

RESOLUTION NO. R-2024- 1037

RESOLUTION APPROVING ZONING APPLICATION PDD-2023-00971  
(CONTROL NO. 2023-00075)  
an Official Zoning Map Amendment  
APPLICATION OF Bedner Bros Farms, Inc.  
BY JMorton Planning & Landscape Architecture, AGENT  
(Bedner - Lee Industrial)

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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application PDD-2023-00971 was presented to the Board of County Commissioners at a public hearing conducted on August 22, 2024;

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 recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for an Official Zoning Map Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application PDD-2023-00971, the Application of Bedner Bros Farms, Inc., by JMorton Planning & Landscape Architecture, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Multiple Use Planned Development - Preserve (MUPD-P) Zoning District to the Multiple Use Planned Development (AGR-MUPD) Zoning District on 5.0 acres, on a

parcel of land generally described as shown on the legal description 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 August 22, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Baxter moved for the approval of the Resolution.

The motion was seconded by Commissioner Marino and, upon being put to a vote, the vote was as follows:

Commissioner Maria Sachs, Mayor	-	Nay
Commissioner Maria G. Marino, Vice Mayor	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Michael A. Barnett	-	Aye
Commissioner Marci Woodward	-	Absent
Commissioner Sara Baxter	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 22, 2024.

Filed with the Clerk of the Board of County Commissioners on ~~August 26, 2024~~.


This resolution shall not become effective unless or until the effective date of the Large Scale Land Use Amendment No. LGA-2024-003.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:   
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:   
DEPUTY CLERK




EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION:

A PORTION OF TRACTS 31 AND 32, BLOCK 61, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

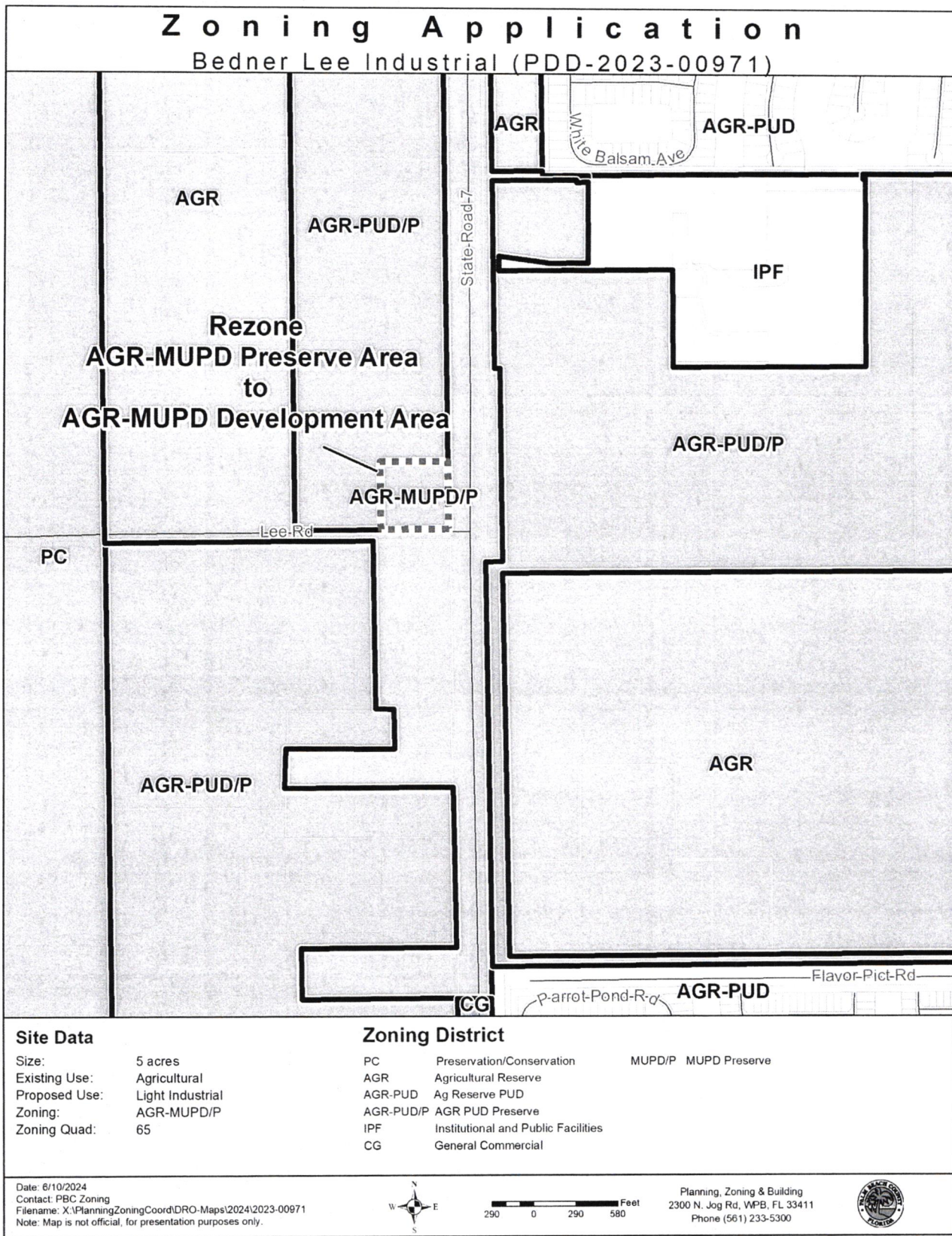
COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 31; THENCE NORTH 00°37'11" WEST, ALONG THE WEST LINE OF SAID TRACT 31, A DISTANCE OF 55.00 FEET; THENCE NORTH 89°28'29" EAST, ALONG A LINE PARALLEL WITH AND 55.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACTS 31 AND 32, A DISTANCE OF 647.08 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 00°58'21" WEST, S DISTANCE OF 466.70 FEET; THENCE NORTH 89°28'29" EAST, A DISTANCE OF 466.70 FEET TO THE WEST RIGHT OF WAY LINE OF STATE ROAD 7, AS DESCRIBED IN OFFICIAL RECORDS BOOK 11107, PAGE 992, PUBLIC RECORDS OF SAID PALM BEACH COUNTY; THENCE SOUTH 00°58'21" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 466.70 FEET; THENCE SOUTH 89°28'29" WEST, ALONG A LINE PARALLEL WITH AND 55.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACTS 31 AND 32, A DISTANCE OF 466.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.00 ACRES, MORE OR LESS.

