

RESOLUTION NO. R-98- 1793

RESOLUTION APPROVING ZONING PETITION **EAC89-115(C)**  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF MILITARY TRAIL ASSOC.  
BY BERIL KRUGER, AGENT  
(MILITARY 10)

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

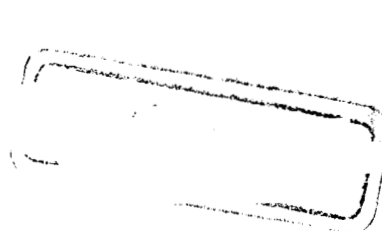
WHEREAS, Zoning Petition **EAC89-115(C)** was presented to the Board of County Commissioners at a public hearing conducted on October 22, 1998; and

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 EAC89-115(C), the petition of Military Trail Assoc., by Beril Kruger, agent, for a Development Order Amendment /Expedited Application Consideration (EAC) to Reconfigure Site Plan and Modify Condition I (Landscaping) of R-97-1572 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 October 22, 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	--	Aye
Maude Ford Lee, Vice Chair	--	Absent
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 October 22, 1998.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

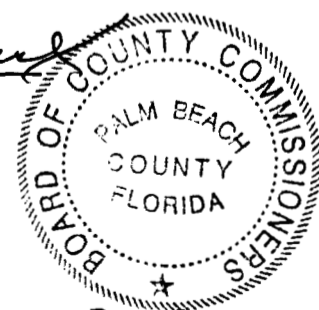
DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



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

TRACT 16 IN THE NORTHWEST QUARTER, AMENDED PLAT OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MARY A. LYMAN ET AL, PALM BEACH COUNTY, FLORIDA ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE 74, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THE EAST 45 FEET OF SAID TRACT 16 FOR ROAD RIGHT OF WAY.

