

RESOLUTION NO. R-98- 10

RESOLUTION APPROVING ZONING PETITION DOA76-18(F)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF SOUTHERN STORAGE MANGAEMEW  
BY KILDAY & ASSOC., AGENT  
(ECON-0-WASH)

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, is authorized and empowered to consider petitions relating to zoning; 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 DOA76-18(F) was presented to the Board of County Commissioners at a public hearing conducted on January 8, 1998; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; 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 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. 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.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. 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.
10. This Development Order Amendment, 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 DOA76-18(F), the petition of Southern Storage Mangement, by Kilday & Assoc., agent, for a Development Order Amendment (DOA) to Reconfigure the site and add one access point 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 January 8, 1998, 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 Foster and, upon being put to a vote, the vote was as follows:

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

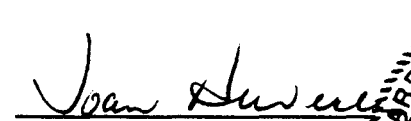
The Chair thereupon declared that the resolution was duly passed and adopted on January 8, 1998.

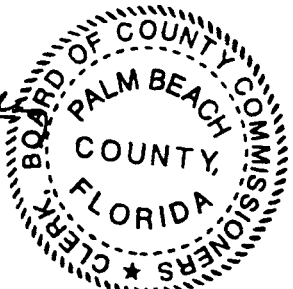
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

**ECON-0-WASH (00-43-45-06-00-000-1130)**

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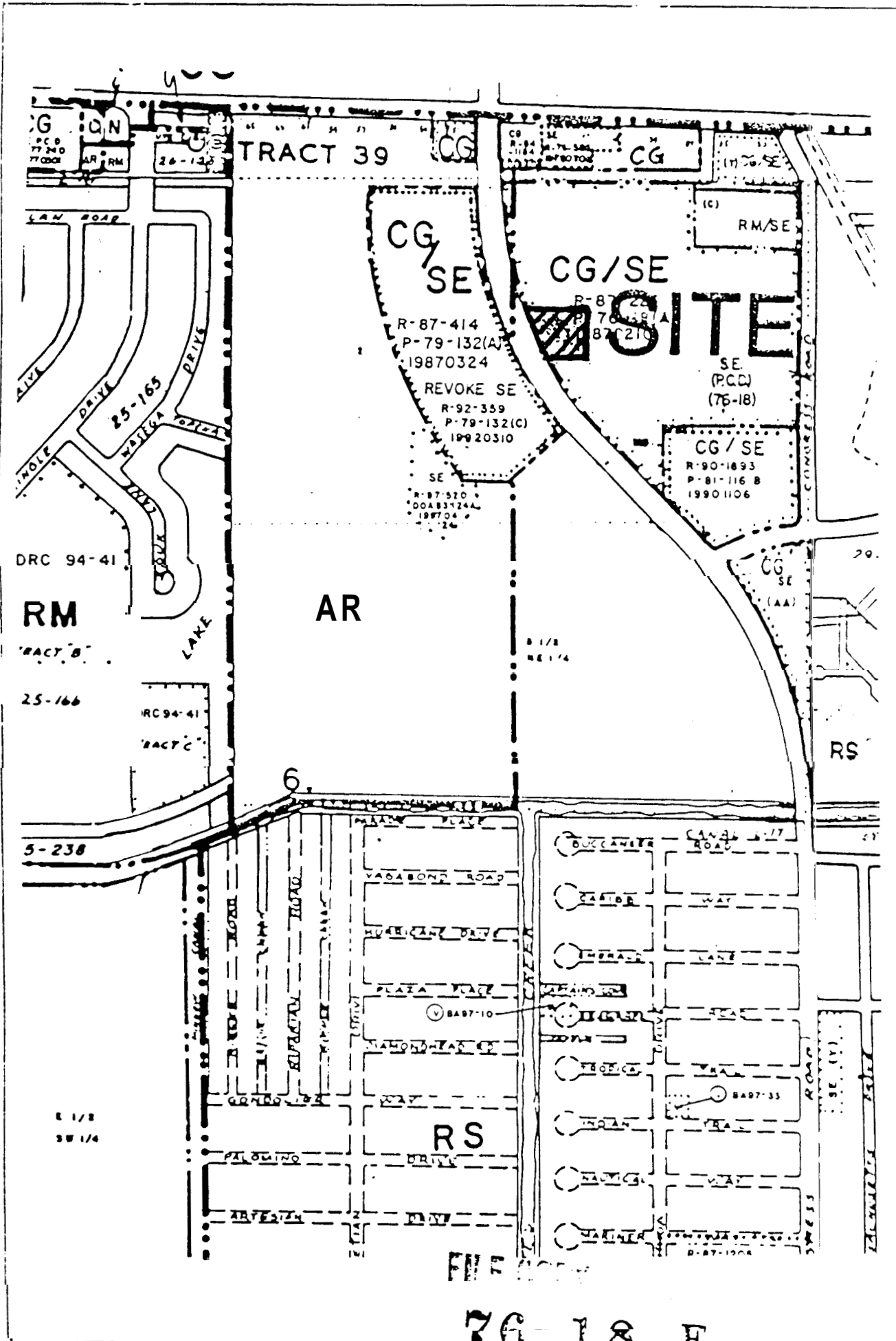
**LEGAL DESCRIPTION:**

