

RESOLUTION NO. R-2006- 0010

RESOLUTION APPROVING ZONING APPLICATION Z2005-1127
(CONTROL NO. 2005-356)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
APPLICATION OF MJG PROPERTIES, INC.
BY GREENBERG TRAUIG, PA, AGENT
(LANDMARK 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 notice and hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), as amended, have been satisfied; and

WHEREAS, Zoning Application Z2005-1127 was presented to the Board of County Commissioners at a public hearing conducted on January 5, 2006; 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 has considered the findings in the staff report and 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) with approved conditions 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) with approved conditions 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) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY - Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 2.K.3.b (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 Application Z2005-1127 the application of MJG Properties, Inc. by Greenberg Traurig, PA, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential Zoning District to the Light Industrial Zoning District with a CONDITIONAL OVERLAY ZONE (COZ) 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 January 5, 2006, subject to the conditions of the CONDITIONAL OVERLAY ZONE (COZ) described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Greene 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:

Tony Masilotti, Chair	-	Aye
Addie L. Greene, Vice Chairperson	-	Aye
Karen T. Marcus	-	Absent
Jeff Koons	-	Absent
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye

The Chairman thereupon declared that the resolution was duly passed and adopted on January 5, 2006.

Filed with the Clerk of the Board of County Commissioners on 5th day of January, 2006.

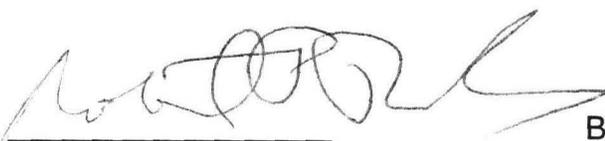
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

THE WEST HALF OF TRACT 41, BLOCK 6, OF THE PALM BEACH FARMS COMPANY PLAT No. 3, EXCEPTING THEREFROM THE RIGHT-OF-WAY OF STATE ROAD 80 AND THE RIGHT-OF-WAY OF THE WEST PALM BEACH CANAL AS NOW LOCATED AND LESS THAT PORTION LYING NORTH OF A LINE PARALLEL TO AND 150 FEET NORTH OF THE CENTER LINE OF THE WEST PALM BEACH CANAL AND SOUTH OF A LINE DESCRIBED AS FOLLOWS:

FROM A POINT ON THE WEST LINE OF TRACT 41, SAID POINT BEING 472.27 FEET SOUTH OF THE NORTHWEST CORNER OF SAID TRACT 41, RUN SOUTH 87°58'25" EAST FOR A DISTANCE OF 990.76 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 41, SAID POINT BEING 517.80 FEET SOUTH OF THE NORTHEAST CORNER OF SAID TRACT 41, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2 PAGES 45 TO 54.

CONTAINING 239,300 SQUARE FEET (5.494 ACRES) MORE OR LESS.

LESS AND EXCEPTING PARCEL NO. 130, STATE ROAD 80 AS RECORDED IN OFFICIAL RECORD BOOK 15883 PAGE 303. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF TRACT 41, BLOCK 6, THE PALM BEACH FARMS COMPANY PLAT No. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 32 AND 33, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 41; THENCE SOUTH 00°57'00" EAST ALONG THE WEST LINE OF SAID TRACT 41, A DISTANCE OF 117.425 METERS (385.25 FEET) TO THE POINT OF BEGINNING; THENCE SOUTH 88°21'12" EAST, A DISTANCE OF 53.872 METERS (176.75 FEET); THENCE SOUTH 89°21'12" EAST, A DISTANCE OF 74.488 METERS (244.38 FEET), THENCE SOUTH 88°21'12" EAST, A DISTANCE OF 22.591 METERS (74.12 FEET); THENCE SOUTH 00°57'04" EAST, A DISTANCE OF 12.534 METERS (41.12 FEET); THENCE NORTH 88°21'09" WEST, A DISTANCE OF 61.937 METERS (203.20 FEET); THENCE NORTH 88°21'16" WEST, A DISTANCE OF 89.063 METERS (292.20 FEET) TO A POINT ON THE WEST LINE OF SAID TRACT 41; THENCE NORTH 00°57'00" WEST ALONG SAID WEST LINE, A DISTANCE OF 11.233 METERS (36.85 FEET) TO THE POINT OF BEGINNING.

