

RESOLUTION NO. R-98- 412

RESOLUTION APPROVING ZONING PETITION PDD97-119
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF PUBLIC STORAGE AND R.W. SILC
BY KILDAY & ASSOCIATES, AGENT
(PUBLIC STORAGE - OKEECHOBEE BLVD)

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 PDD97-119 was presented to the Board of County Commissioners at a public hearing conducted on March 26, 1998; 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 PDD97-119, the petition of Public Storage and R.W. Silc by Kilday & Associates, agent, for an Official Zoning Map Amendment (PDD) Rezoning from CG to MUPD with self-service storage and ~~truck~~ **rental (requested uses)** 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 March 26, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

commissioner Newell 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	--	Absent
Karen T. Marcus	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A Roberts	--	Absent

The Chair thereupon **declared** that the resolution was duly passed and adopted on March 26, 1998.

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

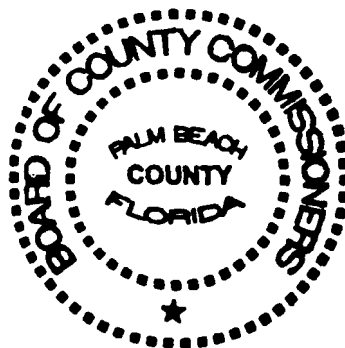


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

PARCEL E

THE NORTH 1/2 OF THE WEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 **OF SECTION 25**, TOWNSHIP 43 SOUTH, RANGE 42 EAST, LESS THE WEST 85 FEET **OF** THE NORTH 250 FEET; LESS THE WEST 100 FEET **OF** THE EAST 110 FEET OF THE SOUTH 225 FEET **OF** THE NORTH 240 FEET; LESS THE WEST 130 FEET OF THE EAST 140 FEET OF THE SOUTH 100 FEET, PALM BEACH COUNTY, FLORIDA.

PARCEL F

THE SOUTH 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 **OF** THE NORTHEAST 1/4 LESS THE NORTH 132.00 FEET AND THE SOUTH 75.00 FEET OF THE EAST 115.00 FEET **OF** THE WEST 125.00 FEET **OF** SECTION 25, TOWNSHIP 43 SOUTH, **RANGE 42** EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINS 5.19 ACRES, MORE OR LESS

EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. All voluntary commitments contained in Resolution R-97-1575, Petition 97-53, and Resolution R-97-969, Petition 97-44, are hereby repealed. The approval granted by Resolution R-97-1575, Petition 97-53, however, shall remain in full force and effect. (MONITORING)
2. 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 January 28, 1998. 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 buildings shall be designed and constructed to be consistent with the facade elevations by Design Team West, Inc. dated February 23, 1998. Additional architectural features or modifications for all elevations of the limited access building and the south elevation of the southernmost multi-access building shall be provided to meet or exceed the conditions of approval or ULDC requirements. These architectural elements will be used to reduce the building mass, scale down the height and to add visual detail. The details shall include, but are not limited to the following:
 - a. Additional horizontal smooth stucco (kneewall) or tile banding, Styrofoam trim, reveal, accent tiles, and/or score lines;
 - b. Additional pilasters, false columns, quoins or arches from the east elevation to be repeated;
 - c. Hip-on-deck (false pitch) roof design may be used for the limited self-storage building (Building A) to break up the building height and massing; and,
 - d. False window openings, recessed stucco features, or glass block. (BLDG PERMIT: BLDG-Zoning)
2. Similar architectural character and treatment, including but not limited to color (earth tones and neutral colors), material, fenestration and roof treatment, shall be provided on all sides of the buildings. The property owner may utilize colors other than earth tones and neutral colors for building trims (i.e. window muntins, stucco reveals or score lines, fascia, tile or stucco banding less than four inches in width, louvers less than eighteen (18) inches in diameter or two (2) square feet in area, etc.). Large architectural elements such as bay doors, door or window shutters, columns, pilaster, dormers and cuppolas are not considered building trims for the purpose of applying this condition. The building materials shall also be consistent with the WCRA-O provisions. (BLDG PERMIT: BLDG - Zoning)
3. The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed the following heights:

- a. **Thirty-five** (35) feet for all buildings except the limited-access storage building; and,
 - b. **Thirty-six** (36) feet for the limited-access building. (BLDG PERMIT: BLDG - Zoning)
4. All roof mounted mechanical and electrical equipment shall be screened **from view by the roof** parapet **or** pitched **roof so as** not **be** visible from any property line. (BLDG PERMIT: BLDG - Zoning)

C. **BUILDING AND SITE DESIGN**

- 1. All ground mounted air conditioning and mechanical equipment shall **be screened from view on** all **sides** by a visually opaque barrier consistent with the color, character and architectural style of the principal structure **or** equivalent landscape material. (CO: BLDG - Zoning)
- 2. **All areas or receptacles** for the storage and disposal **of** trash, garbage, **recyclable** material **or** vegetation, such as dumpsters and trash compactors, shall not **be** located within fifty **(50)** feet of the south property line and **shall be confined** to the areas designated on the site plan. (DRC / ONGOING: ZONING / CODE ENF)
- 3. No barbed **or** razor wire shall be permitted on the site. (CO/ONGOING: BLDG-Zoning/CODE ENF)
- 4. Storage **or** placement of any material, refuse, equipment or debris shall not be permitted **in** the rear of buildings, parking lots or access ways **of** the facility. (ONGOING: CODE ENF - Zoning)

D. **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; 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 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 **or** more palm or pine trees may not supersede **the** requirement **for** a perimeter canopy **tree** in that location. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to ~~the~~ issuance of a building permit the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way **warranty deed** 30 feet from centerline for the right of way for Donnell Road. **This** additional right of way shall **be** free of all encumbrances and **encroachments and shall** include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with **sufficient** documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: **MONITORING-Eng**)
2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Donnell Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall **be** approved by the County Engineer prior to final acceptance. (BLDG PERMIT: **MONITORING-Eng**)
3. The final drainage plan for the site submitted to the Land Development Division for approval shall address all minimum County and South Florida Water Management District Criteria. Included in this design shall **be an** analysis of existing offsite surface flow onto ~~the~~ subject site. The final drainage design for this site shall accommodate all drainage inflow into this site for the three (3) year twenty-four (24) hour storm. (ENG)
4. **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 of Okeechobee Boulevard. 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, Landscape Maintenance, Removal, and Indemnification Agreement. 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 median landscaping, including an irrigation system if required, shall **be** installed at ~~the~~ property owners expense. **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, irrigation, and alternate watering of Xeriscape

material during periods of drought in order to maintain healthy plant material. 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 building permit (BLDG PERMIT: MONITORING-Eng)

F. LANDSCAPING ALONG OKEECHOBEE BOULEVARD AND DONNELL ROAD (ADJACENT TO R-O-W)

1. Landscaping and buffering along the north property line and on both sides of Donnell Road shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip along Okeechobee Boulevard and a minimum of fifteen (15) foot wide landscape buffer strips along Donnell Road;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters;
 - d. An undulating one (1) to three (3) foot high berm, with an average height of two (2) feet, measured from the top of the curb. The berm height may be adjusted to accommodate the preservation of existing trees within the buffer along Donnell Road; 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 thirty-six (36) inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG SOUTH AND EAST PROPERTY LINES (ADJACENT TO RESIDENTIAL)

