

RESOLUTION NO. R-2006-2553

RESOLUTION APPROVING ZONING APPLICATION DOA2006-726  
(CONTROL NUMBER 2003-067)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF PISHON II PIKE ROAD LLC  
BY SMILEY & ASSOCIATES, INC., AGENT  
(SOUTHERN PARK OF COMMERCE )

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

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application DOA2006-726 was presented to the Board of County Commissioners at a public hearing conducted on November 27, 2006; and

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

WHEREAS, this approval is subject to Article 2.E (MONITORING), of the Palm Beach County Unified Land Development Code 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 Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B, Supplementary Use Standards of the Palm Beach County Unified Land Development Code. This Class A Conditional Use also meets applicable local land development regulations;
3. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development;
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands;
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F, (Concurrency) of the ULDC.
6. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. The applicant has demonstrated sufficient justification that there are changed circumstances that require the Development Order Amendment.

WHEREAS, Article 2.K.3.b 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 DOA2006-726, the application of Pishon II Pike Road LLC, by Smiley & Associates, Inc., agent, for a Development Order Amendment to reconfigure the site plan and add square footage 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on November 27, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons 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
John F. Koons, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Jess Santamaria	-	

The Chairperson thereupon declared that the resolution was duly passed and adopted on November 27, 2006.

Filed with the Clerk of the Board of County Commissioners on 27th day of November, 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 BOCK, CLERK &  
COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



EXHIBIT A

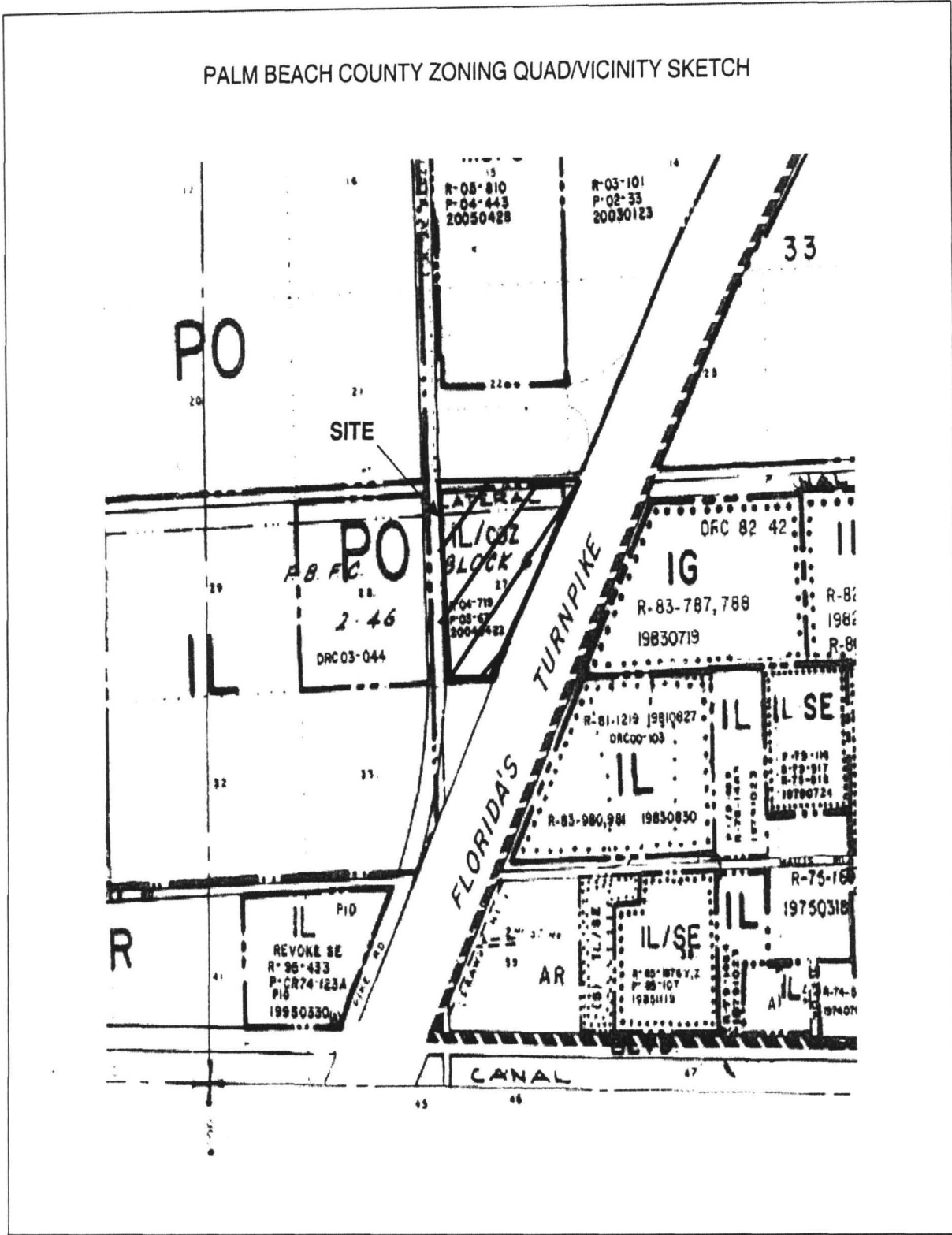
LEGAL DESCRIPTION

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



Application No. 2006-726  
Zoning Quad 46  
Date November 2, 2006



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-04-0719 (Petition Z2003-067), have been revoked. (ONGOING: MONITORING - Zoning)
2. Development of the site is limited to the uses or site design approved by the Board of County Commissioners. The approved site plan is dated October 13, 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. (DRO: ZONING - Zoning)
3. Based on ULDC, Article 2E, this Development Order meets the requirement to receive a new three (3) year review date from the date of approval of this resolution. (ONGOING: MONITORING-Zoning)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), 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 Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations. (DRO: ARCH REVIEW- Zoning)

#### ENGINEERING

1. Prior to final approval by the Development Review Officer (DRO), the property owner shall revise the site plan to either align the north entrance with this projects internal drive aisle or relocate this entrance to the north property line. (DRO: ENG- Eng)
2. The property owner shall construct a two way left turn lane within the existing median on Pike Road subject to the approval of the County Engineer to provide left turn access to both the projects north and south entrance.
  - a. This turn lane shall be constructed concurrent with the paving and drainage improvements for the site. The property owner shall pay any and all costs associated with this construction. 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)
3. 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)



## 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: 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: 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: CODE ENF - Health)

## ZONING - LANDSCAPING-STANDARD

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. Prior to the issuance of a Building Permit for the warehouse, the property owner shall replace all dead and missing plant materials on the entire subject property. (BLDG PERMIT: LANDSCAPE - Zoning)
3. 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)
4. 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)
5. 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)

6. 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 EAST PROPERTY LINE (ABUTTING THE FLORIDA 'S TURNPIKE)

7. In addition to the ULDC requirements, landscaping and buffering 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; and,
  - c. one (1) palm for each twenty (20) linear feet of property line with a maximum spacing of sixty (60) feet between clusters.  
(BLDG PERMIT: LANDSCAPE - Zoning)

ZONING - LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF PIKE ROAD)

8. In addition to the ULDC requirements, landscaping and buffering along the east property line shall be upgraded to include:
  - a. one (1) palm for each thirty (30) 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 LINE (ABUTTING RESIDENTIAL)

9. In addition to the ULDC requirements, landscaping and buffering 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;
  - 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; and,
  - d. 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. (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)

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 tenants identification only. (BLDG PERMIT: 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 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)