

RESOLUTION NO. R-2004- 0719

RESOLUTION APPROVING ZONING PETITION Z2003-067  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
PETITION OF RHINE DEVELOPMENT INC.  
BY COTLEUR & HEARING, AGENT  
(PIKE ROAD INDUSTRIAL PARK)

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), have been satisfied; and

WHEREAS, Zoning Petition Z2003-067 was presented to the Board of County Commissioners at a public hearing conducted on April 22, 2004; 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 Petition Z2003-067, the petition of Rhine Development Inc. by Cotleur & Hearing, agent, for an Official Zoning Map Amendment rezoning from the Agricultural Residential to the Light Industrial Zoning District with a CONDITIONAL OVERLAY ZONE 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 April 22, 2004, subject to the conditions of the CONDITIONAL OVERLAY ZONE 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 McCarty and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 22, 2004.

Filed with the Clerk of the Board of County Commissioners on 17 day of May, 2004.

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

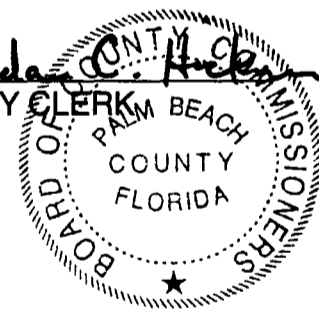


EXHIBIT A

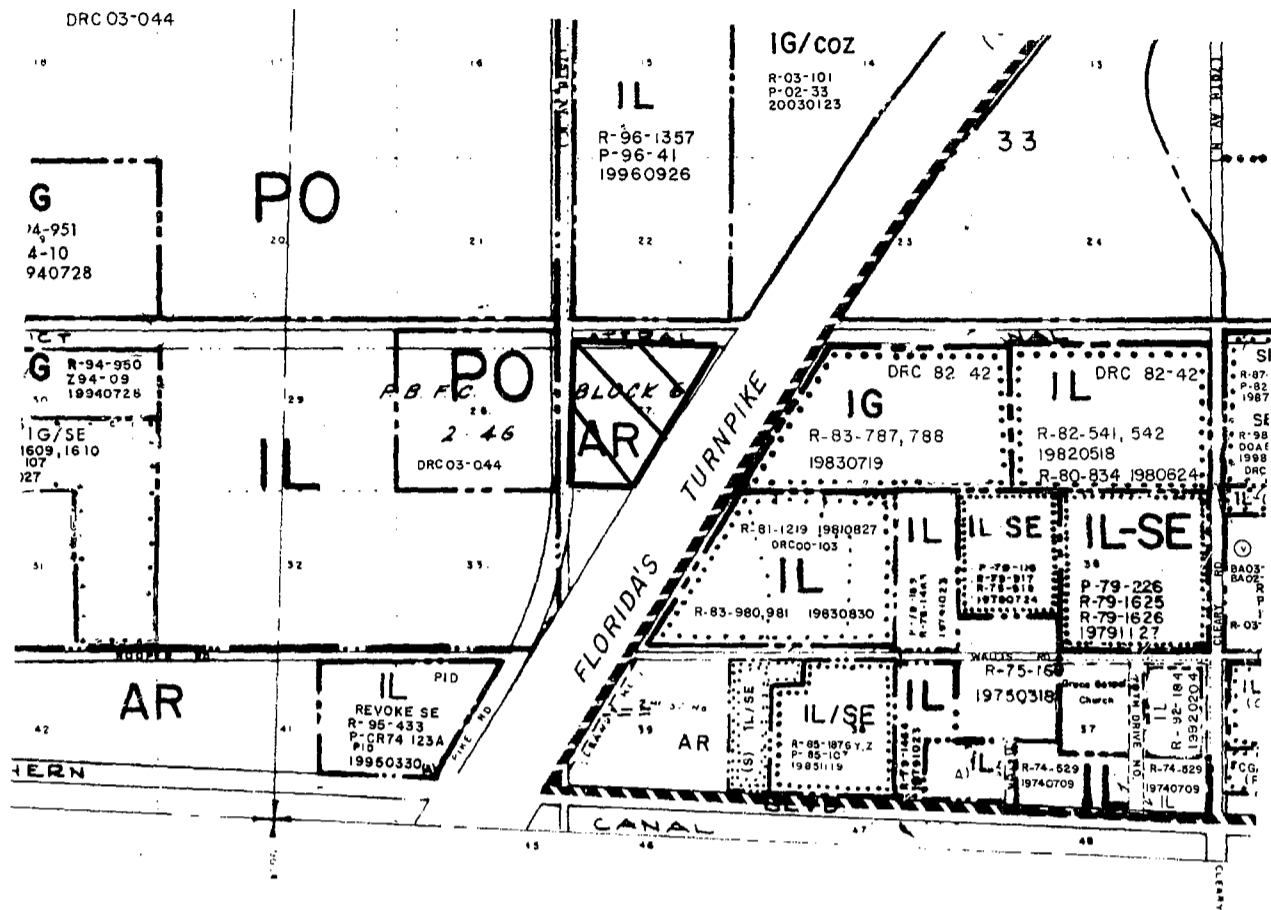
LEGAL DESCRIPTION

TRACT 27, BLOCK 6, PALM BEACH FARMS COMPANY SUBDIVISION NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; TOGETHER WITH THE SOUTHERLY 15 FEET OF THE 30 FOOT PLATTED ROAD RIGHT-OF-WAY BETWEEN TRACTS 22 AND 27 OF SAID BLOCK 6; LESS RIGHT-OF-WAY FOR FLORIDA'S TURNPIKE AS RECORDED IN DEED BOOK 1144, PAGE 477 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS RIGHT-OF-WAY FOR STATE ROAD 91, PALM BEACH COUNTY, FLORIDA, SECTION 97931-(2338) 2334, DATED 2-27-98; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF TRACT 27, BLOCK 6, PALM BEACH FARMS COMPANY SUBDIVISION NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE EASTERLY RIGHT-OF-WAY OF PIKE ROAD, AS SHOWN ON THE RIGHT-OF-WAY MAP FOR STATE ROAD 91, PALM BEACH COUNTY, FLORIDA, SECTION 97931-(2338) 2334, DATED 2-27-98, SAID POINT BEING NORTH 89°00'10" EAST (AS A BASIS OF BEARING THE EASTERLY RIGHT-OF-WAY LINE OF PIKE ROAD IS SHOWN TO BEAR NORTH 00°57'14" WEST ACCORDING TO SAID RIGHT-OF-WAY MAP FOR STATE ROAD 91, AND ALL OTHER