

RESOLUTION NO. R-2008- 0262

RESOLUTION APPROVING ZONING APPLICATION PDD2007-731  
(CONTROL NO. 2007-242)  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
APPLICATION OF RANGER CONST INDUSTRIES INC., VECELLIO GROUP, INC.  
BY KILDAY & ASSOCIATES, INC., AGENT  
( CYPRESS POINT MUPD )

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, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application PDD2007-731 was presented to the Board of County Commissioners at a public hearing conducted on February 28, 2008; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; 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 stated purpose and intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations.
3. This official zoning map amendment (rezoning) is compatible and 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, orderly and timely development pattern.
6. This official zoning map amendment is consistent with applicable Neighborhood Plans.
7. This official zoning map amendment (rezoning) complies with Article 2.F (Concurrency) of the Palm Beach County Unified Land Development Code.

8. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 PDD2007-731, the application of Ranger Const Industries Inc., Vecellio Group, Inc., by Kilday & Associates, 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 shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on February 28, 2008, 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:

|                              |   |     |
|------------------------------|---|-----|
| Addie L. Greene, Chairperson | ¥ | Aye |
| Jeff Koons, Vice Chair       | ¥ | Aye |
| Karen T. Marcus              | ¥ | Aye |
| Robert J. Kanjian            | ¥ | Aye |
| Mary McCarty                 | ¥ | Aye |
| Burt Aaronson                | ¥ | Aye |
| Jess R. Santamaria           | ¥ | Aye |

The Chairperson thereupon declared that the resolution was duly passed and adopted on February 28, 2008.

Filed with the Clerk of the Board of County Commissioners on February 28, 2008.