A parcel of land lying within the Northeast Quarter of Section 6, Township 45 South, Range 43 East, Palm Beach County, Florida, and being more particularly described as follows

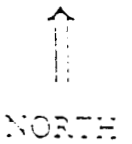
Commence at the Northeast corner of said Section 6, thence South 00°16'35" East along the East line of said Northeast Quarter, a distance of 560.00 feet to a Point of Intersection with a line parallel to and 560.00 feet South of, as measured at right angles to, the North line of said Section 6, thence South 89'33' 57" West, a distance of 966.55 feet to the POINT OF BEGINNING; thence South 00'26'03" East, a distance of 195.00 feet; thence South 89'33'57" West, a distance of 185.55 feet to a point of non-radial intersection with a circular curve concave to the Northeast, whose radius point bears North 62'04'25" East, having a radius of 1850.08 feet and a central angle of 06°37'25", said curve also being a part of the proposed Right-of-way of Congress Avenue; thence Northwesterly along the arc of said curve, an arc distance of 213.87 feet to a point of non-radial intersection with said line parallel to the North line of said Section 61 thence North 89'33'57" East along said line, a distance of 273 10 feet to the POINT OF BEGINNING.

Containing 1.037 acres more or less

PALM BEACH COUNTY  
VICINITY SKETCH ZONING



Petition Number 76-18 (F)  
 Zoning Quad Page 19  
 Date: 9/17/97



## EXHIBIT C

### CONDITIONS OF APPROVAL

NOTE: **A**l previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.  
Petitions 76-18C and 76-18D were withdrawn.

#### A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-76-127 (Petition 76-18), Resolution R-86-93 (Petition **76-18A**), Resolution R-87-233 (Petition 76-18B) and Resolution **R-87-1200** (Petition 76-18E) have been consolidated herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)
2. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master/site plan is dated September 17, 1997. 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. (DRC: ZONING)
3. Prior to site plan certification, the site plan shall be amended to reflect the following:
  - a) Tabulate the required and graphically show proposed interior landscaping.
  - b) The required buffer **or** landscape strip along the northeastern property line. (Previous Condition 1 of Resolution R-86-93, Petition 76-18A)
4. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (Previous Condition 3 of Resolution R-86-93, Petition 76-18A)
5. The petitioner shall present a notarized Affidavit **of** Disclosure at the Zoning Authority meeting. (Previous Condition 91 of Resolution R-86-93, Petition 76-18A)
6. Exact copies of all graphics presented at the Planning Commission and **Board of** County Commissioner's public hearings shall be submitted to the Zoning Division for inclusion in the permanent petition file. (Previous Condition 21 of Resolution R-86-93, Petition 76-18A)
7. The petitioner shall comply with all previously approved conditions of Petition **76-18**, except **for** conditions **5(b)** and **3(b)**. (Previous Condition 21 of Resolution R-86-93, Petition 76-18A)

