

RESOLUTION NO. R-96-650

RESOLUTION APPROVING ZONING PETITION PDD96-04  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF DOUBLE A INDUSTRIES PROPERTIES INC.  
BY ELLEN C. SMITH, AGENT  
LAKE WORTH STORAGE MUPD

**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 notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

**WHEREAS**, Zoning Petition PDD96-04 was presented to the Board of County Commissioners at a public hearing conducted on April 25, 1996; 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 recommendation of the Zoning Commission; and

**WHEREAS**, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 PDD96-04, the petition of Double A Industries Properties Inc. by Ellen C. Smith, agent, for an Official Zoning Map Amendment to a Planned Development District (PDD): from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District with requested uses for (1) self-service storage; (2) vehicle rental; (3) office, business or professional, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 25, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Lee 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:

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


The Chair thereupon declared that the resolution was duly passed and adopted on May 23, 1996.

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

TRACT 50, BLOCK 25, THE PALM BEACH FARMS CO., PLAT NO. 3 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THRU 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL #2

BEGINNING AT THE NORTHWEST (NW) CORNER OF TRACT 49, BLOCK 24, THE PALM BEACH FARMS CO., PLAT NO 3 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THRU 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNM, FLORIDA, THENCE RUN SOUTHERLY ALONG THE WEST LINE OF SAID TRACT 49 TO THE SOUTHWEST (SW) CORNER OF SAID TRACT 49, THENCE RUN EASTERLY ALONG THE SOUTH LINE OF SAID TRACT 49, A DISTANCE OF 329.28 FEET TO A POINT; THENCE RUN NORTHERLY A DISTANCE OF 660.00 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF TRACT 49, WHICH IS 329.01 FEET FROM THE NORTHWEST (NW) CORNER OF SAID TRACT 49; THENCE RUN WESTERLY ALONG THE NORTH LINE OF TRACT 49, A DISTANCE OF 329.01 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING FROM PARCEL #1 AND PARCEL #2 THE FOLLOWING DESCRIBED PROPERTY TO WIT:

A TRACT OF LAND LYING IN PALM BEACH COUNTY IN TRACTS 49 AND 50, BLOCK 24, THE PALM BEACH FARMS CO., PLAT NO. 3 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THRU 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SUNSHINE-STATE PARKWAY AND FURTHER LOCATED NORTH 00 DEGREES 39 MINUTES 11 SECONDS WEST, 72.69 FEET ALONG SAID RIGHT-OF-WAY LINE FROM THE SOUTH BOUNDARY OF TRACT 49, THENCE NORTH 23 DEGREES 09 MINUTES 11 SECONDS WEST, 323.06 FEET TO A POINT; THENCE NORTH 45 DEGREES 39 DEGREES 11 MINUTES WEST 408.39 FEET TO A POINT ON THE NORTH BOUNDARY OF TRACT 50. THENCE NORTH 89 DEGREES 23 MINUTES 44 SECONDS EAST; ALONG SAID NORTHERN BOUNDARY OF TRACT 50 AND TRACT 49, A DISTANCE OF 412.58 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY; THENCE SOUTH 00 DEGREES 39 DEGREES 39 MINUTES 11 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE, 587.31 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL #3

THE EAST ONE-HALF (112) OF TRACT 63, BLOCK 24, THE PALM BEACH FARMS CO. PLAT NO. 3., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THRU 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPTING THEREFROM THE SOUTHERLY 58.23 FEET, MORE OR LESS, HERETOFORE CONVEYED TO COUNTY OF PALM BEACH, STATE OF FLORIDA FOR ROAD RIGHT-OF-WAY PURPOSES IN DEED BOOK 899, PAGE 675, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND LESS THAT PART CONVEYED TO THE COUNTY OF PALM BEACH, IN OFFICIAL RECORD BOOK 4349, PAGE 1932, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA.