BEARINGS ARE RELATIVE THERETO), A DISTANCE OF 49.33 FEET FROM THE SOUTHWEST CORNER OF SAID TRACT 27; THENCE NORTH 00°57'14" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID PIKE ROAD, A DISTANCE OF 674.91 FEET TO A POINT IN THE CENTER LINE OF THE 30 FOOT PLATTED ROAD RIGHT-OF-WAY BETWEEN TRACTS 22 AND 27 OF SAID BLOCK 6; THENCE NORTH 89°00'08" EAST ALONG SAID CENTER LINE A DISTANCE OF 610.98 FEET TO A POINT ON THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID TRACT 27; THENCE SOUTH 00°57'26" EAST ALONG SAID EXTENSION AND WESTERLY LINE OF TRACT 27, A DISTANCE OF 80.08 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF FLORIDA'S TURNPIKE AS RECORDED IN DEED BOOK 1144, PAGE 477 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 32°11'47" WEST ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 710.83 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 27; THENCE SOUTH 89°00'10" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 222.28 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING 6.813 ACRES, MORE OR LESS.

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 February 17, 2004. 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. BUILDING AND SITE DESIGN

1. At time of submittal for final DRO approval of the site plan, the architectural elevations for all the buildings shall be submitted simultaneously with the site plan for final architectural review. Elevations shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations. (DRO: ARCH REVIEW – Zoning)
2. All roof or ground mounted air-conditioning, mechanical equipment and satellite dishes 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. (DRO/CO: ARCH REVIEW/BLDG - Zoning)

#### C. HEALTH

1. Disposal of any hazardous waste into the sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department and the agency responsible for sewage works are provided and used by tenants or property owners generating such waste. (ONGOING: HEALTH/CODE ENF - Health)
2. The property owner or operator shall not cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions. (ONGOING: HEALTH/CODE ENF - Health)
3. The property owner or operator shall not cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. (ONGOING: HEALTH/CODE ENF - Health)