CONTAINING 19,075 SQUARE FEET 0.438 ACRES, MORE OR LESS.

ALSO LESS

THE 200 FOOT RESERVATION AS RESERVED BY THE TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND IN DEED RECORDED IN DEED BOOK 620 PAGE 187. SAID 200 FOOT RESERVATION LYING 100 FEET ON EACH SIDE OF THE HISTORICAL BASELINE FOR SOUTHERN BOULEVARD AS RECORDED IN ROAD PLAT BOOK 2 PAGE 11.

CONTAINING 24,769 SQUARE FEET 0.569 ACRES, MORE OR LESS.

TOTAL CONTAINING 195,456 SQUARE FEET 4.487 ACRES, MORE OR LESS.

EXHIBIT C

CONDITIONS OF APPROVAL

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all structures and signage shall be submitted for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved plans, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)
2. Design of gutters and downspouts shall be integrated into the architectural design of self-service storage buildings. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW -Zoning)

ENGINEERING

1. TRAFFIC PERFORMANCE STANDARDS PHASING REQUIREMENTS

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after December 1, 2008. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. HOOPER ROAD RIGHT OF WAY

The property owner shall convey to Palm Beach County Land Development Division by warranty deed for Hooper Road, 30 feet from centerline. Right of way shall be conveyed prior to issuance of the first building permit. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. The Developer 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. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (BLDG. PERMIT: MONITORING-Eng)

3. Access for the self service storage facility site shall be limited to Hooper Road. (ONGOING-ENG)
4. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING)

ZONING - LANDSCAPING-STANDARD

1. Prior to the issuance of the first building permit, the property owner shall submit a Landscape Plan to the landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein. (BLDG PERMIT: BLDG-Zoning)
2. A minimum of sixty-five (65) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
 - c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE-Zoning)
3. All palms required to be planted on the property 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. (BLDG PERMIT: LANDSCAPE-Zoning)
4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE-Zoning)
5. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING-ALONG THE NORTH AND SOUTH PROPERTY LINES (FRONTAGE OF HOOPER ROAD AND SOUTHERN BOULEVARD)

1. In addition to the proposed landscaping and code requirements, landscaping and buffer width along the north and south property lines shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip;
 - b. a continuous berm with a minimum height of three (3) feet; and
 - c. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between cluster. (BLDG PERMIT: LANDSCAPE-Zoning)

2. In addition to the ULDC requirements, landscaping shall be planted outside of the perpetual easement running along Southern Boulevard. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING-ALONG THE EAST AND WEST PROPERTY LINES

1. In addition to the proposed landscaping and code requirements, landscaping and buffer width along the east and west property lines shall be upgraded to include:
 - a. a minimum ten (10) foot wide landscape buffer strip;
 - b. a continuous one and onehalf (1.5) foot high berm; and,
 - c. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning)

LIGHTING

1. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
2. The lighting condition above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

SIGNS

1. The freestanding sign fronting on Hooper Road 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 - one hundred (100) square feet;
 - c. maximum number of signs - one (1);
 - d. style - monument style only; and,
 - e. location - within fifty (50) feet of the access point on Hooper Road; and
 - f. sign shall be limited to identification of tenant only. (BLDG PERMIT: BLDG - Zoning)

USE LIMITATIONS

1. Hours of business operation shall be limited to:
 - a. 8:00 a.m. to 9:00 p.m. Monday to Saturday; and
 - b. 9:00 a.m. to 5:00 p.m. Sunday. (ONGOING: CODE ENF-Zoning)
2. Repair or maintenance of vehicles shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)
3. Rental trucks and/or trailers shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD – PBCWUD)

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 Code Enforcement Special Master 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 Article 2.E 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. (ONGOING: MONITORING - Zoning)