

RESOLUTION NO. R-96-1946

RESOLUTION APPROVING ZONING PETITION DOA88-121(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF SOUTHERN SELF STORAGE
BY KIERAN KILDAY, AGENT
(SOUTHERN SELF STORAGE)

12/43

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 DOA88-121(A) was presented to the Board of County Commissioners at a public hearing conducted on October 24, 1996; 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 DOA88-121(A), the petition of Southern Self Storage, by Kieran Kilday, agent, for a Development Order Amendment (DOA) to allow a Self-service storage facility with outside vehicle storage 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 24, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

The motion was seconded by Commissioner McCarty and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on December 2, 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

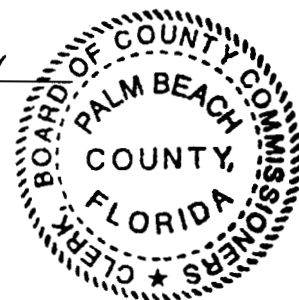


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A parcel of land in the Northwest Quarter (1/4) of Section 4, Township 42 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

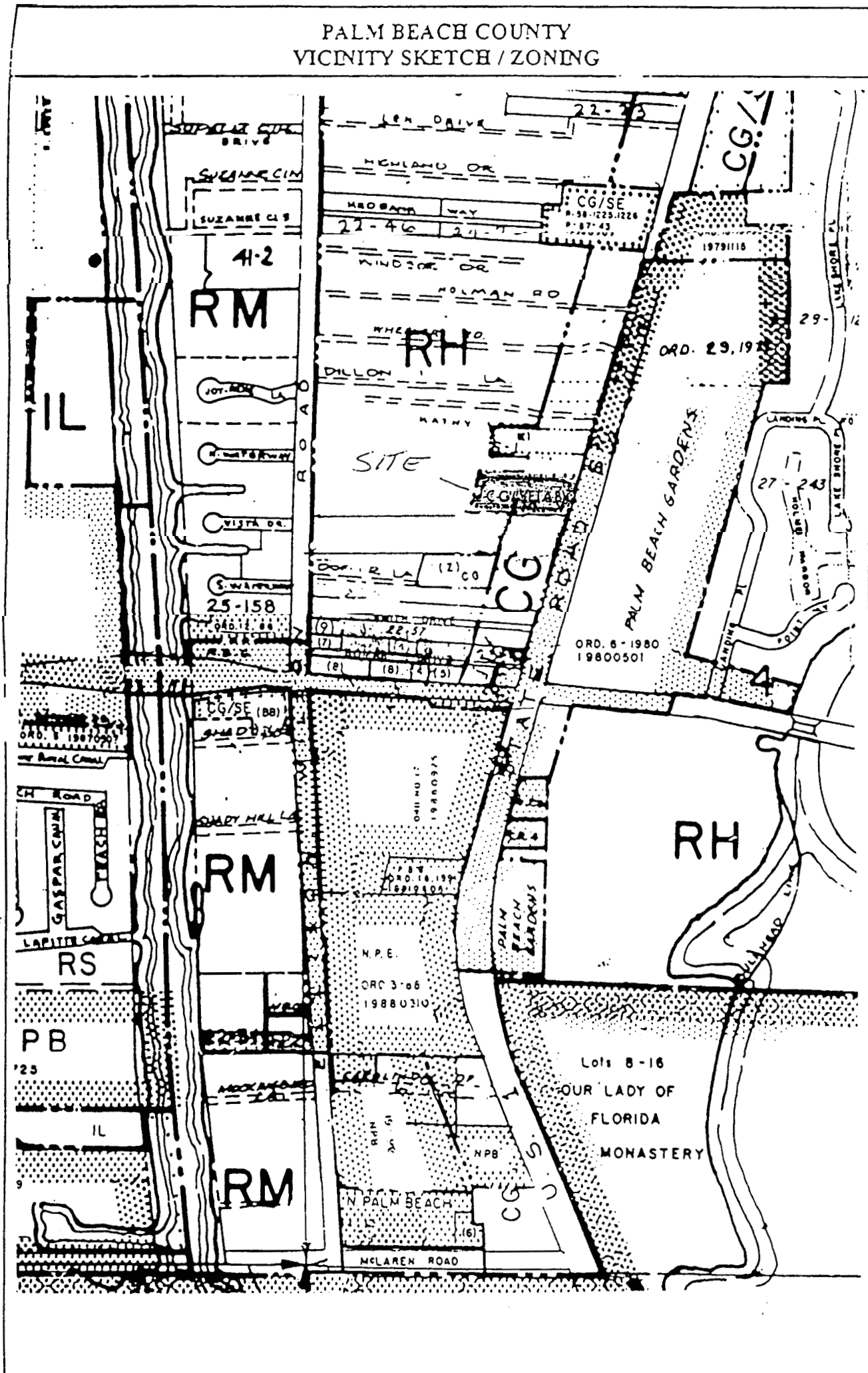
Commence at the Southwest corner of said Northwest Quarter (1/4); thence N 02° 46' 10" W, along the West line of said Northwest Quarter (1/4), a distance of 783.24 feet to a point; thence N 90° 00' 00" E a distance of 723.19 feet to the Point of Beginning of the hereinafter described parcel; thence N 12° 14' 00" E a distance of 200.00 feet to a point; thence N 90° 00' 00" E a distance of 460.00 feet to a point on the West Right-of-Way line of U.S. Highway No. 1 as recorded in Road Plat Book 2, Pages 105 through 118, Public Records of Palm Beach County, Florida; thence S 12° 04' 00" W, along said Right-of-Wayline, a distance of 200.00 feet to a point; thence S 90° 00' 00" W, departing from said Right-of-Wayline, a distance of 460.00 feet to the Point of Beginning.

