

RESOLUTION NO. R-97- 1097

RESOLUTION APPROVING ZONING PETITION PDD96-105  
OFFICIAL **ZONING MAP** AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF WILLIAM R. TINNERMAN  
BY ROBERT BENTZ, AGENT  
(ATLANTIC CENTER 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 PDD96-105 was presented to the Board of County Commissioners at a public hearing conducted on August 28, 1997; 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 PDD96-105, the petition of William R. Tinnerman by Robert Bentz, agent, for an Official Zoning Map Amendment from the General Commercial (CG) to the Multiple Use Planned Development (MUPD) Zoning District with a self-service storage facility (requested use) 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 August 28, 1997, 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 Lee 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 August 20, 1997.

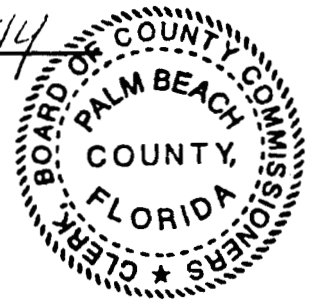
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: Burton Allen  
COUNTY ATTORNEY

BY: Jean Haverly  
DEPUTY CLERK

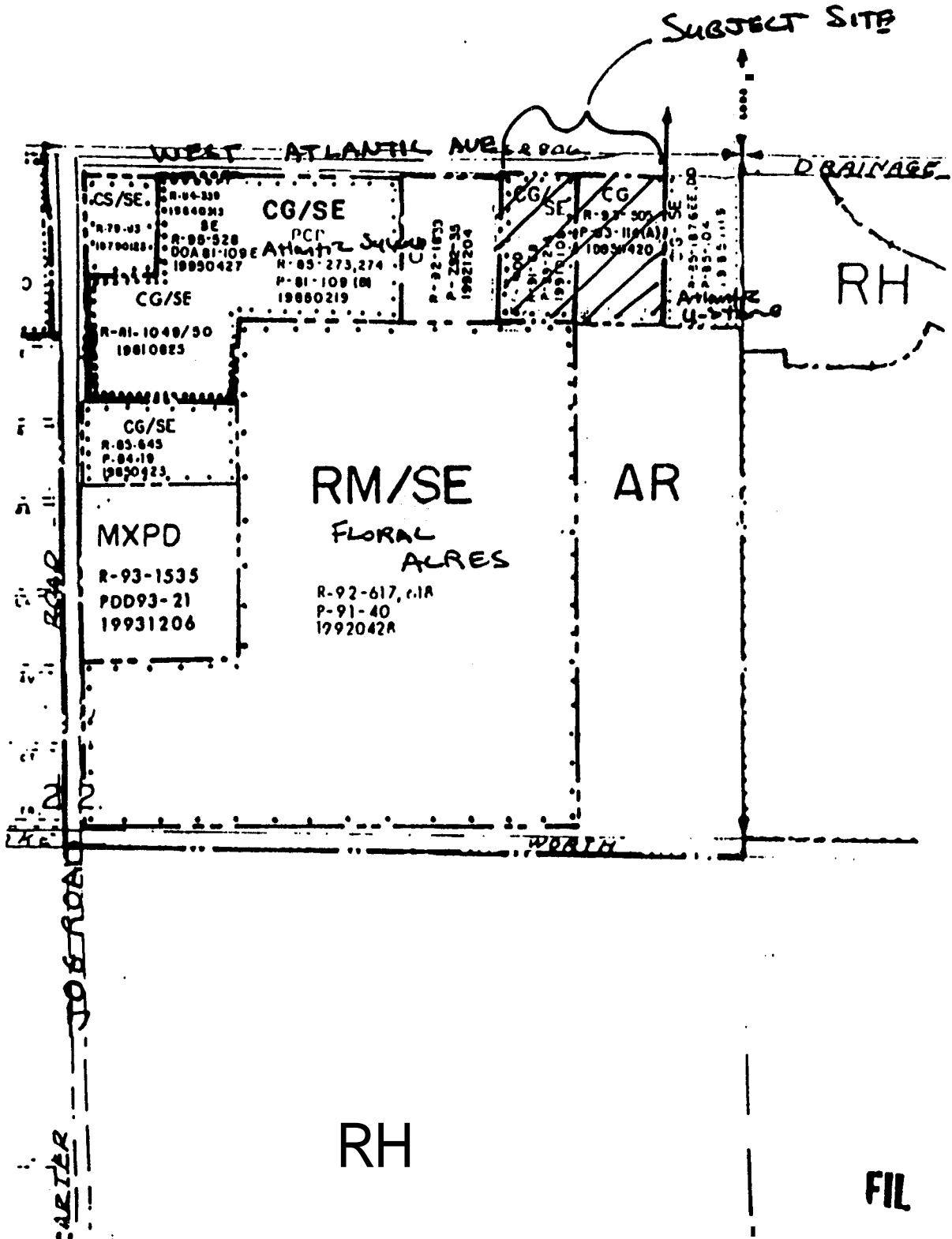


**EXHIBIT A**  
**LEGAL DESCRIPTION**

**THE WEST HALF (W.1/2) OF THE NORTHEAST QUARTER (N.E.1/4) OF THE NORTHEAST QUARTER (N.E.1/4) OF THE NORTHEAST QUARTER (N.E.1/4), LESS THE NORTH 73.26 FEET THEREOF AND THE EAST HALF (E.1/2) OF THE NORTHWEST QUARTER (N.W.1/4) OF THE NORTHEAST QUARTER (N.E.1/4) OF THE NORTHEAST QUARTER (N.E.1/4), LESS THE NORTH 73.26 FEET THEREOF, SECTION 22, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.**

EXHIBIT B

VICINITY SKETCH



## 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 July 18, 1997. 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)
2. Resolution ~~8~~ **R-89-1142, R-89-1443, Petition 89-21, R-91-68, Petition 89-21(A), R-84-64, Petition 83-114, R-93-505, and Petition 83-114(A)** are hereby revoked. (MONITORING)
3. All monitoring fees for the previous approvals, **89-21, 89-21(A), 83-114 and 83-114(A)** shall be paid prior to final DRC site plan certification. (DRC: MONITORING)

#### B. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment shall be provided on all sides of ~~the~~ buildings facing perimeter property lines and rights-of-ways. (BLDG PERMIT: BLDG - Zoning)
2. All buildings and structures shall be designed and constructed to be compatible with the general architectural character of the surrounding residential area and utilize ~~earhtone~~ or pastel colors and stucco finish on all sides of the buildings. (BLDG PERMIT: BLDG-Zoning)
3. The site plan shall be amended to indicate a continuous eight (8) foot solid screen wall, except for emergency exits, that extends from the proposed storage buildings facades parallel to the south property line. All access to the storage units will be from the interior of the project. (DRC: Zoning - Bldg)

#### C. HEALTH

1. Generation and disposal of any hazardous effluent 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 project tenants of or owners generating such effluent. (ONGOING: HEALTH/CODE ENF)
2. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Chapter 62-730 FAC. (ONGOING: HEALTH/CODE ENF)

#### D. 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. No outdoor light poles shall be permitted for the self service storage facility. Wall mounted lighting shall be located below the roof line not to exceed 15 feet in height. (CO: BLDG - Zoning)**
3. **All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)**

E. ENGINEERING