EXHIBIT B  
VICINITY SKETCH

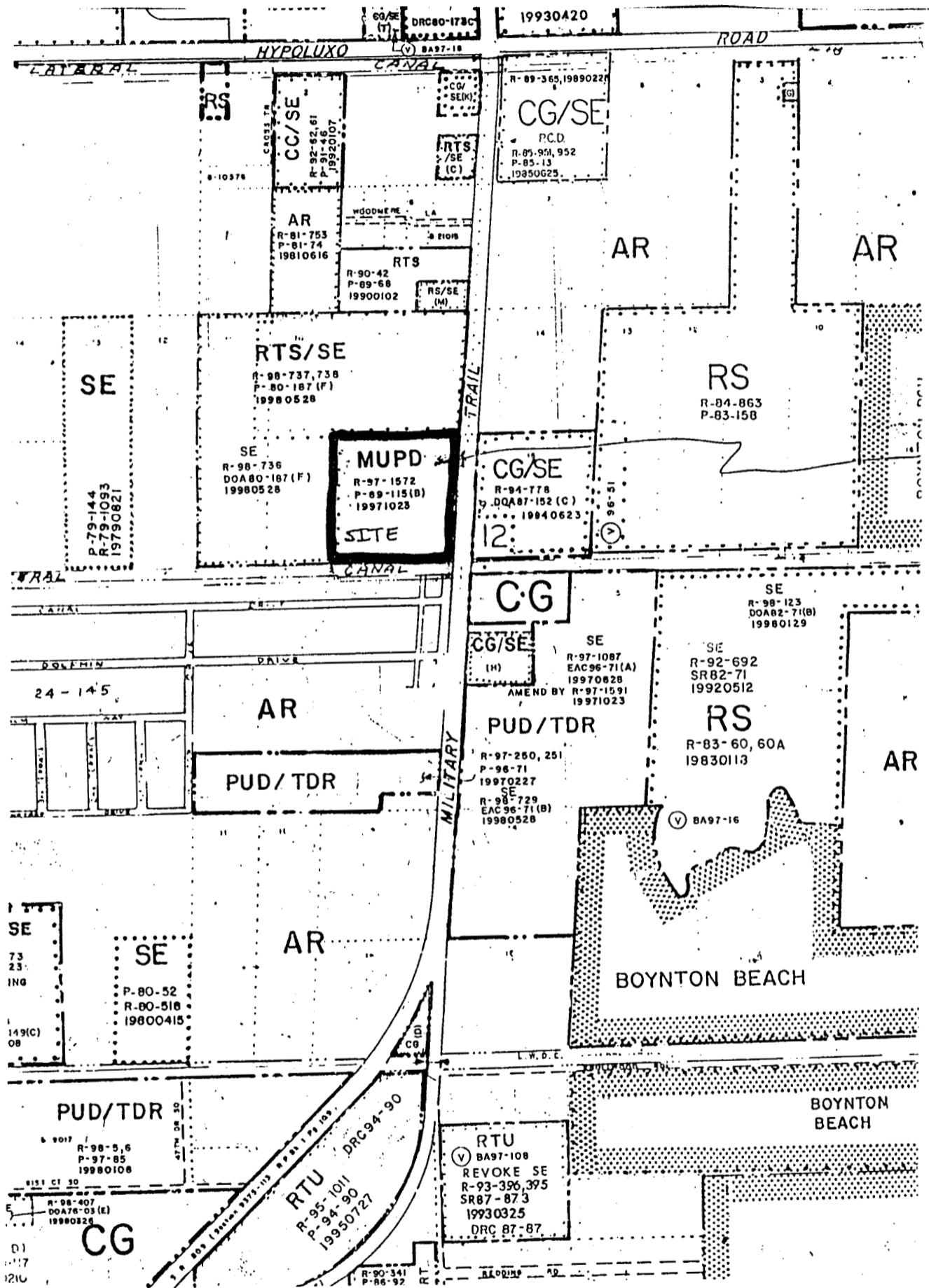


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Resolution **R-91-989**, granting approval of **Petition 89-115(A)**, is hereby revoked. (Previously Condition **A.1** of Resolution 97-1572 **Petition 89-115(B)**) (MONITORING)
2. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-1572 (**Petition 89-115(B)**), 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)
3. Condition A.2 of Resolution 97-1572 **Petition 89-115(B)** which currently states:

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 August **20, 1997**. All modifications must be approved by the Board of County Commissioners unless the proposed change; are required to meet conditions of approval or are in accordance with the **ULDC**. (ONGOING: ZONING)

Is hereby amended to read:

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 August 31, **1998**. 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. Similar architectural character, roof treatment, colors, and details shall be provided on all sides of the buildings. (Previously Condition **6.1** of Resolution 97-1572 **Petition 89-115(B)**) (BLDG PERMIT: BLDG - Zoning)
2. **All** roof top mechanical and electrical equipment shall be **screened** from view **so** as not to be visible from any property line. (Previously Condition 6.2 of Resolution 97-1572 **Petition 89-115(B)**) (BLDG PERMIT: **CODE ENF** - Zoning)
3. **Interior** and exterior storage areas shall be screened from view **so** as not to be visible from any property line. (Previously Condition **B.3** of Resolution 97-1572 **Petition 89-115(B)**) (BLDG PERMIT: **CODE ENF** - Zoning)

4. The architectural design of the second story for the Self Service Storage building shall maintain a residential appearance and provide false windows on all sides of the second floor. (Previously Condition B.4 of Resolution 97-1572 Petition 89-115(B)) (BLDG PERMIT: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of **125,695 square** feet. (Previously Condition C.1 of Resolution 97-1572 Petition 89-115(B)) (DRC: ZONING)
2. The minimum setback for all structures shall be minimum fifty (**50**) feet from all property lines. (Previously Condition C.2 of Resolution 97-1572 Petition 89-115(B)) (DRC: ZONING)
3. The maximum height for all structures, measured from finished **grade** to highest point, shall not exceed twenty-five (**25**) feet. (Previously Condition C.3 of Resolution 97-1572 Petition 89-115(B)) (BLDG PERMIT: BLDG - Zoning)
4. Prior to final site plan certification, the site plan shall be amended to indicate minimum twenty-one (**21**) foot widths for one way **vehicular** circulation around the multi-access Self-service storage facility. (Previously Condition C.4 of Resolution 97-1572 Petition 89-115(B)) (DRC: ZONING)
5. The **Retail/Auto Service** building shall not have any bay doors on the west or east facades **of the building**. (Previously Condition C.5 of Resolution 97-1572 Petition 89-115(B)) (BLDG PERMIT: BLDG - Zoning)

D. CONCURRENCY

1. Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise the project's concurrency to match the uses and square footages as shown on the approved site plan dated August **20, 1997**. (Previously Condition D.1 of Resolution 97-1572 Petition 89-115(B)) (DRC: ZONING)

E. ENGINEERING

1. LANDSCAPE WITHIN MEDIAN
  - A. Prior to issuance of a building permit, the property owner shall apply to the Land Development Division, Permit Section, of 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 the Land Development Division 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: MONITORING - Eng)