Bearings recited herein are based upon the South line of said Northwest Quarter (1/4), having a bearing of N 90° 00' 00" E and all other bearings are relative thereto.

Containing in all 2.0654 acres, more or less.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



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EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Resolution R-89-1059, Petition 88-121, is hereby revoked. (MONITORING)
2. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved site plan is dated September 20, 1996. 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. The proposed self service storage building shall be designed and constructed to be consistent with the elevation dated October 11, 1996, prepared by Design Team West Inc. and Mike Carter Construction. (BLDG PERMIT: BLDG - Zoning)
2. Similar architectural character and treatment, including but not limited to color, material, fenestration and barrel tile roof treatment, shall be provided on the north, south and east sides of the building. Similar architectural color, material and barrel tile roof treatment shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
3. Prior to issuance of a CO for the self service storage facility, all outdoor storage areas and mechanical or electrical equipment on the entire site shall be screened from view on all sides so as not to be visible from any property line. (BLDG PERMIT: BLDG - Zoning)

C. LIGHTING

1. All outdoor light poles shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
2. All outdoor light poles shall be located a minimum of twelve (12) feet from residential zoning districts property lines with house-side cutoff shields to prevent lighting from spilling into residential areas. (CO: BLDG - Zoning)
3. Wall mounted lighting along the north, south and west property lines, adjacent to a residential zoning district, shall be hooded and mounted at a height below the proposed wall. This condition will apply only if such lighting is proposed for the project. (CO: BLDG - Zoning)
4. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
5. 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)

D. SIGNS

1. Point of purchase signage shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only;
 - e. Location - within ten (10) feet of proposed turnout on US Highway 1. (BLDG PERMIT: BLDG - Zoning)
2. No wall signs shall be permitted on the facades of the building. (BLDG PERMIT: BLDG - Zoning)

E. ENGINEERING

1. 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: 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 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: 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. (CO: MONITORING - Eng)
2. Prior to issuance of a building permit, the property owner shall plat the subject property in accordance with the County Engineer's approval. (BLDG PERMIT: MONITORING - Eng)

F. LANDSCAPING - GENERAL

1. All trees required to be planted on site by this approval shall meet the following minimum standards at time of installation:
 - a. Tree height: fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade; and
 - 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. (CO: LANDSCAPE - Zoning)

2. All palms required to be planted on site by this approval shall be native species and meet the following minimum standards at time of installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clustering: staggered heights twelve (12) to eighteen (18) feet; and
 - 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.
 - e. a group of three (3) palms shall not be substituted for a perimeter canopy tree unless otherwise stated. (CO: LANDSCAPE - Zoning)

