

RESOLUTION NO. R-96-1958

RESOLUTION APPROVING ZONING PETITION PDD96-104
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF PHILLIP D. LEWIS
BY KEVIN MCGINLEY, AGENT
(SYSCO)

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 PDD96-104 was presented to the Board of County Commissioners at a public hearing conducted on December 2, 1996; 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 PDD96-104, the petition of Phillip D. Lewis by Kevin McGinley, agent, for an Official Zoning Map Amendment (Z) rezoning from the Light Industrial (IL) to Multiple Use Planned Development (MUPD) Zoning District to allow a transportation 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 December 2, 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 Marcus 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

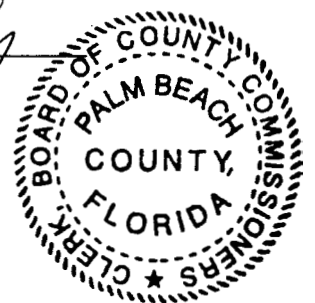


EXHIBIT A
LEGAL DESCRIPTION

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LEGAL DESCRIPTION

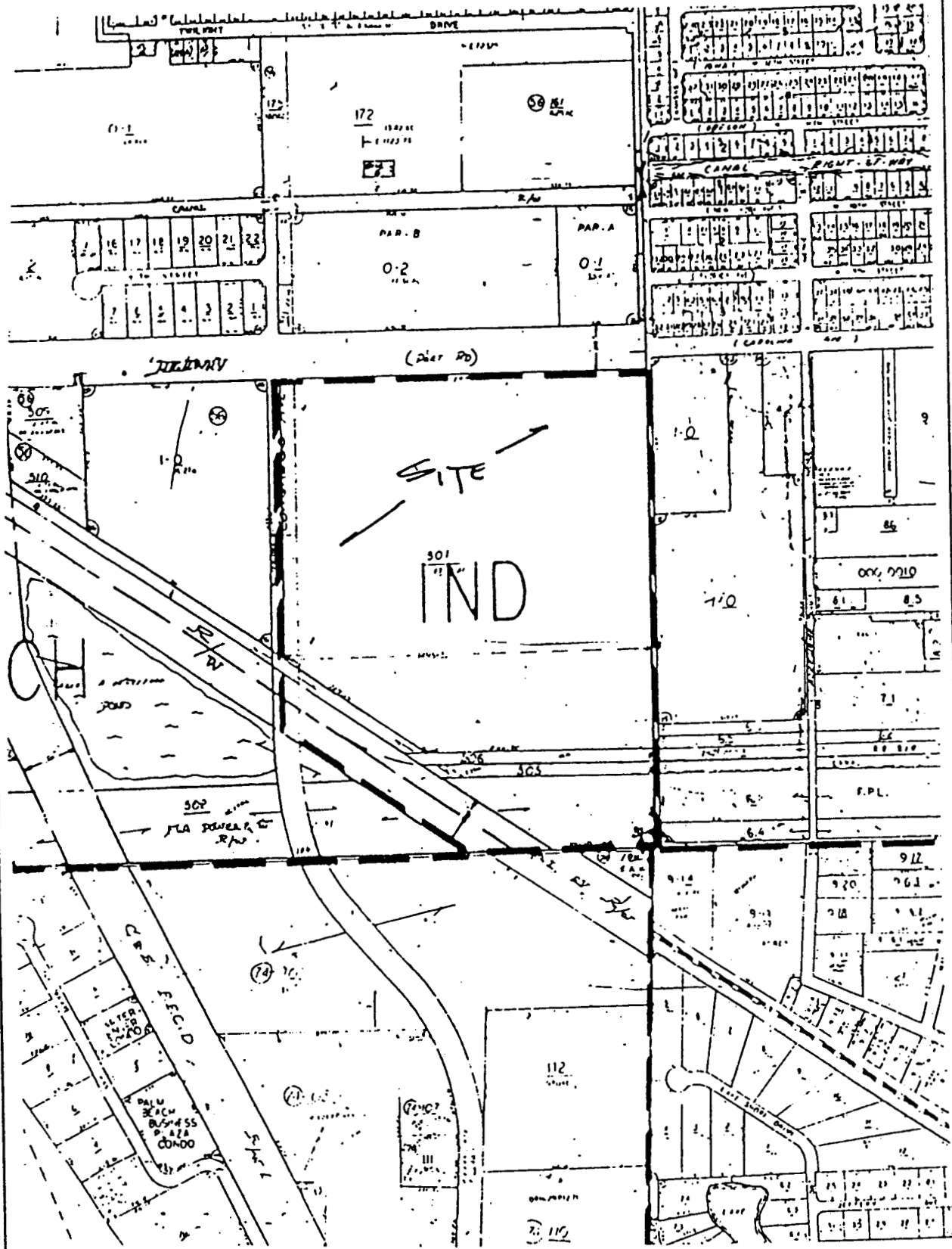
A PARCEL OF LAND LYING AND BEING IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 31; THENCE NORTH 2°42'20" EAST, ALONG THE EAST LINE OF SAID SECTION 31, A DISTANCE OF 400.01 FEET TO A POINT ON A LINE LYING 400.00 FEET NORTH OF, WHEN MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 31, AND THE POINT OF BEGINNING OF THE PARCEL TO BE HEREIN DESCRIBED; THENCE CONTINUE NORTH 2°42'20" EAST, ALONG THE EAST LINE OF SAID SECTION 31, A DISTANCE OF 1562.03 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 710 AS RECORDED IN ROAD PLAT BOOK 3, PAGES 151 - 160, INCLUSIVE, IN AND FOR THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED IN O.R.B. 908, PAGE 1001; THENCE NORTH 87°39'12" WEST, ALONG THE SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 1495.35 FEET TO A LINE PARALLEL WITH 1485.32 FEET WESTERLY FROM, MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID SECTION 31; THENCE SOUTH 2°42'20" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 1117.10 FEET TO A POINT ON A LINE 50.00 FEET NORTHEASTERLY OF, WHEN MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF THE SAID SEABOARD AIRLINE RAILROAD; THENCE SOUTH 53°18'58" EAST, ALONG THE SAID PARALLEL LINE, A DISTANCE OF 789.13 FEET TO A POINT ON A LINE 400.00 FEET NORTH OF, WHEN MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 31; THENCE SOUTH 87°40'02" EAST, ALONG THE SAID PARALLEL LINE, A DISTANCE OF 840.95 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.