1. The Developer ~~shall also~~ provide within this project's internal storm water management system an equivalent amount of stormwater runoff for the road drainage of West Atlantic Avenue. The amount of runoff required to be stored onsite shall be based upon the applicable County Water Control District, South Florida Water Management District and Palm Beach County Engineering Requirements. (TC:ENG)
2. The property owner shall submit a revised drainage study to the Lrnd Development Division ~~which~~ reflects compliance with the Condition above. This study shall be approved by the Land Development Division prior to DRC approval. (DRC APPROVAL: ENG)
4. Based upon a previous condition of approval, the Property Owner shall fund the amount of \$10,000 toward the cost of signal installation if warranted as determined by the County Engineer at the intersection of El Clair Ranch Road & West Atlantic Avenue. Should signalization not be warranted alter 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. Funding shall be completed within 60 days of notification by Palm Beach County. (ONGOING: ENG - Bldg)
5. The Property Owner shall provide a cross access easement to the property owner to the west. The location of this cross access easement shall be approved by the DRC at the time of final site plan approval. Cross access easements documents shall be approved by the County Attorney prior to recordation of the documents. (DRC APPROVAL: ENG)

6. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- 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 the adjacent median(s). This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. When landscaping is permitted by the Florida Department of Transportation, 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. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and 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. 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 ~~new~~ 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 Owners 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. The maintenance responsibility of any existing trees within the median shall also be the responsibility of this property owner. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required and shall be approved and recorded prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng)

F. LANDSCAPING - STANDARD

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 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.
  - 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 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. (CO: LANDSCAPE - Zoning)

G. 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. (DRC: ZONING)
2. Landscaping and buffering along the 30 foot interior access drive shall be upgraded to include:
- a. A minimum ten (10) foot wide landscape buffer strip; and
  - b. One (1) canopy tree planted every twenty (20) feet on center;
  - 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;
  - d. A minimum five (5) foot bike path. (CO: LANDSCAPE)

3. Foundation plantings shall be provided along the front **and** side facades of **all structures** for **Outparcels 1, 2, and 3**. The minimum width of the required landscape area shall be five **(5)** feet. The **combined length** of ~~the~~ required foundation planting shall be no less than **40%** of the total length of the applicable side of the structure. All required landscape areas shall be planted with a minimum of **one (1)** tree **or** palm every **20** feet and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

