

RESOLUTION NO. R-2005-0810

RESOLUTION APPROVING ZONING APPLICATION PDD2004-443
(CONTROL NO. 1996-041)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
APPLICATION OF ROBERT JONES
BY BASEHART CONSULTING, INC., AGENT
(ROYAL WAREHOUSE)

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 Application PDD2004-443 was presented to the Board of County Commissioners at a public hearing conducted on April 28, 2005; 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 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions 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 PDD2004-443, the application of Robert Jones by Basehart Consulting, Inc., agent, for an Official Zoning Map Amendment to a Planned Development District from the Light Industrial Zoning District to the Multiple Use Planned Development District 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 28, 2005, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus 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 - Aye
- Jeff Koons - Aye
- Warren H. Newell - Absent
- Mary McCarty - Absent
- Burt Aaronson - Aye

The Chairman thereupon declared that the resolution was duly passed and adopted on April 28, 2005.


Filed with the Clerk of the Board of County Commissioners on 31 day of May, 2005.

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

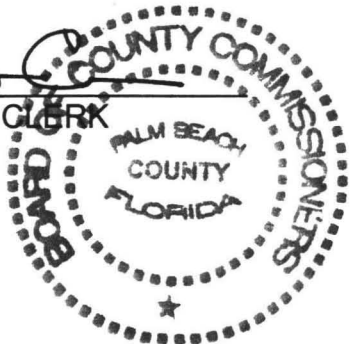


EXHIBIT A

LEGAL DESCRIPTION

Tracts 15 and 22, Block 6, Palm Beach Farms Co. Plat No. 3, according to the map or plat thereof as recorded in Plat Book 2, Page 45;

LESS that portion taken by Stipulated Order of Taking recorded in O.R. Book 10359, Page 1458, Public Records of Palm Beach County, Florida, DESCRIBED AS FOLLOWS:

ORB 10359, PG 1458

A portion of Tract 22, and a portion of that platted road Right-of-Way between Tracts 22 and 27, Block 6, Plat 3. PALM BEACH FARMS COMPANY 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 2, at Pages 45 to 54 inclusive, being more particularly described as follows:

Commence at a 5/8" rod and cap marking the Northeast corner of Tract 13, thence S89°00'03"W along the North line of Tracts 13, 14 and 15 a distance of 804.958 meters (2640.93 Feet) to the Northwest corner of Tract 15; thence S0°57'14"E along the East Right-of-Way for Pike Road a distance of 272.105 meters (892.73 Feet) to the POINT OF BEGINNING:

thence departing said East line, N89°02'46"E a distance of 7.037 meters (23.09 Feet); thence S0°57'14"E a distance of 30.000 meters (98.42 Feet); thence N89°02'46"E a distance of 194.221 meters (637.21 Feet) to a point on the East line of the aforesaid Tract 22, thence S0°57'26"E along the East line of said Tract 22 a distance of 104.424 meters (342.60 Feet); thence departing said East line S89°00'08"W a distance of 201.260 meters (660.30 Feet) to a point on the aforesaid East Right-of-Way of Pike Road; thence N0°57'14"W along said Right-of-Way a distance of 134.577 meters (441.52 Feet) to the POINT OF BEGINNING.

Said parcel contains 2.1242 hectares 5.249 acres.

Together with all rights of ingress, egress, light, air and view between the grantor's remaining property and any facility constructed on the above described property.

AND FEE SIMPLE RIGHT OF WAY

A portion of Tract 15 and 22, Block 6, Plat 3, PALM BEACH FARMS COMPANY, 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 2, at Pages 45 to 54 Inclusive, being more particularly described as follows:

Commence at a 5/8" rod and cap marking the Northeast corner of Tract 13; thence S89°00'03"W along the North line of Tracts 13, 14 and 15 a distance of 804.958 meters (2640.93 Feet) to the Northwest corner of Tract 15, thence S0°57'14"E, along the East Right-of-way for Pike Road a distance of 127.105 meters (417.010 Feet) to the POINT OF BEGINNING;

thence continue along said Right-of-Way S0°57'14"E a distance of 145.000 meters (475.72 feet); thence departing said Right-of-Way N89°02'46"E a distance of 3.400 meters (11.15 Feet); thence N0°57'14"W a distance of 145.000 meters (475.72 Feet); thence S89°02'46"W a distance of 3.637 meters (11.93 Feet) to the POINT OF BEGINNING.

Containing 527.3 sq m 5676 sq ft, more or less.
Said parcel contains a total of 2.1769 hectares (5.379 Acres), more or less.

CONTAINING: 14.85 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS
AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

