

RESOLUTION NO. R-2001- 0146

RESOLUTION APPROVING ZONING PETITION CA00-051
CLASS A CONDITIONAL USE
PETITION OF ANDREW J. LECOLANT
BY KEVIN MCGINLEY, AGENT
(MILITARY 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 petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) 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 Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA00-051 was presented to the Board of County Commissioners at a public hearing conducted on January 25, 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 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 Unified Land Development Code (ULDC) 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; contingent upon the approval of Small Scale Development Amendment No. 00-SCA 77 COM 1.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, 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 Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.

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 determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
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 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 CA00-051, the petition of Andrew J. Lecolant, by Kevin McGinley, agent, for a Class A Conditional Use (CA) to allow a self-service 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 25, 2001, 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 Aaronson and, upon being put to a vote, the vote was as follows:

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

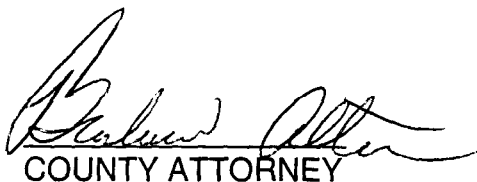
The Chair thereupon declared that the resolution was duly passed and adopted on January 25, 2001 and shall be effective upon the effective date of Small Scale Development Amendment No. 00-SCA 77 COM 1.

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

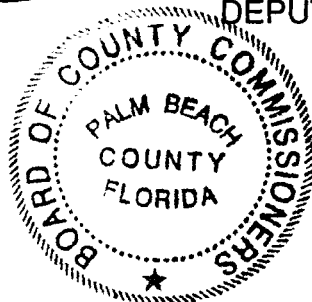


EXHIBIT A

LEGAL DESCRIPTION

Parcel 1

The South one acre of the South half (S 1/2) of the Southwest quarter (SW 1/4) of the Northwest quarter (NW 1/4) of the Northeast quarter (NE 1/4) of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida. LESS the West 40 feet thereof.

Parcel 2

The North one acre of the South two acres of the South half (S 1/2) of the Southwest quarter (SW 1/4) of the Northwest quarter (NW 1/4) of the Northeast quarter (NE 1/4) of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

Beginning at the Northwest (NW) corner of the Southwest quarter (SW 1/4) of the Northeast quarter (NE 1/4) of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida; thence North along the West line of said Northeast quarter (NE 1/4) of said Section 25, a distance of 130.78 feet to a point; thence East on an angle of 91 degrees 10 minutes 55 seconds from North through East, a distance of 40 feet to a point in the East right-of-way line of Military Trail (SRD #809) and the Point of Beginning; thence continue East, a distance of 626.20 feet to a point; thence South on an angle from West through South 91 degrees 10 minutes 55 seconds, a distance of 65.51 feet to a point; thence West on an angle of, from North through West, 88 degrees 48 minutes 29 seconds, a distance of 626.20 feet to a point in the East right-of-way line of Military Trail (SRD #809); thence North along the East right-of-way line of Military Trail (SRD #809), a distance of 65.40 feet to the Point of Beginning.

LESS AND EXCEPT from Parcels 1 and 2, additional right-of-way for Military Trail as contained in instrument recorded in Official Record Book 5910, Page 1938, of the Public Records of Palm Beach County, Florida.

Parcel 3

The North 63 feet (N 63 feet) of the West half (W 1/2) of the Northwest quarter (NW 1/4) of the Southwest quarter (SW 1/4) of the Northeast quarter (NE 1/4) of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida. LESS the West 53 feet thereof.

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 November 20, 2000. 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 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)
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Architectural Review Section, Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

C. BUILDING AND SITE DESIGN

1. The minimum setback for all structures adjacent to the east and west property lines shall be seventy-five (75) feet. (DRC: ZONING)
2. The maximum height for the one story self service storage buildings shall not exceed twenty (20) feet and the maximum height for the two story office building shall not exceed thirty (30) feet excluding the decorative tower. Heights shall be measured from finished grade to highest point including all screened air conditioning, mechanical equipment and satellite dishes. (BLDG PERMIT: BLDG - Zoning)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The wall along the southern border of the property shall be shown to undulate around significant native trees prior to DRC site plan certification. (DRC: ERM)