LESS AND EXCEPTING those lands contained in the Stipulated Order of Taking recorded in O.R. Book 7257, Page 1264, Public Records of Palm Beach County, Florida.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: 96-104
Zoning Quad Page _____
Date: 11/1/96



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 master plan is dated November 4, 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. ANNEXATION

1. Prior to issuance of the first building permit, the developer/owner shall file a voluntary annexation petition with the City of Riviera Beach to ensure adequate service delivery to the subject parcel. (BLDG PERMIT: MONITORING - Planning)

C. BUILDING/SITE DESIGN

1. Total gross building area shall be limited to a maximum of 517,740 square feet. (DRC: ZONING)
2. When the facility is not open, access to the site shall be locked and gated. (ONGOING: CODE ENF)
3. No outdoor storage of inoperable motorized vehicles, or parts thereof, shall be permitted on site. (ONGOING: CODE ENF)
4. Rooftop mounted machinery and equipment, excluding refrigeration pipes, shall be enclosed within a penthouse or similar structure. The Development Review Committee may authorize a different manner of screening machinery and equipment provided a substantially equal screening effect is provided. (CO: BLDG / LANDSCAPE)

D. 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 or owners generating such effluent. (ONGOING: HEALTH/CODE ENF)
2. The automatic truck wash facility shall utilize a water recycling system. Wastewater from the truck wash which cannot be recycled shall be handled and disposed of in a manner acceptable to the PBCPHU. (BLDG PERMIT: HEALTH)

E. ENGINEERING

1. Prior to July 1, 1997 or 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 the additional right of way to provide for an expanded intersection if required by the Florida Department of Transportation as shown on Palm Beach County's Thoroughfare Right of Way Identification Map for:

a) Congress Avenue, 76 feet from centerline of Right of Way , and

b) State Road 710, 60.5 feet from centerline of Right of Way.

