

RESOLUTION NO. R-2011- 0427

RESOLUTION APPROVING ZONING APPLICATION PDD/DOA-2010-00412  
(CONTROL NO. 1992-00044)  
a Development Order Amendment  
APPLICATION OF Sunshine Wireless of Maryland  
BY Marda L. Zimring Inc, AGENT  
(Glades Road 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 applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application PDD/DOA-2010-00412 was presented to the Board of County Commissioners at a public hearing conducted on March 31, 2011; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant 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 pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application PDD/DOA-2010-00412, the petition of Sunshine Wireless of Maryland, by Marda L. Zimring Inc, agent, for a Development Order Amendment to add land area, add square footage and modify/delete conditions of approval (Signs and Use Limitations) in the Multiple Use Planned Development (MUPD) 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 31, 2011, subject to the conditions of approval described in EXHIBIT C-2, attached hereto and made a part hereof.

Commissioner Vana 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:

Commissioner Karen T. Marcus, Chair	- Aye
Commissioner Shelley Vana, Vice Chair	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Burt Aaronson	- Aye
Commissioner Jess R. Santamaria	- Aye
Commissioner Priscilla A. Taylor	-

The Chairperson thereupon declared that the resolution was duly passed and adopted on March 31, 2011.

Filed with the Clerk of the Board of County Commissioners on April 4th, 2011.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

00 42 43 27 05 076 0360

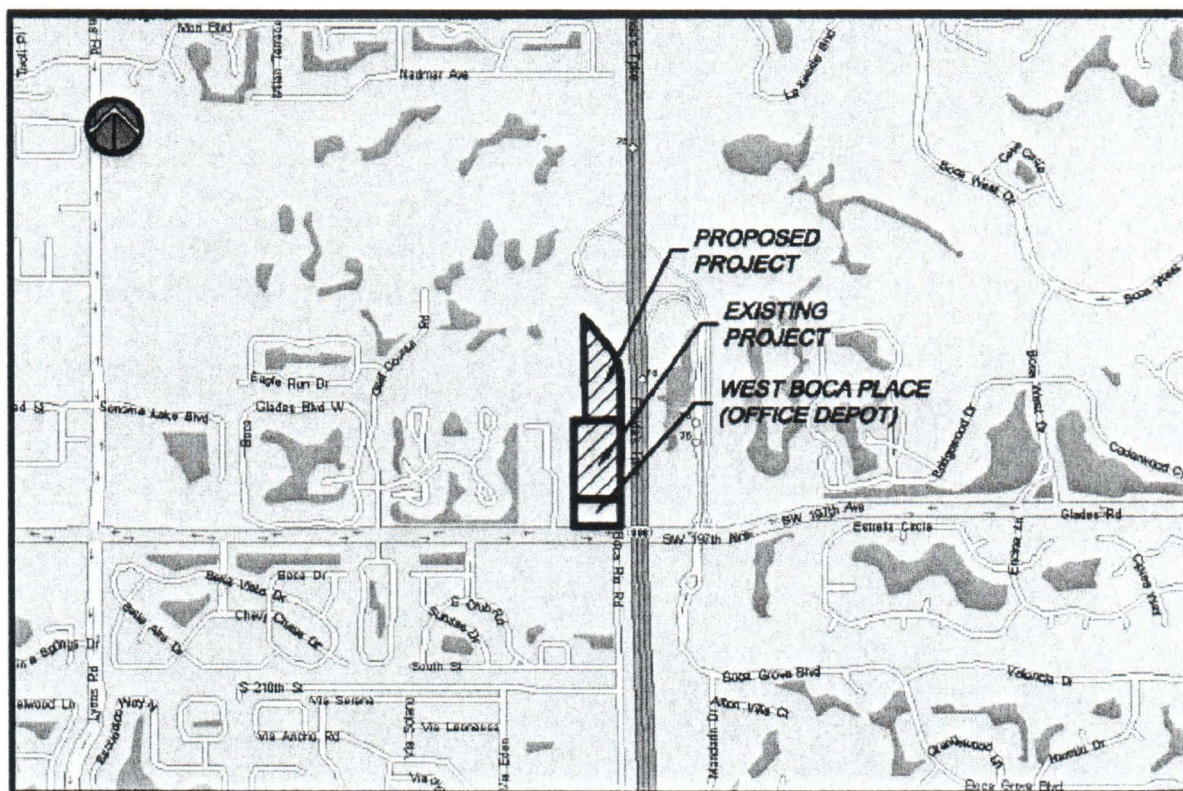
That portion of Tract 36 Block 76, Palm Beach Farms Co. Plat No. 3, according to the Plat thereof, as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records of Palm Beach County, Florida, lying West of that portion of Tract 36 conveyed to the Florida State Turnpike Authority by Order of Taking recorded in the Minutes Circuit Court Book 68, at page 209 and by the results of the Eminent Domain Proceedings reference in that Notice of Lis Pendens recorded in Official Records Book 544, at page 293 of the Public Records of Palm Beach County, Florida.