E. ENGINEERING

CUTOUT LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF MILITARY TRAIL

1. 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 provide landscape cutouts within the concrete median of Military Trail Right-of-Way contiguous to the frontage. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. When landscape cutouts are permitted by the Florida Department of Transportation, landscaping shall, consist of Landscape Material approved by the County Engineer. All new landscape material 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. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG PERMIT:MONITORING - Eng)

2. All required median landscaping, including an irrigation system, the cost of Cutting out or removing the existing concrete median as well as the cost of the Landscape material shall be funded at the property owners expense. All new and existing landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. The maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing 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, and the irrigation system. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING-Eng)
3. If the County does not assume maintenance responsibility, then appropriate property owners' documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)

F. LANDSCAPING - STANDARDS

1. All canopy trees required to be planted in the perimeter buffers 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 be booted Sabal palms and 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 a canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG WEST PROPERTY LINE (MILITARY TRAIL FRONTAGE)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. a minimum twenty- five (25) foot wide landscape buffer strip;
 - 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;
 - c. one (1) canopy tree planted every thirty (30) feet on center;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters; and,
 - e. twenty-four (24) inch high shrub or hedge material, fifty (50) percent installed on the plateau of the berm, spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG SOUTH AND EAST PROPERTY LINES (ONLY IF ADJACENT TO RESIDENTIAL ZONING)

1. Landscaping and buffering along the south and east property lines adjacent to residential zoning shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip; and
 - b. a minimum six (6) foot high concrete screen wall. The exterior side of the wall shall have a finished architectural treatment that is consistent with the color and style of the principal structures. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required screen wall and along the south and east property lines adjacent to residential zoning:
 - 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 native shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of sixty (60) inches. (CO: LANDSCAPE)

I. LANDSCAPING - INTERIOR

1. A continuous raised, curbed planter shall be provided along the west building facade of Building C facing Military Trail to consist of the following:
 - a. The minimum width of the required landscape areas shall be eight (8) feet, except for the terminal radius;
 - b. The length of the required landscaped areas shall be no less than 100% of the total length of the west side of the structure; and,
 - c. Landscape areas shall be planted with a minimum of one (1) tree or palm for each twenty (20) linearfeet of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

J. 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 and the minimum necessary to satisfy the Palm Beach County Security Code. (CO/ONGOING: BLDG/CODE ENF -Zoning)
2. All outdoor lighting fixtures shall be setback a minimum forty (40) feet from property lines with residential zoning and not exceed twenty five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
3. The lighting conditions above shall not **apply to** proposed security lights or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

K. PARKING

1. Overnight storage or parking of rental trucks shall not be permitted on site. (ONGOING: CODE ENF)
2. The nine (9) parking spaces in the eastern portion of the property shall be for automobiles only. Appropriate signs shall also be posted restricting this area to temporary parking. (CO: CODE ENF)

L. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the site plan shall be amended to modify the notation which currently reads "future cross access". The notation shall be amended to read "proposed cross access to be paved to the property line for future access to adjacent parcel". (DRC: PLANNING)
2. Prior to the issuance of the certificate of occupancy, the petitioner shall provide a break in the wall at the edge of the southern property line and pave the property to the edge of the southern property line at the location shown on the site plan labeled "future cross access". (CO/BLDG PERMIT: MONITORING-BUILDING)
3. Prior to final site plan approval by the Development Review Committee, the site plan shall provide for pedestrian pathways (decorative sidewalks) as indicated on the site plan dated November 20, 2000. These decorative pedestrian pathway areas are to be constructed of pavers, brick, decorative / stamped concrete or similar pavement treatment to clearly indicate that the pathway is intended for pedestrians. (DRC: PLANNING)
4. Prior to final site plan approval by the Development Review Committee, the Planning Division shall determine whether this site plan conforms with those recommendations of the Lake Worth Road Commercial Corridor incorporated onto the site plan dated **November 20, 2000**. In addition, the location of the dry retention area to the rear of the site shall remain on the site plan. (DRC: PLANNING)

M. 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 - seven (7) feet;
 - b. Maximum sign face area per side - 70 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)
2. Wall signs shall be limited to the west facade of the office building and shall be limited to twelve (12) inches high. (CO: BLDG)

N. USE LIMITATION

1. Outdoor storage or placement of any material, refuse, equipment or debris shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

O. 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)