H. **LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING WEST ATLANTIC AVENUE)**

1. Landscaping along ~~the~~ north **property** line shall be upgraded to include:
  - a. A minimum ~~twenty (20)~~ foot wide landscape **buffer strip**;
  - b. A **continuous three (3)** foot high **berm** measured from top ~~of a rb~~ extending **155** feet from the north east corner of ~~the~~ subject **propety** to ~~the~~ first east entrance;
  - c. **An** continuous **two (2)** foot high berm measured from top of ~~arb~~ extending from the first east entrance to the west property line;
  - d. One **(1)** canopy tree planted every thirty (30) feet ~~on~~ center;
  - e. One **(1)** palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm **or** pine trees may supersede the requirement ~~for~~ a canopy tree in that location; and
  - f. 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 thirty-six (36) inches. (CO: LANDSCAPE)
2. Prior to issuance of the first certificate of occupancy, the property ~~owr~~ er shall install the landscaping along the entire north property line abutting West Atlantic Avenue. (CO: LANDSCAPE)

I. **LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)**

1. Landscaping along the south property line shall be upgraded to include:
  - a. A minimum fifteen **(15)** foot wide Type C landscape buffer strip;
  - b. **An** continuous **two (2)** foot high berm measured from top ~~of~~ curb;
  - c. One **(1)** canopy tree planted every twenty **(20)** feet on center;
  - d. One **(1)** palm or pine tree for each twenty **(20)** linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm **or** pine trees may supersede the requirement for a **cano**y tree **n 25%** of the locations; and
  - e. 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. (CO: LANDSCAPE)

J. **MASS TRANSIT**

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/ x** Palm Tran. (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 shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING - Eng)**

2. **Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALMTRAN)**

**K. MUPO**

1. **To ensure consistency with the site plan dated July 18, 1997 presented to the Board of County Commissioners, no more than twenty-five (25) 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)**
2. **Prior to certification of the preliminary development plan or site plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings and signage. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)**
3. **Prior to certification of the preliminary development plan or site plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)**
4. **A bike/pedestrian lane shall be provided in or adjacent to the thirty (30) foot interior access isle and subject to approval by the County Engineer. (CC: BLDG - Eng)**
5. **All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - Zoning)**
6. **Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within the loading and delivery areas designated on the site plan. (ONGOING: CODE ENF)**

**L. SIGNS**

1. **Freestanding point of purchase signs for each outparcel fronting on West Atlantic Avenue shall be limited as follows:**

- a. Maximum **sign height**, measured from finished **grade** to highest point - ten (10) feet;
  - b. Maximum sign face area **per side** - **50 square** feet;
  - c. Maximum **number** of signs - **one (1)** for **outparcel 2** and 3 combined, **and one (1)** each for outparcels 1 and 4 (total of three); and,
  - d. Style - monument style only. (CO: BLDG)
2. A maximum of **two (2) entry** wall signs shall be permitted identifying project name only. (CO: BLDG)

#### M. USE LIMITATION

1. Requested uses **on the** site shall **be** limited as **follows**:
  - a. **85,500** square feet **self** service storage with a **security** quarter, **and**
  - b. **114,345 total square** feet for the entire **MUPD including general retail**, professional **offices**, or **other** uses as permitted by **the** ULDC.  
Expansion shall **be** limited to five percent (**5%**) **or 1,000** square feet for the project, whichever is **less**. (DRC: ZONING)
2. Retail business activity shall not **be** allowed **on** site, including deliveries, prior to **6:00** a.m. nor continue later than **10:00** p.m. daily. (ONGOING: CODE ENF - Zoning)
3. Storage **or** placement of any material, refuse, equipment **or** debris shall not be permitted in the **rear** of the facility. (ONGOING: CODE ENF - Zoning)
4. **No** deliveries **or** waste collection shall **be** permitted prior to 6:00 a.m. **or** later than 10:00 p.m. daily. (CODE ENFORCEMENT)
5. **No** barbed wire **or other** similar dangerous material designed to inflict **pain** or **injury** to any **person or** animal shall **be** used **on** site. (CO: BLDG - Zoning)
6. **No** cocktail lounges **are** permitted. (ONGOING: CODE ENF - DRC: Zoning)
7. Except to service **the** facility, separate major **or** minor utility uses **as** referenced under Utilities in Table **6.4-1** of the ULDC are not permitted. (ONGOING: CODE ENF - DRC: Zoning)
8. **Prior** to final site plan approval by **the** Development Review Committee (DRC) the petitioner shall revise their concurrency to match the uses and square footages as **shown on** the approved site plan dated July **18, 1997**. (DRC: ZONING)

#### N. 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.**

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)