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

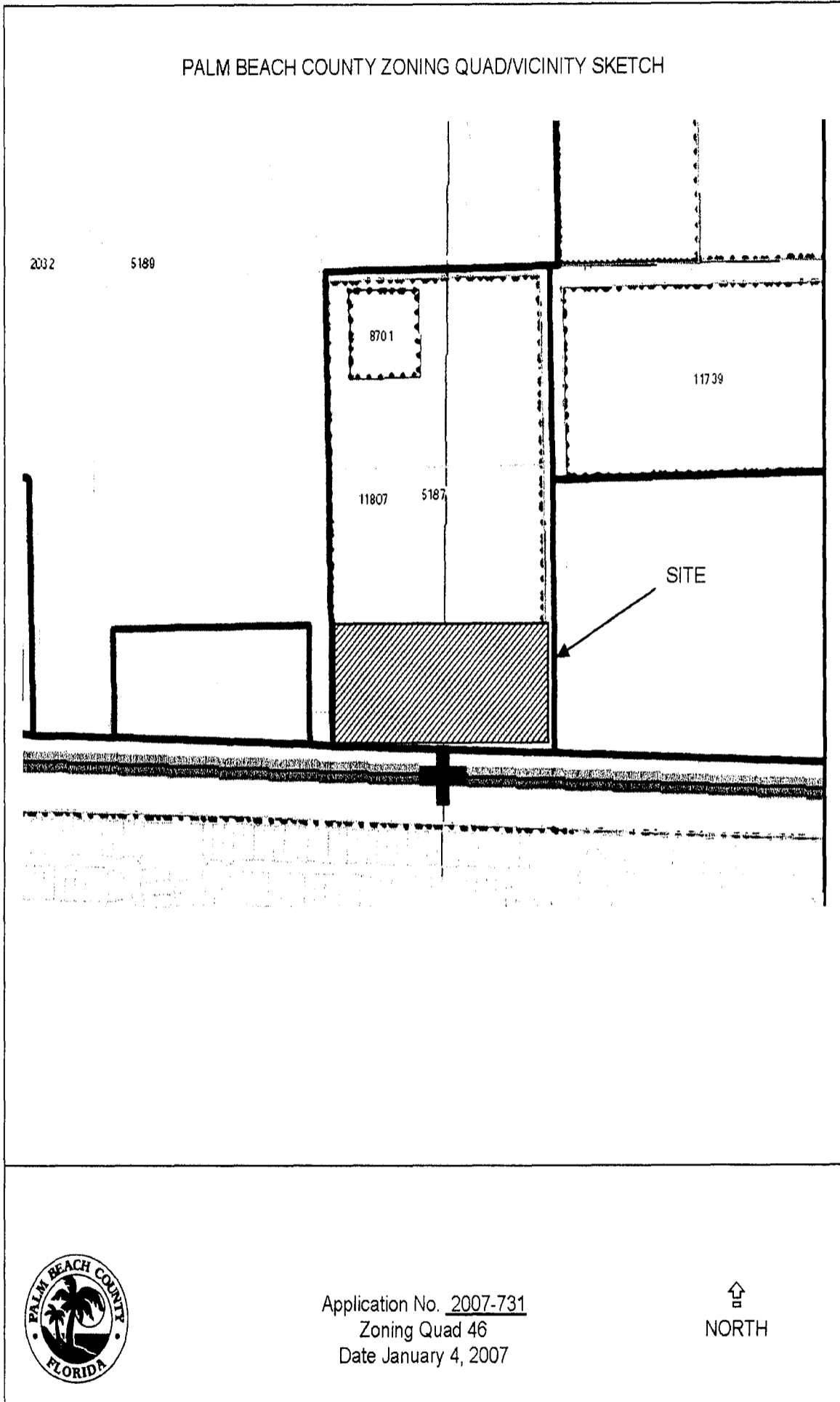
LEGAL DESCRIPTION

BEING A PORTION OF TRACTS 41 AND 32 AND A PORTION OF THE 30 FOOT WIDE ROADWAY LYING BETWEEN SAID TRACTS, BLOCK 7, PALM BEACH FARMS COMPANY PLAT NO. 3, PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF TRACT 29, BLOCK 7, SAID PALM BEACH FARMS COMPANY PLAT NO. 3 WITH THE WEST RIGHT OF WAY LINE OF SANSBURY'S WAY, SAID WEST RIGHT OF WAY LINE ALSO BEING A LINE 40.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 29, RUN THENCE SOUTH 00°56'48" EAST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 1224.81 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°56'58" EAST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 312.27 FEET; THENCE NORTH 88°30'44" WEST (DEPARTING FROM SAID WEST RIGHT OF WAY LINE), A DISTANCE OF 950.54 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 41; THENCE NORTH 00°57'57" WEST ALONG SAID WEST LINE OF TRACT 41 AND THEN THE WEST LINE OF SAID TRACT 32, A DISTANCE OF 267.64 FEET; THENCE NORTH 88°47'49" EAST (DEPARTING FROM SAID WEST LINE OF TRACT 32), A DISTANCE OF 949.77 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.322 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved Preliminary Site plan is dated November 19, 2007. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all structure 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)

#### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:
  - a) No Building Permits for the site may be issued after January 1, 2012. 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 construct on Southern Boulevard at the Project's entrance road, a right turn lane east approach.

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.

- a. Permits required for Improvements on Southern Boulevard shall be obtained from the Florida Department of Transportation prior to the issuance of the first building permit (BLDG PERMIT: MONITORING-Eng)
  - b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
3. **CORRIDOR CONVEYANCE OF ROAD RIGHT OF WAY SANSBURYS WAY**

The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for Sansburys Way, 76 feet from centerline. All right of way deed(s) and associated documents shall be provided and approved prior to November 1, 2008 or prior to the issuance of a Building Permit whichever shall first occur.

Right of way conveyance shall be along the entire frontage and shall be free of all encroachments and encumbrances. 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 provisions for Expanded Intersection Details and "Corner Clips."

The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE/BLDG. PERMIT: MONITORING-Eng)

4. Prior to issuance of the first building permit, the property owner shall provide a temporary roadway construction easement along Sansburys Way to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners entrance road right of way. Construction within this easement shall conform to Palm Beach County Standards. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT:MONITORING-Eng)
5. Prior to the issuance of a building permit the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Southern Boulevard 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. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDG PERMIT: MONITORING-Eng)

#### HEALTH

1. The property owners and operators of facilities generating industrial, hazardous, or toxic wastes 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)

#### 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 shall be prepared in compliance with all landscape related 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. Field adjustment of berm and plant material 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)
5. Decorative pavers or stamped concrete shall be provided along the internal driveway in areas where shown on the site plan dated November 19, 2007. (DRO: ZONING-Zoning)

#### LANDSCAPING ALONG INTERIOR ACCESS AISLE-STANDARDS

6. Prior to final site plan approval special planting treatment shall be provided along both sides of the entire access aisle which begins at the Southern Boulevard entryway and shall include the following landscape treatment:
  - a. one (1) native canopy tree or palm tree for each twenty five (25) linear feet of the access aisle with a maximum spacing of sixty (60) feet between clusters.
  - b. clusters of native trees or palms shall be provided within ten (10) feet of the access aisle.
  - c. one (1) shrub for each two (2) linear feet of the access aisle. Shrubs shall be a minimum of twenty-four (24) inches at installation. (DRO: LANDSCAPE - Zoning)

#### LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING AND SANSBURY'S WAY)

7. In addition to code requirements, the landscape buffers along east property line within a minimum of one hundred (100) linear feet of frontage on Sansbury's Way 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, except where existing trees are to be preserved 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)
  - c. construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

## PALM TRAN

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 to Plat Recordation, 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 not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT: ENG-PalmTran or BLDG PERMIT: MONITORING-PalmTran)

## SIGNS

1. Freestanding signs fronting on Southern Boulevard shall be limited as follows:
  - a. maximum number of signs one (1);
  - b. location of Sign 'A' shall be as shown on the approved site plan dated November 19, 2007; near the southern property line.
  - c. maximum sign height, measured from finished grade to highest point shall be twelve (12) feet ;
  - d. maximum sign face area per side shall be one hundred twenty (120) square feet ; and
  - e. style - monument style only. (BLDG PERMIT: BLDG - Zoning)
2. Freestanding signs fronting on Sansbury Way shall be limited as follows:
  - a. maximum number of signs one (1);
  - b. location of Sign 'B' shall be as shown on the approved site plan dated November 19, 2007;
  - c. maximum sign height, measured from finished grade to highest point shall be twelve (12) feet
  - d. maximum sign face area per side shall be one hundred twenty (120) square feet; and
  - e. style - monument style only. (BLDG PERMIT: BLDG - Zoning)

## UTILITIES

1. If any relocation/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: Utilities-Utilities)

## COMPLIANCE

1. In granting this approval, the Zoning Commission 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 Zoning Commission 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.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)