

RESOLUTION NO. R-2002- 0847

RESOLUTION APPROVING ZONING PETITION DOA1981-172(A)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF INTRA COASTAL PACKING  
BY BRADLEY MILLER, AGENT  
(INTRA COASTAL PACKING)

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 DOA1981-172(A) was presented to the Board of County Commissioners at a public hearing conducted on May 23, 2002; 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 DOA1981-172(A), the petition of Intra Coastal Packing, by Bradley, agent, for a Development Order Amendment to add land area and square footage 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 May 23, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti 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:

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on May 23, 2002.

Filed with the Clerk of the Board of County Commissioners on 10 day of June, 2002

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Arnt P. B...*  
COUNTY ATTORNEY

BY: *Joan Haderl*  
DEPUTY CLERK

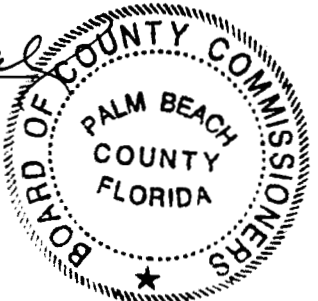


EXHIBIT A  
LEGAL DESCRIPTION

LOT 3 AND 4, LESS THE WEST 10 FEET THEREOF AND LOT 5 LESS THE EAST 50 FEET AND THE WEST 10 FEET THEREOF, GRAMMES HOMESITES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 21, PAGE 91.

TOGETHER WITH

THE EAST FEET OF LOTS 5 AND 6, AND THE EAST FEET OF LOT 7, LESS THE SOUTH 29 FEET OF GRAMMES HOMESITES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 21, PAGE 91.

ALSO TOGETHER WITH

LOTS 50 AND 51, GRAMMES HOMESITES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 21, PAGE 91.



## EXHIBIT C

### CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

#### A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-81-1379 (Petition 1981-172) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING – Zoning)
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 April 24, 2002. 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 – Zoning)

#### B. ACCESS

1. Vehicular access to the site shall be prohibited from 10<sup>th</sup> Avenue North. (DRC: ZONING – Zoning)
2. Vehicular ingress/egress from Marilyn Drive shall be restricted to the existing driveway location. (DRC: ZONING – Zoning)

#### C. ARCHITECTURAL REVIEW

1. At time of submittal for final DRC certification of the site plan, the architectural elevations for existing and proposed buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations of the proposed buildings shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations. (DRC: ZONING – Zoning)
2. An overall unified architectural character and image between the existing and proposed buildings shall be created by the use of common elements such as colors, materials and architectural details. (DRC: ZONING – Zoning)

#### D. BUILDING AND SITE DESIGN

1. Condition 5. of Resolution R-81-1379, Petition 81-172, which currently states:

**The site plan must be amended to reflect code-required landscaping and setbacks unless the petitioner secures variance relief from the Board of Adjustment.**

Is hereby deleted. [REASON: Landscaping requirements superceded by new conditions; and, Board of Adjustment Petition 81-128 granted October 21, 1981]

#### E. ENGINEERING

1. Condition 1. of Resolution R-81-1379, Petition 81-172, which currently states:

Petitioner shall convey to Palm Beach County within ninety (90) days of Special Exception approval:

- a. 60' from centerline for the ultimate right of way for Military Trail.
- b. 54' from centerline for the ultimate right of way for Tenth Avenue North.

Is hereby amended to read:

Prior to December 15, 2002 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:

- a) 10th Avenue North 60.5 feet from centerline
- b) Military Trail 61.5 feet from centerline

Right of Conveyance shall be along the project's entire frontage, free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING – Eng)

2. Condition 2. of Resolution R-81-1379, Petition 81-172 which currently states:

Petitioner shall reserve the additional right of way required for the 'special intersections' as follows:

- a. an additional 22 feet for Tenth Avenue North
- b. an additional 4 feet for Military Trail

Is hereby deleted.

3. Condition 3. of Resolution R-81-1379, Petition 81-172 which currently states:

Petitioner shall not be permitted a median opening on Military Trail.