- 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's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during period!; of drought in order to maintain healthy plant material. The maintenance responsibility of any existing trees within the median shall also become the responsibility of this property owner. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)
  - 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. (Previously Condition E.1 of Resolution 97-1572 Petition 89-115(B)) (CO: MONITORING - Eng)
2. **Prior to** issuance of a building permit the property owner shall fund the cost of the existing left turn lane south approach at the projects north entrance. Funding shall be based upon a certified cost estimate by the developers engineer and approved by the County Engineer. (Previously Condition E.2 of Resolution 97-1572 Petition 89-115(B)) (BLDG PERMIT: MONITORING - Eng)
- Funding completed.
- 3. The property owner shall convey to the Lake Worth Drainage District the south ten (10) feet of Tract 16, Mary A. Lyman, et. al., amended plat of Section 12, Township 45 South, Range 42 East as recorded in Plat Book 9, Page 74 for the required right-of-way for Lateral Canal No. 19, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to final DRC certification. (Previously Condition E.3 of Resolution 97-1572 Petition 89-115(B)) (DRC: ENG)
  - 4. **If** this parcel **is** to be subdivided into separate lots then the Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision and Required Improvements Regulations as amended. (Previously Condition E.4 of Resolution 97-1572 Petition 89-115(B)) (PLAT: ENG)

F. HEALTH

1. Generation and disposal of hazardous effluents into sanitary ~~sewage~~ system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by tenants or owners generating such effluent. (Previously Condition **F.1** of Resolution 97-1572 Petition 89-115(B)) (ONGOING: HEALTH/CODE ENF)
2. The owner, occupant or tenant **of** this facility shall participate in **an oil** recycling program which ensures proper reuse or disposal of any **waste** oil. (Previously Condition **F.2** of Resolution 97-1572 Petition 89-115(B)) (ONGOING: HEALTH/CODE ENF)
3. Any toxic or hazardous waste which may be generated at this site shall be properly handled and disposed of in accordance with **Chapter 62-730** FAC. (Previously Condition **F.3** of Resolution 97-1572 Petition 89-115(B)) (ONGOING: HEALTH/CODE ENF)

G. LANDSCAPING STANDARDS

1. **All** canopy 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 ground.
  - 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. (Previously Condition G.1 of Resolution 97-1572 Petition 89-115(B)) (CO: LANDSCAPE -Zoning)
2. **All** palms required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards **at** installation:
  - a. Palm heights: twelve **(12)** feet clear trunk or grey wood, whichever **is** greater;
  - 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. (Previously Condition G.2 of Resolution 97-1572 Petition 89-115(B)) (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG EAST PROPERTY LINE (MILITARY TRAIL)

1. Landscaping and buffering along the east property line (Military Trail) shall be upgraded to include:
  - a. A minimum twenty-five **(25)** foot wide landscape buffer strip;
  - b. A continuous two **(2)** foot high berm measured from top **of** curb;
  - c. One **(1)** canopy tree for each twenty **(20)** linear feet of property



- d. line with a maximum spacing of twenty-five **(25)** feet on center; One **(1)** palm or pine tree for each thirty **(30)** linear feet of frontage. A group of three or more palms or pine trees shall not be substituted the required for a canopy tree in that location; 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. (Previously Condition H.1 of Resolution 97-1572 Petition 89-115(B)) (CO: LANDSCAPE)

I. LANDSCAPING ALONG NORTH, SOUTH AND WEST PROPERTY LINES (ACROSS FROM RESIDENTIAL)

1. Condition 1.1 of Resolution 97-1572 Petition 89-115(B) which currently states:

Landscaping and buffering along the north, south and west property lines shall include:

- a. A minimum twenty **(20)** foot wide landscape buffer strip;
- b. A continuous three **(3)** foot high berm measured from top of curb; and
- c. A six **(6)** foot high opaque concrete wall located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment. (CO: LANDSCAPE)

Is hereby amended to read:

Landscaping and buffering along the north and south property lines shall include:

- a. A minimum twenty **(20)** foot wide landscape buffer strip;
- b. A continuous three **(3)** foot high berm measured from top of curb; and
- c. A six **(6)** foot high opaque wall located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment.. (CO: LANDSCAPE)

2. Landscaping and buffering along the west property line shall included:

- a. A minimum twenty **(20)** foot wide landscape buffer strip;
- b. A ten **(10)** foot high opaque concrete wall located minimum five **(5)** feet from the property line. The exterior side of the wall shall be given a finished architectural treatment.
- c. thirty **(30)** 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 seventy-two **(72)** inches, on both sides of the wall along the west property line. (CO: LANDSCAPE)

3. Condition **1.2** of Resolution 97-1572 Petition 89-115(B) which currently states:

The following landscaping requirements shall be installed on the exterior side of the required wall:

- a. one **(1)** canopy tree for each twenty **(20)** linear feet of property line with a maximum spacing of twenty-five **(25)** feet on center;

- b. one (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and
- c. thirty (30) 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 forty-eight (48) inches,

Is hereby amended to read:

The following landscaping requirements shall be installed on the exterior side of the required wall:

- a. one (1) canopy tree for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet on center;
  - b. one (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and
  - c. thirty (30) 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 forty-eight (48) inches, except along the west wall; and
  - d. along the required west wall, thirty-six (36) 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 seventy-two (72) inches. (CO LANDSCAPE)
4. Condition 1.3 of Resolution 97-1572 Petition 89-115(B) which currently states:

Along the interior side of the required wall, the property owner shall install 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 forty-eight (48) inches.