Together with All of the Glades Road Storage Plat MUPD as recorded in Platbook 112 Page 44 of the public records of Palm Beach County Florida

00 42 47 17 12 000 0000

EXHIBIT B

VICINITY SKETCH



LOCATION PLAN

## EXHIBIT C-2

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Previous All Petitions Condition 1 of Resolution R-2006-0002, Control No. 1992-044 which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-96-168, Petition CA92-44; R-96-1741, Petition Z92-44A; and R-97-527, Petition CR92-44/A4, have been repealed unless contained herein. (ONGOING: ZONING - Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-93-168, Control No. 1992-044; and R-2006-0002, Control No. 1992-044, have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous All Petitions Condition 2 of Resolution R-2006-0002, Control No. 1992-044 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 and regulating plan are dated September 12, 2005. 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 - Zoning)

Is hereby amended to read:

The approved preliminary site plan is dated January 18, 2010. Modifications to the Development Order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

3. All Voluntary Commitments Conditions of Approval of Resolution Nos. R-96-1741 and R-97-527 (Control No. 92-44) for Sunshine Wireless Company shall remain in full force and effect. (ONGOING: ZONING - Zoning)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C. of the ULDC, and shall be generally consistent with the elevations prepared by Henry O. Trimm NCARB Architect LLC dated September 12, 2005. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning) (Previous Architectural Review Condition No. 1 of Resolution R-2006-0002, Control No. 1992-044)

2. Design of gutters and downspouts shall be integrated into the architectural design of all storage buildings. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW - Zoning) (Previous Architectural Review Condition No. 2 of Resolution R-2006-0002, Control No. 1992-044)

3. The minimum height of building 2 shall be thirty-five (35) feet measured from finished

grade to the highest point of the building. This height shall not be inclusive of structures exempt from ULDC height restrictions including, but not limited to, ornamental towers, spires, and parapets. (DRO: ARCH REVIEW - Zoning) (Previous Architectural Review Condition No. 3 of Resolution R-2006-0002, Control No. 1992-044)

#### ENGINEERING

1. Previous Condition E1 of Resolution R-2006-002, Control No. 1992-044, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:

No building permits for the site may be issued after January 2, 2007. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING - ENG)

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:

No building permits for the site may be issued after December 31, 2011. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING - ENG)

2. Prior to issuance of the first building permit for the northern parcel or April 28, 2012, whichever shall occur first, the parcel must be legally created and added to the existing MUPD parcel in accordance with Article 11. (BLDG PERMIT: MONITORING - Eng)

3. Prior to final site plan approval by the DRO, the property owner shall:

- i. Provide a recorded ingress and egress easement confirming the northern parcel's ability to gain access to Glades Road for the use shown; and
- ii. Provide written approval from LWDD for a crossing over the canal to the northern parcel. (DRO: ENGINEERING - Eng)

#### ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING: ERM - Erm) (Previous Condition No ERM-1 of Resolution No. 2006-0002, Control No. 1992-044)

#### HEALTH

1. Previous Condition Health No. 1 of Resolution R-2006-002; Control No. 1992-044 which currently states:

Property owners and operators of facilities generating industrial, hazardous, or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP), the Palm Beach County Health Department and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF - Health)

Is hereby deleted: [Reason: No Longer Applicable]

## LANDSCAPE - GENERAL-STANDARD

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape - Standard Condition No. 1 of Resolution R-2006-0002, Control No. 1992-044)

2. A minimum of sixty (60) percent of all trees to be planted in the landscape buffers shall meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet;
- b. trunk diameter: 3.5 inches measured at 4.5 feet above grade;
- c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape - Standard Condition No. 2 of Resolution R-2006-0002, Control No. 1992-044)

3. All palms required to be planted on the property 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. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape - Standard Condition No. 3 of Resolution R-2006-0002, Control No. 1992-044)

4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition No. 4 of Resolution R-2006-0002, Control No. 1992-044)

5. Field adjustment of berm, wall, and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape - Standard Condition No. 5 of Resolution R-2006-0002, Control No. 1992-044)