Is hereby deleted.

4. Condition 4. of Resolution R-81-1379, Petition 81-172 which currently states:

Petitioner shall contribute Four Hundred and Thirty-eight Dollars (\$438.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permits.

Is hereby deleted.

5. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along 10th Avenue North and Military Trail 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)

6. Property owner shall address the existing stormwater drainage along the south side of Marilyn Drive for the adjacent property to the east. Prior to DRC approval a detailed drainage study shall be submitted and approved by the County Engineer. (DRC APPROVAL: ENGINEERING - Engineering)

F. DUMPSTER

1. 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 one-hundred and sixty-five (165) feet of the east property line abutting residential uses and shall be confined to the areas designated on the site plan. (DRC/ONGOING: ZONING/CODE ENF – Zoning)

G. LANDSCAPING – STANDARD

1. Fifty-percent of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
  - a. Tree height: Fourteen (14) feet;
  - b. Trunk diameter: 3.5 inches measured at 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 3.5 feet in length; and
  - d. Credit may be given for existing or relocated trees provided they meet 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. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
4. All shrub or hedge material in shall be planted in overlapping masses consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:
  - a. eighteen (18) to twenty-four (24) inches – small shrub;
  - b. twenty-four (24) to thirty-six (36) inches – medium shrub;
  - c. forty-eight (48) to seventy-two (72) inches – large shrub; and
  - d. this condition does not apply to the five (5) foot wide compatibility buffer. (CO: LANDSCAPE – Zoning)
5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE – Zoning)
6. Prior to final Development Review Committee (DRC) certification, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing yellow tabebuia trees are incorporated into the final site design. (DRC: LANDSCAPE – Zoning)

H. LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINES 10<sup>TH</sup> AVENUE NORTH AND MILITARY TRAIL FRONTAGES)

1. Landscaping along the south and west property lines abutting 10<sup>th</sup> Avenue North and Military Trail shall be upgraded to include:
  - a. A minimum twenty (20) foot wide buffer strip for the south property line abutting 10<sup>th</sup> Avenue North. No easement encroachment or width reduction shall be permitted;

- b. A minimum twenty (20) foot wide buffer strip for the west property line abutting Military Trail. Width reductions shall be permitted where existing structures interfere with required buffers;
- c. A continuous two (2) foot high berm measured from top of curb for the west property line only. Field adjustments of the berm may be permitted to ensure preservation of existing vegetation;
- d. One (1) native canopy tree for each thirty (30) linear feet of property line;
- e. One (1) flowering tree for each thirty (30) linear feet of property line;
- f. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- g. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
- h. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)

I. LANDSCAPING ALONG NORTH PROPERTY LINE (MARILYN DRIVE FRONTAGE)

1. Landscaping along the north property line abutting Marilyn Drive shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide buffer strip for the north property line abutting Marilyn Drive. No easement encroachment or width reduction shall be permitted;
  - b. A continuous two (2) foot high berm measured from top of curb. Field adjustments of the berm may be permitted to ensure preservation of existing vegetation;
  - c. One (1) native canopy tree for each thirty (30) linear feet of property line;
  - d. One (1) flowering tree for each thirty (30) linear feet of property line;
  - e. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
  - f. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
  - g. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)

J. LANDSCAPING ALONG NORTH 128.5 FEET OF THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the north 128.5 feet of the east property line shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachments shall be permitted;
  - b. A two (2) foot high berm, measured from top of curb;
  - c. A six (6) foot high opaque concrete or screen panel wall. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure; and
  - d. One (1) native canopy tree for each twenty (20) linear feet of property line, to be planted in a staggered manner on both sides of the wall. (CO: LANDSCAPE – Zoning)
2. The following landscaping requirements shall be installed on the interior side of the required wall:
  - a. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;



- b. One (1) small shrub for each two (2) linear feet of the property line, to be installed at a minimum height of eighteen (18) inches;
  - c. One (1) medium shrub for each four (4) linear feet of the property line, to be planted at a minimum height of twenty-four (24) inches; and
  - d. One (1) large shrub for each eight (8) linear feet of the property line, to be planted at a minimum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)
3. Along the exterior 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 – Zoning)

K. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF – Zoningj)
- 2. All outdoor, freestanding lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. (CO: BLDG – Zoning)
- 3. All outdoor, freestanding lighting fixtures shall be setback forty (40) feet from the east property line abutting residential uses. (CO: BLDG – Zoning)
- 4. All outdoor lighting shall be extinguished no later than 10:00 p.m. excluding security lighting only. (ONGOING: CODE ENF – Zoning)
- 5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF – Zoning)

L. PLANNING

- 1. Prior to final Development Review Certification, the site plan shall be revised to Include a notation on the southern property line adjacent to the office building that shall read "pedestrian connection to the sidewalk along 10<sup>th</sup> Avenue North". (DRC: PLANNING – Planning)
- 2. Prior to final Development Review Certification, the site plan shall be revised to include a notation from the existing sidewalk shown on the western property line to the sidewalk along Military Trail that shall read "pedestrian connection to the sidewalk along Military Trail". (DRC: PLANNING – Planning)
- 3. Prior to the issuance of the certificate of occupancy, the petitioner shall pave a sidewalk to the sidewalk along 10<sup>th</sup> Avenue North at the location shown on the final certified site plan that shall read "pedestrian connection to the sidewalk along 10<sup>th</sup> Avenue North". (CO: MONITORING – Planning)
- 4. Prior to the issuance of the certificate of occupancy, the petitioner shall pave a sidewalk to the sidewalk along Military Trail from the existing sidewalk on the western property line at the location shown on the final certified site plan that shall read "pedestrian connection to the sidewalk along Military Trail". (CO: MONITORING – Planning)

5. Prior to final site plan approval by the Development Review Committee, the site plan shall provide for pedestrian pathways (decorative sidewalks). These decorative pedestrian pathway areas are to be constructed of decorative brick pavers or stamped concrete to clearly indicate that the pathway is intended for pedestrians and shall be located at the entranceway to the site where the sidewalk crosses the vehicular entrance driveway. (DRC: PLANNING – Planning)
6. Prior to final site plan approval by the Development Review Committee, the site plan shall be revised to include benches at the “existing covered patio area” portion of the site. (DRC: PLANNING – Planning)

M. SIGNS

1. Freestanding point of purchase signs shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
  - b. Maximum sign face area – one-hundred (100) square feet total;
  - c. Maximum number of signs - one (1);
  - d. Style - monument style only;
  - e. Location – within fifty (50) feet of the Military Trail entrance. Distance shall be measured from the centerline of the access drive; and
  - f. Signs shall be limited to project identification only. (CO: BLDG - Zoning)
2. No wall signs shall be permitted. (CO: BLDG – Zoning)

N. USE LIMITATIONS

1. Overnight storage of delivery vehicles shall be limited to a maximum of two (2) trucks. Truck engines (including refrigeration units) shall not be operated between 10:00 p.m. and 6:00 a.m. (ONGOING: CODE ENF – Zoning)
2. Parking of delivery vehicles or trucks shall not be permitted on site except within designated loading spaces. (ONGOING: CODE ENF – Zoning)
3. Loading activities shall not be permitted within one-hundred and sixty-five (165) feet of the east property line abutting residential uses. (DRC/ONGOING: ZONING/CODE ENF – Zoning)
4. The parking area along the east property line shall be used for employee parking only. Appropriate signs shall be posted restricting this area to employee parking only. (CO: BLDG – Zoning)
5. Retail business activity shall not be allowed on site. (ONGOING: CODE ENF – Zoning)
6. No outdoor storage or placement of any material, refuse, equipment or debris shall be permitted. (ONGOING: CODE ENF – Zoning)
7. Trucks making deliveries to the subject site shall not be permitted to park on any abutting public right-of-way. (ONGOING: CODE ENF – Zoning)
8. The eastern parking lot shall be gated and locked between 10:00 p.m. and 5:00 a.m. (ONGOING: CODE ENF – Zoning)

O. 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 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. (ONGOING: MONITORING – Zoning)