3. All landscaping shall be located on the exterior side of the proposed eight (8) foot high screen wall. (DRC/CO: LANDSCAPE CODE ENF - Zoning)

G. LANDSCAPING ALONG EAST PROPERTY LINE (US HIGHWAY 1 FRONTAGE)

1. Landscaping and buffering along the east property line (US Highway 1 frontage), shall be upgraded to include:
 - a. a minimum thirty-five (35) foot wide landscape buffer strip;
 - b. **An** undulating berm having an average height of 2.5 feet measured from the top of curb. At no time shall the berm be less than two (2) feet in height;
 - c. one (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
 - d. one (1) palm or pine tree for each twenty-five (25) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) or more palms may be substituted for a maximum of two (2) canopy trees; and
 - e. twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG NORTH PROPERTY LINE MINIMUM DISTANCE OF TWO HUNDRED THIRTY (230) FEET FROM US HIGHWAY 1

1. Landscaping and buffering within the proposed fifteen (15) buffer shall include:
 - a. a continuous two (2) foot high berm, measured from the top of curb;

- a. a continuous two (2) foot high berm, measured from the top of curb;
- b. one (1) canopy tree for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet on center;
- c. a minimum (3) sixteen (16) foot high canopy trees with a minimum spacing of sixty (60) feet on center;
- d. one (1) palm or pine tree for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters; and
- e. thirty-six (36) inch high wax myrtle hedge material installed on the plateau of the berm and spaced no more than twenty-four (24) inches on center along the entire north property line. This hedge shall be maintained at a minimum height of sixty (60) inches. (CO: LANDSCAPE - Zoning)
- f. Along the north property line, the proposed screen wall shall be extended easterly a minimum distance of twenty-five (25) feet east of the northwest corner of the proposed self service storage facility building. (CO: LANDSCAPE)

I. LANDSCAPING ALONG SOUTH PROPERTY LINE MINIMUM DISTANCE OF ONE HUNDRED NINETY (190) FEET FROM US HIGHWAY 1

- 1. Landscaping and buffering within the proposed fifteen (15) buffer shall include:
 - a. a continuous two (2) foot high berm, measured from the top of curb;
 - b. one (1) canopy tree for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet on center;
 - c. a minimum three (3) sixteen (16) foot high canopy trees with a minimum spacing of sixty (60) feet on center;
 - d. one (1) palm or pine tree for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters; and
 - e. twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm and spaced no more than twenty four (24) inches on center. This hedge shall be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE - Zoning)

J. LANDSCAPING - INTERIOR

- 1. Landscape foundation planting areas shall be provided on the north, south and east facades of the building. The combined length of the required landscape foundation planting areas shall be no less than 60% of the total length of the applicable side of the structure. The minimum width of the required foundation planting areas shall be thirty (30) inches. All required areas shall be planted with a minimum of one (1) tree, palm or trellised bougainvillea (bougainvillea - minimum 12 feet in height at installation) every 20 feet on center and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

K. USE LIMITATION

- 1. A maximum of twenty-six (26) vehicles, boats or trailers shall be stored on site and located only in the designated outside storage spaces on the west side of the self service storage building. (ONGOING: CODE ENF - Zoning)

2. No vehicles shall be available for rent or lease. (ONGOING: CODE ENF - Zoning)
3. The self service storage facility and outdoor storage area shall be limited to the business hours from 7:00 a.m. to 7:00 p.m. daily. (ONGOING: CODE ENF - Zoning)
4. Repair or maintenance of vehicles, boats or trailers shall not be permitted on site at any time. (ONGOING: CODE ENF - Zoning)
5. All site improvements shall be in compliance with the certified site plan and all other code requirements. All site improvements shall be completed prior to the issuance of a Certificate of Occupancy (CO) for the self service storage facility. (CO: MONITORING - Bldg / Zoning)
6. There shall be no underground or bulk storage of gasoline, propane or diesel fuel on the property. (ELDG PERMIT: BLDG)
7. No barbed wire or hazardous topping shall be installed on the proposed eight (8) feet high wall. (ONGOING: CODE ENF)
8. A black or green colored vinyl coated chain link fence shall be installed to enclose the proposed preservation area. (CO: LANDSCAPE/ZONING)

L. 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)