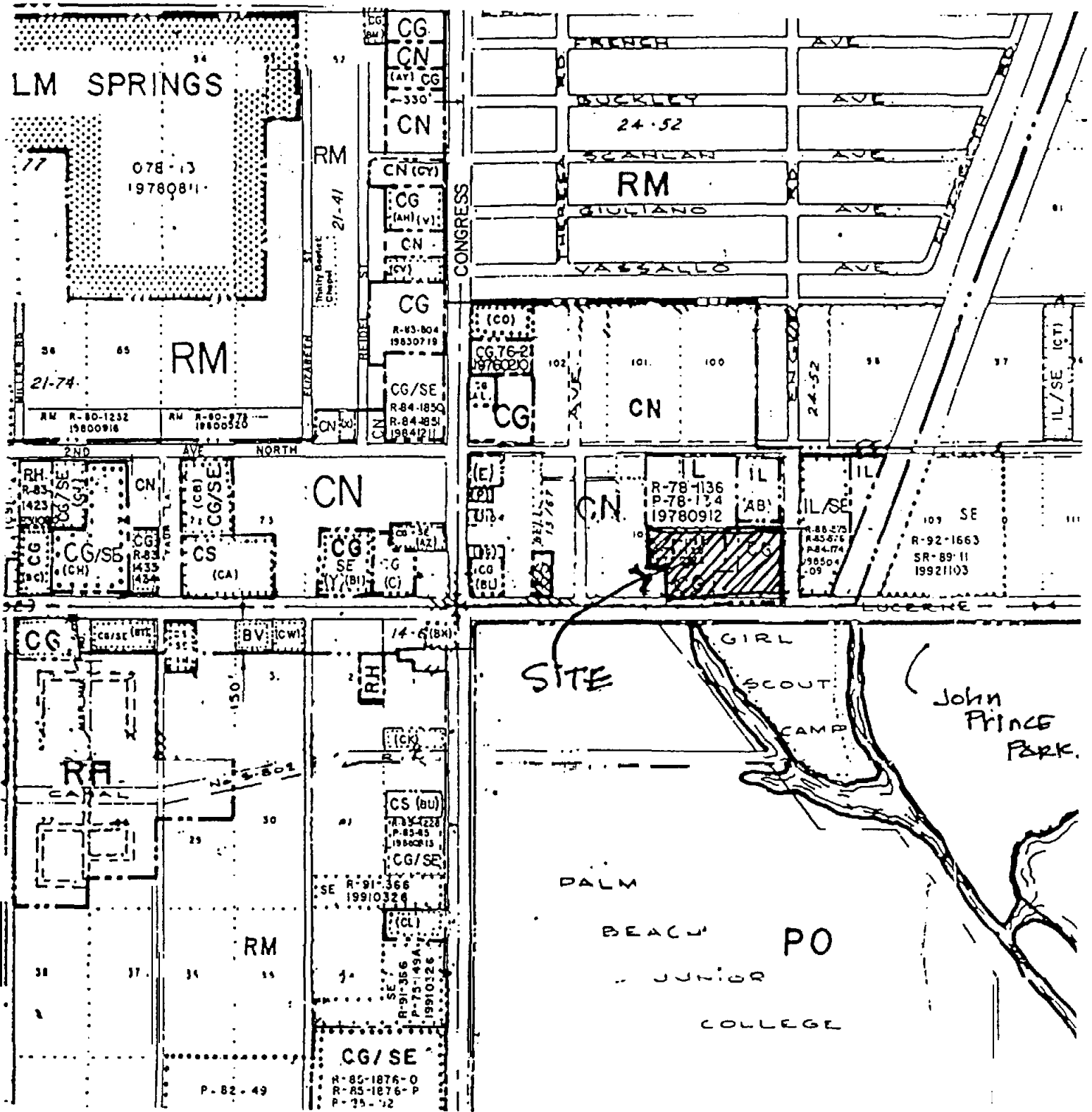


EXHIBIT C

CONDITIONS OF APPROVAL

A. BUILDING AND SITE DESIGN

1. The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty five (35) feet. (BUILDING-Zoning)
2. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color and character of the principle structure or equivalent landscape material. (BUILDING - Zoning)
3. Prior to issuance of a Certificate of Occupancy (CO) or Certificate of Completion (CC), the petitioner shall install an eight (8) foot high concrete wall along the south perimeter of the outdoor storage area. **Any** proposed gate along the southern perimeter of the outdoor storage area shall be opaque. (BUILDING/Zoning)

B. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall not be located within one hundred (100) feet of the south property line and shall be confined to areas designated on the site plan. (BUILDING -Zoning)

C. HEALTH

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall apply to the PBCPHU for an **onsite** wastewater system permit. (HEALTH)

D. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to the permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES)

E. ENGINEERING

1. 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. 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. (BUILDING - Engineering)

- B. All required median landscaping, including an irrigation system if required shall be installed at the property owners 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 Homeowners' 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. (BUILDING - Engineering)
- 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. (BUILDING - County Attorney)

- 2. The property owner has shall convey road right of way to the Palm Beach County Land Development Division for Lake Worth Road 55 feet from centerline. This right of way shall be along the project's entire frontage, free of all encumbrances and encroachments. Right of way dedication shall be completed by the Property owner prior to DRC approval of the site plan. Documentation acceptable to the Right of Way Acquisition Section shall be provided to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate as determined by the County Engineer. (MONITORING/BUILDING - Engineering)

F. LANDSCAPING - STANDARDS

- 1. All trees required to be planted on site, by this approval 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. (BUILDING-Zoning)

G. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING LAKE WORTH ROAD)

- 1. Landscaping within the required buffer along the south property line, abutting Lake Worth Road, shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip, free and clear of any utility easements; and,
 - b. A six (6) foot high opaque buffer consisting of a fence, hedge, berm or combination thereof. (BUILDING-Zoning)
- 2. The following landscaping requirements shall be installed in the required buffer:
 - a. One (1) canopy tree planted every twenty (20) feet on center;

- b. One (1) palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,
- c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (BUILDING-Zoning)

H. LANDSCAPING ALONG ALL NORTH AND WEST PERIMETER OF OUTDOOR STORAGE AREA

- 1. Landscaping within the required buffer along the north and west perimeter of the outdoor storage area shall be upgraded to include:
 - a. A double row of trees consisting of one (1) canopy tree planted every twenty (20) feet on center per row;
 - b. One (1) palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,
 - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (BUILDING-Zoning)

I. LANDSCAPING ALONG ALL OTHER PROPERTY LINES

- 1. Landscaping within the required buffer along all other property lines shall be upgraded to include:
 - a. One (1) canopy tree planted every twenty (20) feet on center;
 - b. One (1) palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,
 - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (BUILDING-Zoning)

J. LIGHTING

- 1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BUILDING/CODE ENFORCEMENT)
- 2. All outdoor lighting fixtures shall not exceed fifteen (15) feet in height, measured from finished grade to highest point. (BUILDING)
- 3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (CODE ENFORCEMENT)

K. RECYCLE SOLID WASTE

- 1. All property owners and lessee's shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SWA)

L. USE LIMITATION

1. Use of the site shall be limited to **43,033.50** (building) gross square feet of self-service storage and 29,224 of outdoor storage and enclosed facility. A maximum of 89 vehicles (boats, campers of other motor vehicles) shall be stored on site at any time. (BUILDING)
2. No storage or placement of any material, refuse, inoperative equipment or debris shall be permitted on site. (CODE ENFORCEMENT)
3. Outdoor storage shall only be permitted on the paved area as indicated on the proposed site plan (Exhibit D). (ZONING/CODE ENFORCEMENT)
4. No repair or maintenance of vehicles shall be permitted on site. (CODE ENFORCEMENT)
5. When this facility is not open, the parking area shall be locked and gated. (CODE ENFORCEMENT)
6. No inoperative or disabled vehicles shall be stored on site.

M. SIGNS

1. Point of purchase signs fronting on Lake Worth Road 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 - 100 square feet;
 - c. Maximum number of signs - one (1);
 - d. Monument style. (BUILDING)
2. Signs along Engle Road shall be limited to directional signs only. (BUILDING)

N. COMPLIANCE

1. All improvements required by these conditions shall be installed prior to issuance of the first Certificate of Occupancy (CO) or Certificate of Completion (CC). (BUILDING)
2. Failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial **or** revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
 - c. A requirement of the development to conform with updated standards of development, applicable 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;

- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

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 Conditional Use, Rezoning, 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)