8. The Developer shall comply with all previously approved conditions to Petition **76-18(A)** unless expressly modified herein. (Previous Condition 2 of Resolution R-8-223, Petition 76-18B)
9. Prior to site plan certification, the site plan shall be amended to indicate the following:
  - a) Stacking lanes.
  - b) Improved vehicular circulation.
  - c) Proposed landscaping for car wash site.
  - d) Tabular information relating to the car wash. (Previous Condition 2 of Resolution R-87- , Petition 76-18D)
10. The developer shall comply with all previous conditions **of** approval unless modified herein. (Previous Condition 1 **of** Resolution R-87-1200, Petition 76-18E)
11. Prior to site plan certification, the site plan shall be amended to indicate the following:
  - a. Labeling of the car wash (and accessory uses), oil change, and other outbuildings within this Planned Commercial Development.
  - b. Elimination of the three (3) southernmost detailing spaces adjacent to the stacking lanes for the car wash.
  - c. Required handicap parking, on the plan and in the data tabular.
  - d. Tabular data for the car wash facility.
  - e. The location of the menu board **for** the drive through restaurant.
  - f. Required backup distance and isle circulation **for** the parking stalls.
  - g. Delineate the number of car wash and oil change bays. (Previous Condition 2 of Resolution R-87-1200, Petition 76-18E)

**B. HEALTH**

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property **do not** become a nuisance to neighboring properties. (Previous Condition 4 of Resolution R-86-93, Petition 76-18A)
2. Reasonable measures shall be employed during site development to insure that **no** pollutants from this property shall enter adjacent **or** nearby surface waters. (Previous Condition 5 of Resolution R-86-93, Petition 76-18A)

3. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation. (Previous Condition 6 of Resolution R-86-93, Petition 76-18A)
4. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter **17-30**, F.A.C. (Previous Condition 7 of Resolution R-86-93, Petition 76-18A)
5. Since sewer and water is available to the property, neither septic tank nor well shall be approved for use on the property. (Previous Condition 3 of Resolution R-8-223, Petition 76-18B)
6. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida department of Environmental Regulation (FDER) and Agency responsible for sewage works, are constructed and used by project tenants or owners generating such effluents. (Previous Condition 4 of Resolution R-87-1220, Petition 76-18E)
7. Since sewer service is available to the property, no septic tank shall be installed on the site. (Previous Condition 5 of Resolution R-87-1220, Petition 76-18E)
8. Because public water service is available at the site, no well shall be installed to provide potable water on site. (Previous Condition 6 of Resolution R-87-1220, Petition 76-18E)

**E. ENGINEERING**

1. Developer shall construct the following at the intersection of Lantana Road and Congress Avenue:
  - a. Dual left turn lane, south approach [Completed]
  - b. Right turn lane, west approach. [Completed]  
(Previous Condition 1 of Resolution R-76-127, Petition 76-18)
2. Developer shall construct the following at the intersection of the access Road and Lantana Road:
  - a. Right turn lane, west approach [Lantana Road has now been widened]
  - b. Left turn lane, east approach [Medians have now been established]
  - c. Right and left turn lanes, south approach. (Previous Condition 2 of Resolution R-76-127, Petition 76-18) [Entrance road has now been constructed]
3. Developer shall contribute his fair share, based on traffic volume, toward the construction of the following at the intersection of Old Congress and Lantana Road:
  - a) Dual left turn lane, east approach [Lantana Road has now been widened]
  - b) Right turn lane, west approach and south approach [Old Congress has now been constructed]

- c) Traffic signal, if warranted as determined by the County Engineer. (Previous Condition 3 of Resolution R-76-127, Petition 76-18) [Ongoing]
4. Developer shall construct right turn lanes on Old Congress Road and both points of access to the Shopping Center, as warranted. (Previous Condition 4 of Resolution R-76-127, Petition 76-18) [Projects entrances have been constructed.]
  5. Developers shall construct the following at both points of access along Congress Avenue:
    - a) Right turn lane, south approach [Complete]
    - b) Dual left turn lane, north approach [Ongoing]
    - c) Four **(4)** lane entrances [Complete]
    - d) Traffic signals when warranted, as determined by the County Engineer, with cost to be shared with future development **across** the street. (Previous Condition 5 of Resolution R-76-127, Petition 76-18) [Ongoing]
  6. Developers shall convey to Palm Beach County, twenty **(20)** feet or less, for the Ultimate right-of-way for Congress Avenue. (Previous Condition 6 of Resolution R-76-127, Petition 76-18) [Completed]
  7. All the construction of required improvements listed above shall be phased as warranted by the development of the Shopping Center, and directed by the sole determination of the County Engineer. (Previous Condition 7 of Resolution R-76-127, Petition 76-18)
  8. Developer shall revise the drainage design, giving consideration to water quality as well as quantity. (Previous Condition 8 of Resolution R-76-127, Petition 76-18) [May be deleted: Reason code requirement]
  9. Owners shall execute an "Aviation and Clearance **easement**" as required by the Departments of Airports. (Previous Condition 9 of Resolution R-76-127, Petition 76-18)
  10. The development shall retain onsite **85% of** the stormwater runoff generated by a three **(3)** year one hour storm per requirements of the Permit Section, Land Development Division. (Previous Condition 9 of Resolution R-86-93, Petition 76-18A) [May be deleted: Reason code requirement]
  11. The property owner shall convey for the ultimate right-of-way of Lantana Road and Congress Avenue **60** feet from centerline, prior to December **1, 1985**; conveyance must be accepted by Palm Beach County prior to issuance of the first Building Permit. (Previous Condition **10 of** Resolution R-86-93, Petition 76-18A) [Completed]
  12. The property owner shall construct a left turn lane, south **approach** on Congress Road at the project's northern-most entrance. (Previous Condition 11 of Resolution R-86-93, Petition 76-18A) [Congress Avenue has now been widened and the median openings have been established.]



13. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is **\$229,911.00 (8,582 trips x \$26.79 per trips)**. (Previous Condition 12 of Resolution R-86-93, Petition 76-18A)
14. Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional **\$164,956.00** toward Palm Beach County's existing Roadway Improvement Program, these total funds of **(\$394,867.00)** to be paid prior to the issuance of any further Building permits or October ~~1~~ **1986** whichever shall first occur. If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of **\$164,956.00** shall be credited toward the increased Fair Share Fee. (Previous Condition 13 of Resolution R-86-93, Petition 76-18A)
15. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit Section prior to the application of a Building Permit. (Previous Condition 14 of Resolution R-86-93, Petition 76-18A) [May be deleted: Reason now a requirement of the Building Permit]
16. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Lantana Road, Congress Avenue and Congress Road. (Previous Condition 15 of Resolution R-86-93, Petition 76-18A) [May be deleted: Reason now a requirement of the Building Permit]
17. In order to comply with the mandatory traffic performance standards, the property owner shall be restricted to the following phasing schedule:
  - a) Building Permits for more than **186,792** square feet of additional retail space and **18,208** square feet of office space shall not be issued until construction of the four-laning of Lantana Road between Congress Avenue and ~~1-95~~ **1-95** has begun. (Previous Condition 16 of Resolution R-86-93, Petition 76-18A) [Completed]
18. ~~The~~ property owner shall align the proposed drives along ~~Congress~~ **Congress** Avenue with the existing median openings. (Previous Condition ~~18~~ **18** of Resolution R-86-93, Petition 76-18A) [Driveways have now been constructed.]
19. The property owner shall install signalization if warranted ~~by~~ **by** the County Engineer at the project's entrance road(s) and both ~~Congress~~ **Congress** Avenue and Lantana Road. Should signalization not be warranted after **12** months of the final Certification of Occupancy, this property owner shall be relieved from this condition. (Previous Condition ~~20~~ **20** of Resolution R-86-93, Petition 76-18A) [Ongoing]

20. The property owner shall pay a Fair Share Fee in the **amount** and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may **from time to time** be amended. The Fair Share Fee for the proposed movie theater is **\$2,465.00**. Note: This impact fee allows for credit which will be paid for the entire shopping center under Petition **76-18** (A) condition **Uo. 12** and **13**. (Previous Condition 3 of Resolution R-8-223, Petition 76-' 8B)
21. The property owner shall convey for the ultimate **right-of-way** of Lantana Road and Congress Avenue **60** feet from centerline within ninety **(90) days** of the approval of the resolution approving this **project** prior to site. (Previous Condition 3 of Resolution R-87-1220, Petition 76-18E) [Completed]

**F. LANDSCAPING**

1. Prior to site plan certification, the site plan shall be amended to reflect the following:
  - a. Required number of trees to be preserved or planted; (Previous Condition 1 of Resolution R-87-223, Petition 76-18B)

**G. LIGHTING**

1. Security lighting shall be directed away from nearby residences. (Previous Condition 2 of Resolution R-86-93, Petition 76-18A)

**H. USE LIMITATIONS**

1. A minimum of **63,208** square feet of the total project shall remain as office use. (Previous Condition 17 of Resolution R-86-93, Petition **76-18A**)

**I. COMPLIANCE**

1. 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; **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)