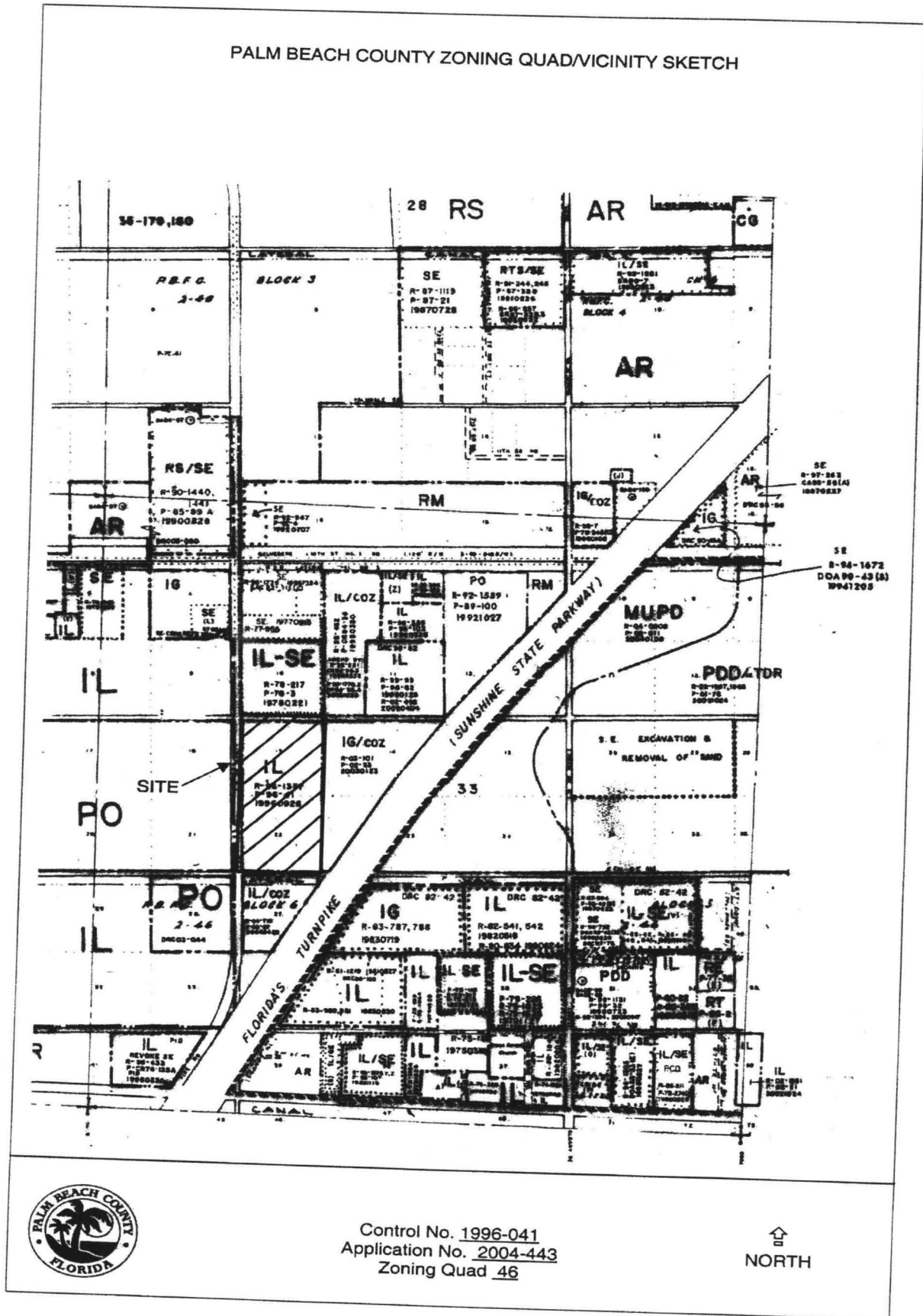


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the property is limited to the site design approved by the Board of County Commissioners. The approved site plan is dated February 10, 2005. 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. (DRO: ZONING – Zoning)

BUILDING AND SITE DESIGN

1. Prior to final site plan approval by the Development Review Officer (DRO), the regulating plan shall be amended to include the following:
 - a. architectural elevations of the proposed gazebo;
 - b. the gazebo shall be given an architectural treatment that is consistent with the color and style of the principle structure; and,
 - c. details of the gazebo shall be submitted for review and approval by the Architectural Review Section. (DRO: ZONING/ARCH REVIEW – Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after January 1, 2009. 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. The property owner shall convey to Palm Beach County Land Development Division by warranty deed for Pike Road, 40 feet from centerline on prior to issuance of a Building Permit. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. The 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. The Grantor (property owner) shall also agree to provide Palm Beach County an environmental report, subject to the approval of the 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 shall agree to hold the Grantee (Palm Beach County) 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. Prior to issuance of a building permit, the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Pike Road at the project's entrance road. This right of way shall be a minimum of 280 feet in 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. The 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)
4. Prior to issuance of a building permit, the property owner shall convey a temporary roadway construction easement along Pike 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)
5. The Property owner shall construct the following:
 - a) left turn lane east approach on 7th Place North at Pike Road;
 - b) left turn lane North approach on Pike Road at the Project entrance;
 - c) right turn lane south approach on Pike Road at the Project Entrance.
 - d) All construction shall be 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.
 - e) Permits required by Palm Beach County for the construction in 5.a-5.d shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
 - f) Construction for the improvements in 5.a)-5.d shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING – Eng)

ENVIRONMENTAL

1. - All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM – ERM)

LANDSCAPING – STANDARD

1. 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. (CO: LANDSCAPE - Zoning)

2. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: LANDSCAPE – Zoning)

LANDSCAPING ALONG THE NORTH, SOUTH AND WEST PROPERTY LINES (FRONTAGES OF 7th PLACE NORTH, PIKE ROAD AND ABUTTING THE FLORIDA TURNPIKE TOLL PLAZA)

1. In addition to ULDC requirements, landscaping and buffering along all property lines shall be upgraded to include one (1) palm tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE – Zoning)

PLANNING

1. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall include all sidewalks, decorative pavement pedestrian crosswalks, and gazebos, consistent with the certified site plan dated February 10, 2005. (DRO: PLANNING – Planning)

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)