

## RESOLUTION NO. R-2006-1196

RESOLUTION APPROVING ZONING APPLICATION Z2005-1717  
(CONTROL NO. 2005-593)  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
APPLICATION OF DAVID BAKER TRUSTEE  
BY BASEHART CONSULTING, INC., AGENT  
(SOUTHERN BLVD INDUSTRIAL CENTER)

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 Z2005-1717 was presented to the Board of County Commissioners at a public hearing conducted on June 22, 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 Z2005-1717 the application of David Baker Trustee by Basehart Consulting, Inc., agent, for an Official Zoning Map Amendment 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 June 22, 2006, subject to the conditions of the CONDITIONAL OVERLAY ZONE (COZ) 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	-	Absent
Addie L. Greene, Vice Chairperson	-	Aye
Karen T. Marcus	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye

The Chairman thereupon declared that the resolution was duly passed and adopted on June 22, 2006.

Filed with the Clerk of the Board of County Commissioners on 22nd day of June, 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:


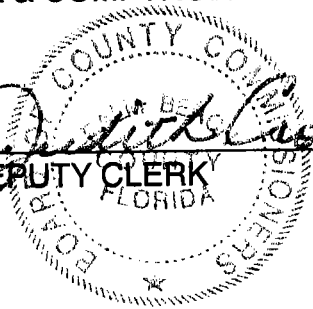
  
DEPUTY CLERK  


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

TRACT 68, BLOCK 5, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LESS AND EXCEPT THEREFROM THE WEST 200 FEET OF TRACT 68 AND LESS THAT PROPERTY CONVEYED BY WARRANTY DEED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RECORDED JUNE 14, 2002 IN OFFICIAL RECORDS BOOK 13805, AT PAGE 1832 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

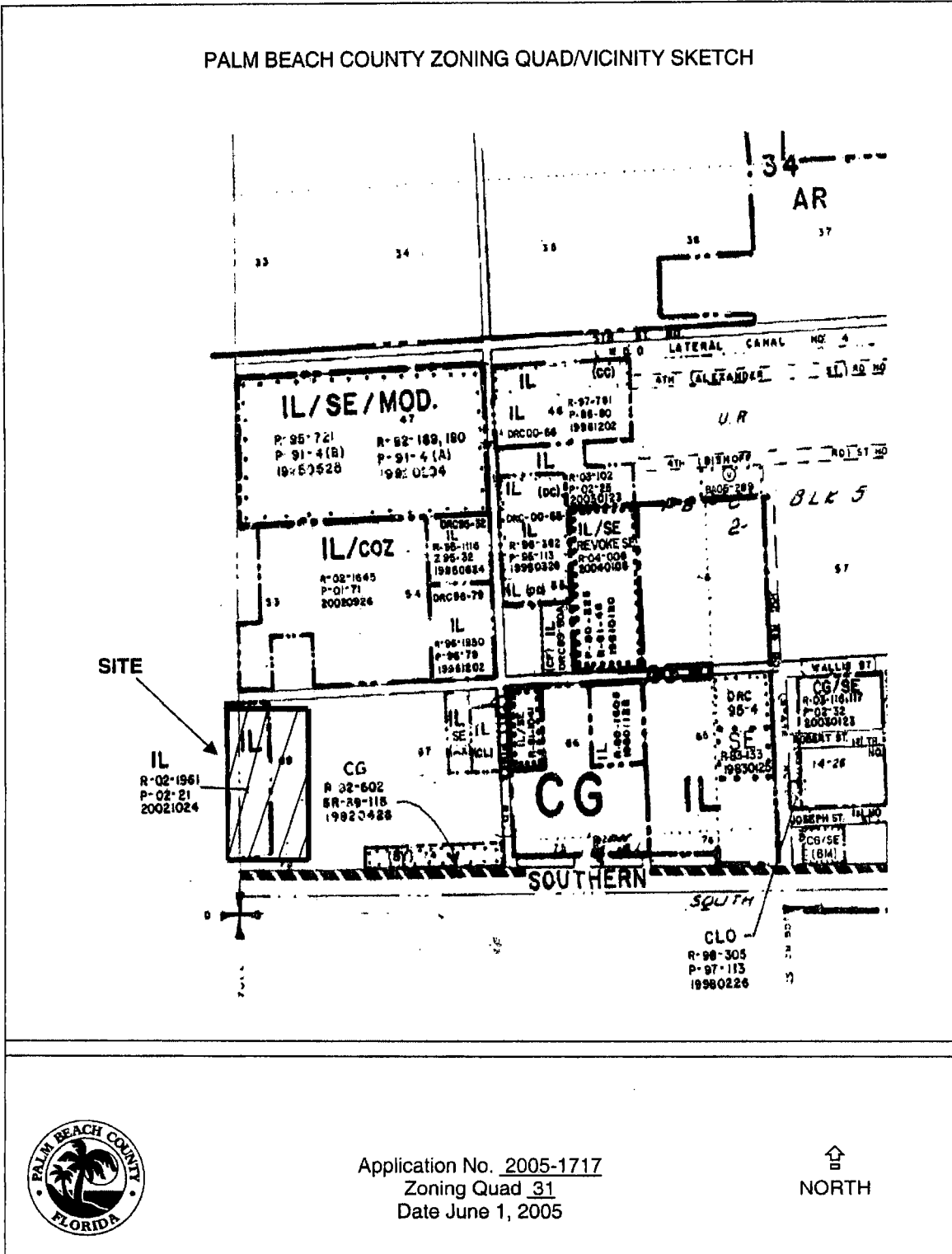
TRACT 73, BLOCK 5, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF STATE ROAD 80, LESS AND EXCEPT THEREFROM THAT PART OF THE PROPERTY CONVEYED BY WARRANTY DEED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RECORDED JUNE 14, 2002 IN OFFICIAL RECORDS BOOK 13805, PAGE 1832 AND THAT PART OF THE PROPERTY LYING WITHIN THE RIGHT OF WAY OF STATE ROAD 80.