1. Landscaping and buffering along the south property line and the southern 75' of the east property line shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip; and
 - b. A six (6) foot high opaque concrete wall or fence (fence option is for portion east of Donnell Road only) setback a minimum of ten (10) feet. The wall setback along the portion west of Donnell Road may be decreased to accommodate existing trees to be preserved; and,
 - c. The exterior side of the required wall, along the portion west of Donnell Road, shall be given a finished architectural treatment which is compatible and harmonious with abutting development and consistent with provisions of the WCRA-0. (CO: LANDSCAPE.)
2. The following landscaping requirements shall be installed on the exterior side of the required wall or fence (fence option is for portion east of Donnell Road only):
 - a. One (1) canopy tree planted every twenty (20) feet on center;
 - b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center between clusters; and,
 - 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. (CO: LANDSCAPE)

3. **Along the interior side of the** required wall, **the** property owner shall **install** twenty-four (24) **inch** high shrub or hedge material spaced no more **than** twenty four (24) inches **on** center, to **be** maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)
4. The petitioner may obtain a variance for the wall requirement of **Conc ition G.1.b** above **from the** Board of Adjustment for **the** south and east **bu ffers** east of **Donnell** Road. (ZONING)

H. 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 (20) 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)
4. The lighting conditions above shall not apply **to** proposed security or low voltage **landscape/acc ent** type lights used to emphasize plant material. (ONGOING: CODE ENF)
5. Proposed Wall mounted lighting shall **be** hooded and mounted **at** a maximum height **as** listed below. The height shall be measured from finished grade.
 - a. Ten **(10)** feet for all buildings except the limited-access storage building;
 - b. Fifteen **(15)** feet for the limited-access storage or ULDC provisions (i.e. WCRA, Supplementary Regulations, etc.), whichever is more restrictive. (CO: BLDG - Zoning)

I. MUPD

1. **To ensure consistency with** the site plan dated January 28, 1998 **presented** to the Board of **County Commissioners**, no more than ten **(10)** 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. All requested uses shall remain in the location indicated on the **preliminary** development plan **approved** by **the** Board of County Commissioners (exhibit dated January 28, 1998). (DRC: ZONING)
3. Prior **to certification of** the preliminary development 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)

4. Prior to certification of ~~the~~ preliminary development 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)

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/or the County Engineer. (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 the 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. (BLDG PERMIT: MONITORING - Eng)

K. SIGNS

1. All signage for the property, including wall mounted, freestanding, and entrance wall signs 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 for the freestanding sign;
 - c. Maximum number of signs - one (1) freestanding sign along Okeechobee Boulevard frontage and one (1) wall mounted sign on the north facade of the office building; and,
 - d. Style - monument style only. (CO: BLDG)
2. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING: CODE ENF)

L. SITE PLAN AND PETITION FILE AMENDMENTS

1. Prior to final site plan approval for the Multiple Use Planned Development (MUPD) by ~~the~~ Development Review Committee (DRC), the petitioner shall administratively amend ~~the certified~~ site plan of Petition 96-3 to reference the proposed detention area and the petition number of this petition, Petition 97-119. (DRC: ZONING)

2. Prior to final site plan approval for the MUPD by the Development Review Committee (DRC), the petitioner shall amend petition files of Petitions 97-44 (5398-001) and 97-53 (5398-000) to reflect the correct project numbers. (DRC: ZONING)

M. USE LIMITATION

1. Use of the site shall be limited to a maximum gross floor area of 111,590 square feet and the following:
 - a. 19,350 square feet of multi-access storage use;
 - b. 90,000 square feet of multi/limited access storage use;
 - c. 2,240 square feet of self-service storage/vehicle rental office use; and,
 - d. five (5) vehicle rental spaces. (DRC: ZONING)
2. Hours of operation, including deliveries, shall be limited to 7:00 a.m. to 9:00 p.m. daily. (ONGOING: CODE ENF - Zoning)
3. No outdoor retail business activities shall be allowed on site, except for deliveries. (ONGOING: CODE ENF - Zoning)
4. Repair or maintenance of vehicles and outside storage of disassembled vehicles, parts or inventory shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
5. The 1.38 portion of the MUPD, east of Donnell Road, shall only be used for open space or water management/ drainage purposes. (DRC: ZONING)

N. 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 my 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)