CONTAINING 752,725 SQUARE FEET OR 17.280 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS SHOWN HEREON ARE RELATIVE-AND ARE BASED ON AN ASSUMED BEARING OF NORTH 89 DEGREES 59 MINUTES 52 SECONDS WEST, ALONG THE SOOTH LINE OF TRACTS 47, 51, AND 52 BLOCK 24, AS SHOWN ON THE PLAT OF CYPRESS WOODS II PLAT BOOK 62, PAGES 147 THROUGH 151.

EXHIBIT B  
VICINITY SKETCH

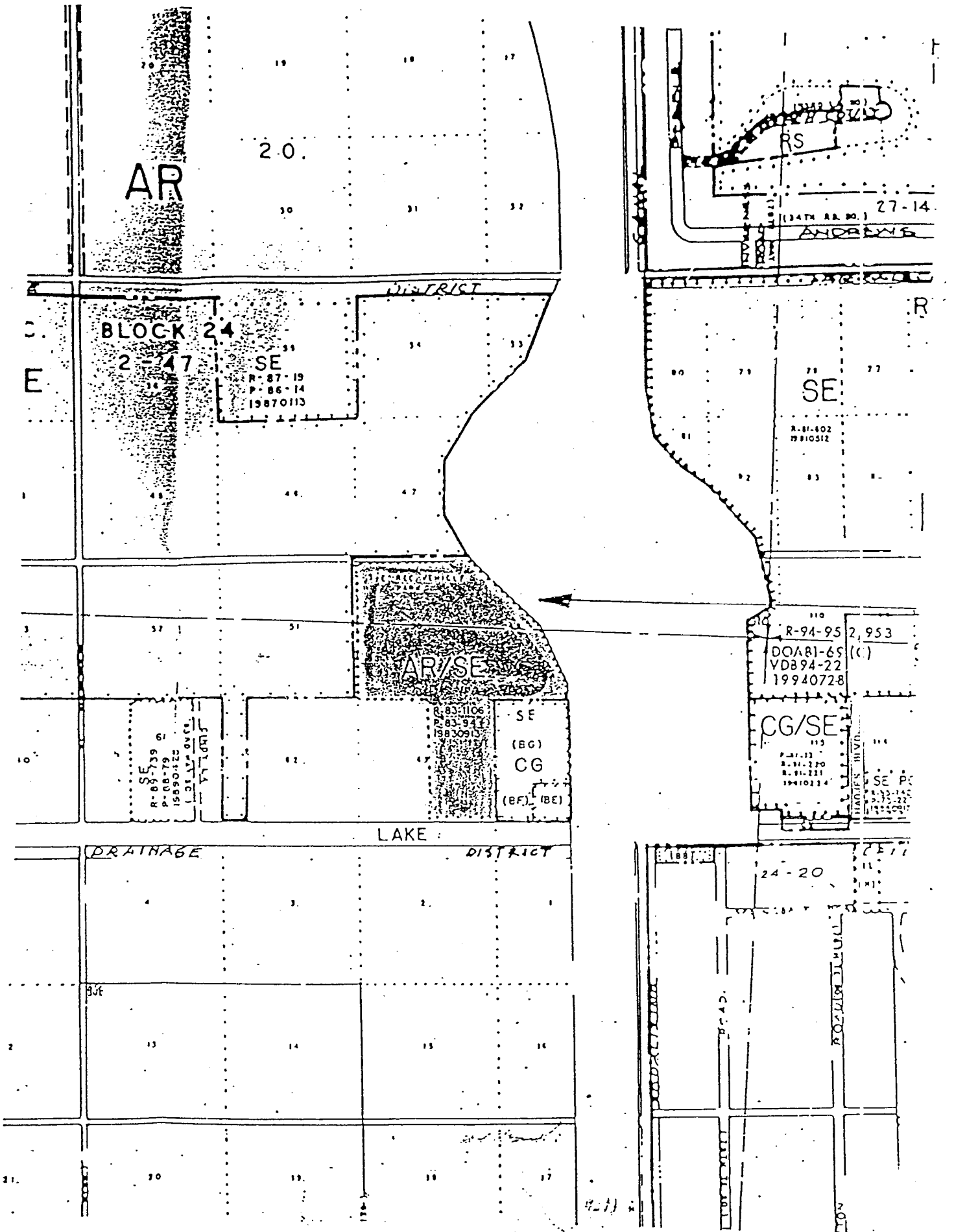


EXHIBIT C  
CONDITIONS OF APPROVAL

A. **ALL PETITIONS**

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R- 83-1106 (Petition 83-94) are hereby revoked. (ONGOING: MONITORING-Zoning)
2. Development of the site is limited to the uses, phases and design in accordance with the supportive exhibits (Preliminary Development Plan, Conceptual Development Plan, and Conceptual Landscape Development Plan dated April 17, 1996) approved by the Board of County Commissioners. All modifications must be approved by the Board of County Commissioners unless the proposed charges are required to meet conditions of approval or in accordance with minor deviations as permitted in the ULDC. (ONGOING: ZONING)

B. **USE LIMITATIONS**

1. The retail space shall not be used for a pawn shop, restaurant, entertainment, data processing, daycare, motorized vehicle repair, medical offices, building materials or the sale of food or beverages. (ONGOING: CODE ENF - Zoning)
2. No outside storage of disassembled vehicles or parts shall be permitted on site. (ONGOING: CODE ENF)
3. There shall be no vehicle maintenance or repairs permitted on site. (ONGOING: CODE ENF)
4. No advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall except as provided by a Special Permit. (ONGOING: CODE ENF)
5. The outdoor storage area shall not exceed thirty five (35) percent of the land area and all outdoor storage spaces shall be entirely covered by a roofed structure. A roofed structure may be optional for to the two (2) rows of parking on either side of the fifty (50) foot wide entrance aisle. (DRC: ZONING)
6. There shall be no underground or bulk storage of gasoline, propane or diesel fuel on the property. (ONGOING: CODE ENF)