#### D. LANDSCAPING - STANDARD

1. All canopy trees to be planted in the perimeter landscape buffer along Pike Road 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)
2. All palms, which are 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)
  3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
    - a. eighteen (18) to twenty-four (24) inches – groundcover and 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 or where a single row of hedge is required. (BLDG PERMIT: LANDSCAPE – Zoning)
  4. A group of three (3) or more palms may not supersede the requirement for perimeter canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE – Zoning)
  5. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (BLDG PERMIT: LANDSCAPE - Zoning)
  6. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (BLDG PERMIT: LANDSCAPE - Zoning)

**E. ENGINEERING**

1. The property owner shall construct a two way left turn lane within the existing median on Pike Road at the Projects south entrance.
  - a. This turn lane shall be constructed concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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
  - b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
  - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
2. 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 January 1, 2005. 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)

F. LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF PIKE ROAD)

1. Landscape and buffering requirements along the west property line shall be upgraded to include:
  - a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. a continuous three (3) foot high berm measured from top of curb; Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways or to accommodate existing vegetation;
  - c. one (1) canopy tree for each thirty (30) linear feet of property line;
  - d. one (1) palm for each twenty (20) linear feet of property line with a maximum spacing of sixty (60) feet between clusters;
  - e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
  - f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
  - c. one (1) large shrub for each six (6) linear feet of property line. Shrub shall be a minimum height of thirty (30) inches at installation. (BLDG PERMIT: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE EAST PROPERTY LINES (ABUTTING THE FLORIDA'S TURNPIKE)

1. Landscape and buffering requirements along the east property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip. A maximum fifty (50) percent width reduction may be permitted subject to ULDC requirements;
  - b. one (1) canopy tree for each thirty (30) linear feet of the property line;
  - c. one (1) palm for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
  - d. forty-eight (48) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of seventy-two (72) inches at maturity; and,
  - e. one (1) medium shrub for each four (4) linear feet of the property line. Shrubs shall be a minimum height of thirty (30) inches at installation. (BLDG PERMIT: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscape and buffering requirements along the south property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted.
  - b. a continuous two and one-half (2.5) foot high berm measured from top of curb;
  - c. a six (6) foot high opaque concrete wall to be located on the plateau of the berm. 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;
  - d. One (1) canopy tree for each thirty (30) linear feet of the property line, alternating on both sides of the wall;

- e. One (1) palm for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall;
- f. One (1) small shrub for each two (2) linear feet of the property line. Shrubs shall be a minimum height of eighteen (18) inches at installation and to be planted on both sides of the wall;
- g. One (1) medium shrub for each four (4) linear feet of the property line. Shrubs shall be a minimum height of twenty-four (24) inches at installation and to be planted on the exterior side of the wall; and,
- h. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation and to be planted on the exterior side of the wall. (BLDG PERMIT: LANDSCAPE - Zoning)

I. LANDSCAPING - INTERIOR

- 1. The property owner shall provide a minimum of one (1) interior landscape island for every ten (10) parking spaces. (DRO: ZONING - Zoning)
- 2. Foundation planting strip or grade level planters shall be provided along the front facades of all structures to consist of the following:
  - a. the minimum width of the requirement foundation planter strip shall be three (3) feet;
  - b. the combined length of the required foundation planter strip shall be no less than forty (40) percent of the accumulative length of the structure. All required foundation planting strips or grade level planters shall be planted with shrubs and appropriate ground cover. Shrubs shall be a minimum height of twenty-four (24) inches at installation. (DRO/BLDG PERMIT: DRO/LANDSCAPE - Zoning)
- 3. Foundation planting or grade level planters shall be provided along the side facades of all structures to consist of the following:
  - a. the minimum width of the required landscape areas shall be five (5) feet;
  - b. the length of the required landscaped areas shall be no less than forty (40) percent of the total length of each side of the structure; and,
  - c. landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRO/BLDG. PERMIT: DRO/ LANDSCAPE - Zoning)

J. SIGNS

- 1. Freestanding point of purchase signs fronting on Pike Road shall be limited as follows:
  - a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. maximum sign face area per side – sixty (60) square feet;
  - c. maximum number of signs - one (1);
  - d. style - monument style only;
  - e. location - Pike Road Frontage; and,
  - f. sign shall be limited to project and multi-tenants identification only. (CO: BLDG - Zoning)
- 2. Wall signs shall be limited to west facade of the building A, north facade of the building B, east facades of the building C and D, and individual lettering size shall be limited to eighteen (18) inches high. Wall signs shall be limited to identification of tenants only. (CO: BLDG - Zoning)



K. 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)