This additional r-o-w 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. 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 additional right of way for the construction of a right turn lane on State Road 710 if required by Florida Department of Transportation at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. 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)

3. The Property owner shall construct:

a) a right turn lane south approach on Congress Avenue at the projects entrance road onto Congress Avenue. This turn land may be provided with pavement markings only and,

b) a left turn lane east approach and right turn lane west approach on State Road 710 at the projects entrance road onto State Road 710.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING / Eng)

4. Prior to DRC approval of the site plan, the site layout shall be modified to deleted the tractor trailer access from Congress Avenue. (DRC: ENG)

5. 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 the portions of the adjacent median(s) of all the rights-of-way adjacent to this site. 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 Homeowner'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)
- 6. Building permits shall not be issued for more than 261,264 gross square feet until the contract is let for the six (6) lane widening of Blue Heron Boulevard from I-95 to Avenue S. (BLDG PERMIT: MONITORING - Eng)

F. LANDSCAPING - STANDARD

- 1. All canopy trees required to be planted along Congress Avenue and MLK Boulevard 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. (CO: LANDSCAPE - Zoning)
- 2. All palms required to be planted along Congress Avenue and MLK Boulevard 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. 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. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING - INTERIOR

1. One landscape island shall be provided for every ten (10) employee and visitor parking spaces. The maximum spacing between landscape islands in these areas shall not exceed one hundred (100) linear feet. (DRC: ZONING)
2. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be six (6) feet. The minimum length of this median shall be twenty five (25) feet. A minimum five (5) foot wide landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DFC: ZONING)
3. Landscape planting areas shall be provided along the front and side facades of all structures. The minimum width of the required planting areas shall be five (5) feet. The combined length of the required areas shall be no less than 40% of the total length of the applicable side of the structure. All required landscape planting areas shall be planted with a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover. (DRC/CO: ZONING / LANDSCAPE)

H. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES (ABUTTING RIGHT-OF-WAY)

1. Landscaping and buffering along the north and west property lines, along Congress Avenue and MLK Boulevard, shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A minimum two (2) foot high continuous earth berm with appropriate ground cover, measured in height from the top of curb;
 - c. One (1) canopy tree planted every twenty (20) feet on center;
 - d. 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 be used in place of a canopy tree required by subsection c. above; and
 - e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be planted on top of the required berm and maintained at a minimum height of thirty-six (36) inches. (DRC / CO: ZONING / LANDSCAPE)

I. 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 in the employee and visitor parking areas shall not exceed thirty (30) feet in height, measured from finished grade to highest point. All other outdoor lighting fixtures shall not exceed sixty (60) feet in height. (CO: BLDG - Zoning)

J MASS TRANSIT

1. A. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate 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 or Palm Tran. (DRC: ZONING)

B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner prior to the issuance of the first certificate of occupancy (CO) in a manner and location acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. The petitioner shall dedicate additional right-of-way to accommodate the requirement for mass transit access and/or bus shelters, if requested by the County Engineer. Mass transit access shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, and a bicycle rack. (CO: MONITORING - Eng)

K. SIGNS

1. Freestanding point of purchase signs fronting on Congress Avenue and MLK Boulevard 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 - 100 square feet;
 - c. Maximum number of signs - one (1) each per R-O-W; and
 - d. Style - monument style only. (CO: BLDG)

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 15th Judicial Circuit. (MONITORING)