7. Hours of operation for Phase 1 of the self-service storage may be twenty-four (24) hours but, Phases 2 and 3 shall be limited from 8:00 a.m. to 8:00 p.m. The office/retail hours of operation shall be limited from 7:00 a.m. to 10:00 p.m. (ONGOING: CODE ENF)
8. U-Haul vehicles/trailers are limited to twelve (12) and located as shown on the Preliminary Development Plan dated April 17, 1996. (ONGOING: CODE ENF)

C. BUILDING AND SITE DESIGN

1. All buildings shall be limited to one story except for the proposed Caretaker's Quarter's. (DRC/BLDG: ZONING)
2. The maximum height for the self service storage buildings and the outdoor covered storage areas, measured from finished grade to highest point, shall not exceed fifteen (15) feet for self-storage buildings and seventeen (17) feet for outdoor storage. (BLDG PERMIT: BLDG - Zoning)
3. Openings shall not be permitted in the eight (8) screen wall or in the perimeter facade of the self service storage buildings, except required emergency exits. (BLDG PERMIT: BLDG)
4. Similar architectural character and treatment shall be provided on building facades facing perimeter property lines and rights of way. (BLDG PERMIT: BLDG - Zoning)
5. All air conditioning and mechanical equipment shall be screened from view and not visible from any property line. Screening shall consist of a visually opaque barrier consistent with the color, character and architectural style of the principal structure. (CO: BLDG - Zoning)
6. The minimum setback for the outdoor storage area shall be two hundred (200) feet from the north residential property line and two hundred fifty (250) feet from the west property line adjacent to Summerchase PUD. (DRC: ZONING)
7. The width of the project's entrance on Lake Worth Road shall be reduced to thirty five (35) feet. (DRC: ZONING)
8. A permanent four (4) foot chain link, vinyl coated fence shall be installed between the on site lake and the Summer Chase Boundary line, prior to site clearing or as soon as possible. Petitioner shall also install a six (6) foot chain link, vinyl coated fence to prevent pedestrian access from the south property line along the eastern E2W Canal, subject to LWDD approval. (BLDG PERMIT: BLDG - Zoning)