## LANDSCAPE - GENERAL-LANDSCAPING-SOUTH, EAST AND WEST PROPERTY LINES (ABUTTING FLORIDA'S TURNPIKE AND COMMERCIAL PROPERTIES)

6. In addition to code requirements, the landscape buffers along the south, east and west property lines shall be upgraded to include a minimum of one (1) palm or pine tree for each thirty (30) linear feet of the property line. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition No. 1 of Resolution R-2006-0002, Control No. 1992-044)

## LIGHTING

1. All outdoor, freestanding lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning) (Previous Lighting Condition No. 1 of Resolution R-2006-0002, Control No. 1992-044)

2. All outdoor lighting shall be extinguished no later than one half (1/2) hour after operating hours, excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous Lighting Condition No. 2 of Resolution R-2006-0002, Control No. 1992-044)

3. 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 - Zoning) (Previous Lighting Condition No. 3 of Resolution R-2006-0002, Control No. 1992-044)

## PLANNING

1. The subject site shall be restricted to storage use only. (ONGOING-PLANNING-

Planning)

#### PROPERTY & REAL ESTATE MANAGEMENT

1. Palm Beach County or the State of Florida shall have the right to co-locate communication equipment on the tower subject to an acceptable lease agreement provided that the placement of the equipment does not interfere with the petitioner's equipment or operations. (Previous PREM Condition 1 of Resolution R-2006-002, Petition 92-44A) (ONGOING: PREM - PREM)

#### SIGNS

1. No freestanding point of purchase sign shall be permitted on the property. (BLDG PERMIT: BLDG - Zoning) (Previous Sign Condition No.1 of Resolution R-2006-0002, Control No. 1992-044)

2. Previous Sign Condition No. 2 of Resolution R-2006-0002, Control No. 1992-044 which currently states:

Outparcel identification signage shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - six (6) feet;
- b. maximum sign face area per side - twenty (20) square feet;
- c. maximum number of signs - one (1) for the entire site, unless off-site signage is provided, in which case no outparcel identification sign shall be permitted;
- d. style - monument style only;
- e. location - within twenty (20) feet of the west boundary of the access drive measured from edge of pavement, and within twenty-five (25) feet of the south property line; and,
- f. content - identification of tenant and logo only. (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

Off-Site Directional Sign shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - six (6) feet;
- b. maximum sign face area per side - twenty (20) square feet;
- c. maximum number of signs - one (1) for the entire site, unless off-site signage is provided, in which case no outparcel identification sign shall be permitted;
- d. style - monument style only;
- e. location - within twenty (20) feet of the west boundary of the access drive measured from edge of pavement, and within twenty-five (25) feet of the south property line; and,
- f. content - identification of tenant and logo only. (BLDG PERMIT: BLDG - Zoning)

3. Sign Condition No. 3 of Resolution R-2006-0002, Control No. 1992-044 which currently states:

Wall signs shall be limited as follows:

- a. location - south facade of building 2 only;
- b. minimum vertical separation from roof line - twelve (12) feet;
- c. maximum lettering size - thirty-six (36) inches, subject to compliance with ULDC regulations; and,
- d. content - identification of tenant only. (BLDG PERMIT: BLDG - Zoning)

Is hereby deleted: [Reason: Code Requirements]

4. Sign Condition No. 4 of Resolution R-2006-0002, Control No. 1992-044 which currently states:

Building mounted signs shall be prohibited on the east facade of building 2, unless required by law. (BLDG PERMIT: BLDG - Zoning)

Is hereby deleted: [Reason: Code Requirements]



## USE LIMITATIONS

1. Hours of business operation, including deliveries and loading, shall be limited to 7:00 a.m. to 9:00 p.m. Monday through Saturday, and 8:00 a.m. to 6:00 p.m. Sunday. (ONGOING: CODE ENF - Zoning) (Previous Use Limitations Condition No. 1 of Resolution R-2006-0002, Control No. 1992-044)

2. Overnight storage or parking of delivery vehicles/trucks or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous Use Limitations Condition No. 2 of Resolution R-2006-0002, Control No. 1992-044)

3. Outdoor retail business activities shall not be allowed on the property, excluding deliveries only. (ONGOING: CODE ENF - Zoning) (Previous Use Limitations Condition No. 3 of Resolution R-2006-0002, Control No. 1992-044)

## UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer/property owner shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING : PBCWUD - PBCWUD) (Previous Utilities Condition 1 of Resolution R-2006-0002, Control 1992-00044)

## COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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 (CO); 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 Unified Land Development Code (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 the Code Enforcement Special Master 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)