ALSO DESCRIBED AS FOLLOWS:

A PORTION OF TRACT 68 AND 73, BLOCK 5, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 68, THENCE S01°06'49"E ALONG THE WEST LINE OF SAID TRACT 68 A DISTANCE OF 659.68 FEET TO THE NORTHWEST CORNER OF SAID TRACT 73; THENCE N89°01'39"E ALONG THE NORTH LINE OF SAID TRACT 73 A DISTANCE OF 200.00 FEET; THENCE N01°06'49"W A DISTANCE OF 8.32 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. RUN THENCE S88°29'03"E A DISTANCE OF 391.65 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 8,682.40 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°27'25" A DISTANCE OF 69.24 FEET TO A POINT ON THE EAST LINE OF TRACT 73; THENCE N01°11'14"W ALONG SAID EAST LINE A DISTANCE OF 11.41 FEET TO THE NORTHEAST CORNER OF SAID TRACT 73; THENCE CONTINUE N01°11'14" W ALONG THE EAST LINE OF SAID TRACT 68, A DISTANCE OF 659.68 FEET; THENCE S89°01'39"W ALONG THE NORTH LINE OF SAID TRACT 68 A DISTANCE OF 459.56 FEET; THENCE S01°06'49"E ALONG THE EAST LINE OF WEST 200.00 FEET OF SAID TRACT 68, A DISTANCE OF 651.36 FEET TO THE POINT OF BEGINNING.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved site plan is dated March 28, 2006. 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.)
2. Prior to approval by the Development Review Officer (DRO), the site plan shall be revised to indicate all the existing drainage and utility easements. Location of all dry retention areas which conflict with the location of a proposed structure or landscape buffer shall be adjusted or relocated. (DRO/BLDG PERMIT: ZONING/BLDG - Zoning)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations for all buildings shall be submitted simultaneously with the site plan 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 site plan, 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 each building. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW - Zoning)
3. The maximum height of all buildings shall be thirty-five (35) feet. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: 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 June 22, 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 Wallis Road 30 feet from centerline. This right of way shall be conveyed prior to the issuance of the first building permit and shall be 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. The Grantor further warrants that the

property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of 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. 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 a temporary roadway construction easement along Wallis 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)

#### 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. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING:ERM - ERM)

#### HEALTH

1. Property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system 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. (ONGOING: CODE ENF - Health)

#### ZONING - LANDSCAPING-STANDARDS

1. Prior to the issuance of a 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: LANDSCAPE - Zoning)
2. A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall 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 or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (BLDG PERMIT: LANDSCAPE - Zoning)
5. Field adjustment of berm, plant material, and wall 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 PROPERTY LINE (ABUTTING WALLIS ROAD)

1. In addition to code requirements, the landscape buffer along the north property line shall be upgraded to include:
 

a minimum of one (1) palm or pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

#### ZONING - LANDSCAPING ALONG THE SOUTH PROPERTY LINES (ABUTTING SOUTHERN BOULEVARD)

1. In addition to code requirements, the landscape buffer along the south property line shall be upgraded to include:
  - a. a two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet; and
  - b. one (1) palm or pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

#### LIGHTING

1. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (ONGOING: BLDG - Zoning)
2. 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)

#### MASS TRANSIT

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass

transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)

2. Prior issuance of the first Building Permit, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (BLDG PERMIT: MONITORING-Eng)

## SIGNS

1. Freestanding sign fronting on Southern 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 - eighty (80) square feet;
  - c. maximum number of signs - one (1);
  - d. style - monument style only;
  - e. location - within one hundred-fifty (150) feet of the access point measured from edge of pavement;
  - f. Signs shall be limited to tenants only. (ONGOING: BLDG - 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)