D. SIGNAGE

1. Point of purchase/freestanding sign on the property shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
  - b. Maximum sign face area - 100 square feet;
  - c. Maximum number of signs - one (1);
  - d. Style - monument style only; and,
  - e. Location - at the southeast corner of the property on the north side of Lake Worth Road. (CO: BLDG - Zoning)

E. ENGINEERING

1. The use of the proposed 2900 square foot business office shall be limited to an ancillary office use by the self service storage and on site truck rental only. (ONGOING: BLDG)

2. 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 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: 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 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. (CO: BLDG - 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. (CO: BLDG - Eng)

F. LANDSCAPING

1. All trees required to be planted shall be native evergreen species and meet the following minimum standards at time of installation:
- a. Tree height: fourteen (14) feet along Lake Worth Road and Florida Turnpike and 50% twelve (12) foot and 50% fourteen (14) foot along the remaining perimeter property lines.
- 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. (CO: LANDSCAPE - Zoning)
- 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 shall be native, banded, species and meet the following minimum standards at time of installation:
  - a. Palm heights: twelve (12) feet grey wood
  - b. Clustering: staggered heights twelve (12) to eighteen (18) feet.
  - c. Pruning: minimum six (6) fronds, no clipped or spiked cuts.
  - d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

**G. LANDSCAPING AND BUFFERING ALONG ALL PROPERTY LINES**

1. Landscaping and buffering along all property lines shall be in accordance with the Preliminary Development Plan, Conceptual Development Plan, and Conceptual Landscape Development Plan dated April 17, 1996. For Development Review Committee purposes, the design minimums shall be as follows:
  - a. A minimum thirty (30) foot wide landscape buffer on all property lines except for the eastern property line adjacent to the commercial zoned property,
  - b. A minimum fifteen (15) foot wide landscape buffer strip on the east property line.
  - c. One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.
  - d. One (1) palm for each thirty (30) linear feet perimeter property line with a maximum spacing of eighty (80) feet between clusters. A grouping of three or more palms may supersede the requirement for a canopy tree in that location.
  - e. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE - Zoning)

**H. LANDSCAPING ALONG SOUTH PROPERTY (LAKE WORTH ROAD)**

1. Landscaping and buffering along the south property line shall be upgraded to include:
  - a. A minimum thirty (30) foot wide landscape buffer strip.
  - b. A continuous three (3) foot high berm with the height of berm measured from the top of curb. (CO/DRC: LANDSCAPE - Zoning)
  - c. One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.
  - d. One (1) palm for each thirty (30) linear feet perimeter property line with a maximum spacing of sixty (60) feet between clusters. A grouping of three or more palms may supersede the requirement for a canopy tree in that location.



- e. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG EAST PROPERTY LINE ADJACENT TO LWDD CANAL

1. Landscaping and buffering along the property lines shall be upgraded to include:
  - a. A minimum thirty (30) foot wide landscape buffer strip.
  - b. One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.
  - c. One (1) palm for each thirty (30) linear feet perimeter property line with a maximum spacing of eighty (80) feet between clusters. A grouping of three or more palms may supersede the requirement for a canopy tree in that location.
  - d. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE - Zoning)

J. LANDSCAPING ALONG WEST PROPERTY LINE

1. Landscaping and buffering along the north and property lines shall be upgraded to include:
  - a. A minimum thirty (30) foot wide landscape buffer strip.
  - b. One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.
  - c. One (1) palm for each thirty (30) linear feet perimeter property line with a maximum spacing of eighty (80) feet between clusters. A grouping of three or more palms may supersede the requirement for a canopy tree in that location.
  - d. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE - Zoning)

K. 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. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)

**L. LAKE WORTH DRAINAGE DISTRICT**

1. The property owner shall convey to the Lake Worth Drainage District an Easement over the Eastern portion of the subject property lying within forty (40) feet of the West top of bank of the existing physical Equalizing Canal No. 2-W (E-2-W), prior to the issuance of building permits. (BLDG PERMIT: LWDD)

**M. 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.

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)