Is hereby amended to read:

Along the interior side of the required wall, the property owner shall install 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 forty-eight (48) inches, except along the west wall. Along the required west wall, the property owner shall install a thirty-six (36) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center, to be maintained at a minimum height of seventy-two (72) inches. (CO LANDSCAPE)

#### J. LANDSCAPING - INTERIOR

- 1. One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (Previously Condition J.1 of Resolution 97-1572 Petition 89-115(B)) (DRC: ZONING)

2. Raised landscape medians shall be provided between all rows of abutting parking and vehicular circulation aisles. The **minimum** landscape width of these medians shall be five **(5)** feet. One tree and appropriate ground cover shall be planted for each thirty **(30)** linear feet of the median with a maximum tree spacing of forty **(40)** feet on center. (Previously Condition J.2 of Resolution 97-1572 Petition 89-115(B)) (CRC: ZONING)
3. Raised landscape divider median with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty **(30)** feet in width providing ingress or egress to the site. The **minimum** landscape width of this median shall be nine **(9)** feet and the **minimum** length of this median shall be ninety **(90)** feet. One tree and appropriate ground cover shall be planted for each twenty **(20)** linear feet of the divider median. (Previously Condition J.3 of Resolution 97-1572 Petition 89-115(B)) (DRC: ZONING)
4. Landscape foundation planters shall be provided along the front and side facades of all structures except the Self-service storage building. The **minimum** landscape width of these required planters shall be five **(5)** feet and the combined length of the planters shall be no less than **40%** of the total length of the applicable side of the structure. All required landscape foundation planters shall be planted with a minimum of one **(1)** tree or palm every **20** feet on center and appropriate ground cover. (Previously Condition J.4 of Resolution 97-1572 Petition 89-115(B)) (DRC / CO: ZONING / LANDSCAPE)
5. Raised landscape islands shall be provided around the perimeter and interior of the Outdoor Storage area in accordance with the approved site plan. The minimum width shall be five **(5)** feet of landscape area with one tree and appropriate ground cover installed a maximum spacing of twenty **(20)** feet on center. (Previously Condition J.5 of Resolution 97-1572 Petition 89-115(B)) (CO: LANDSCAPE)

#### K. LANDSCAPE GENERAL

1. All perimeter landscape buffers shall be installed prior to the issuance of the first Certificate of Occupancy. Undeveloped portions of the property shall be sodded and maintained until future construction begins. (Previously Condition K.1 of Resolution 97-1572 Petition 89-115(B)) (CO/CODE ENF: LANDSCAPE/ONGOING)

#### L. 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. (Previously Condition L.1 of Resolution 97-1572 Petition 89-115(B)) (CO / ONGOING: BLDG / CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty **(20)** feet in height, measured from finished grade to highest point and setback a minimum distance of twenty-five **(25)** feet from all property lines. (Previously Condition L.2 of Resolution 97-1572 Petition 89-115(B)) (CO: BLDG - Zoning)

3. The lighting conditions above shall not apply to proposed security lighting attached to the buildings or low voltage landscape/accent type lights used to emphasize plant material. (Previously Condition L.3 of Resolution 97-1572 Petition 89-115(B)) (ONGOING: CODE ENF)

M. MASSTRANSIT

1. **A.** 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 Palm Tran. (Previously Condition M.1.A of Resolution 97-1572 Petition 89-115(B)) (DRC: ZONING)

**B.** 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 shelter; or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (Previously Condition M.1.B of Resolution 97-1572 Petition 89-115(B)) (BLDG PERMIT: MONITORING - Eng)

2. **All** printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (Previously Condition M.2 of Resolution 97-1572 Petition 89-115(B)) (ONGOING: PALM TRAN)
3. Commercial locations which are open to the public shall not restrict public mass transit access. (Previously Condition M.3 of Resolution 97-1572 Petition 89-115(B)) (ONGOING: PALM TRAN)

N. MUPD

1. Condition N.1 of Resolution 97-1572 Petition 89-115(B) which currently states:

To ensure consistency with the site plan dated August 20, 1997 presented to the Board of County Commissioners, no more than ten (10) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRC: ZONING)