NOTE: SUBJECT PARCEL LIES WITHIN SECTION 36, TOWNSHIP 45 SOUTH, RANGE 41 EAST.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Non Residential Planned Development District

##### ALL PETITIONS

1. The approved Preliminary Site Plan is dated June 13, 2024. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

##### ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2026, or as amended. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall construct right turn lane north approach on SR-7 at project entrance.

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 from FDOT for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

3. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering)

4. Prior to the issuance of the first building permit, the Property Owner shall provide to Florida Department of Transportation (FDOT), by deed, a 25-foot by 25-foot corner clip at the intersection of Lee Road and State Road 7 (US Highway 441). Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT 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 Property Owner, the Property Owner agrees to hold the County and FDOT 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. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPMT: MONITORING - Engineering)

##### LANDSCAPE - PERIMETER- WEST PROPERTY LINES

1. Prior to final approval by the Development Review Officer (DRO), the west property lines shall be revised to a twenty (20) foot Type 2 Incompatibility buffer, with the following:

- a. Minimum of an eight (8) foot high opaque barrier that shall consist of any combination of the following: a fence with hedge, a wall and/or a berm;
- b. An increase in the number of trees by 25% over minimum ULDC requirements; and
- c. All trees and medium or large shrubs shall be native vegetation. (DRO: ZONING - Zoning)

### **LIGHTING**

1. The maximum illumination at the north and west property line shall be zero (0) foot-candles. (ONGOING: ZONING - Zoning)

### **PLANNING**

1. Prior to final approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, the Property Owner shall submit a recorded cross access easement agreement for the location(s) depicted on the site plans. (DRO: PLANNING - Planning)
2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site Plan to add the Official records book and page number for the recorded cross access easement. (DRO: PLANNING - Planning)
3. Prior to the release of the Certificate of Occupancy, the Property Owner shall grade, construct, and pave the access point for the cross-access easement to the property line so that it is usable for both vehicular and pedestrian cross access from the adjacent property at the location(s) shown on the Site Plan. (CO: MONITORING - Planning)

### **SIGNS**

1. Ground Mounted Freestanding signs fronting on Lee Road shall be limited as follows:
  - a. maximum sign height - fifteen (15) feet, measured from finished grade to highest point;
  - b. maximum sign face area per side - one hundred and fifty (150) square feet;
  - c. maximum number of signs - one (1);
  - d. style - monument style only; and,
  - e. to be located within sixty (60) feet of the east side of the eastern driveway on Lee Road. (BLDGPMT/ONGOING: ZONING - Zoning)
2. Project Entrance signs fronting on Lee Road shall be limited as follows:
  - a. maximum number of project entrance signs - two (2);
  - b. location - one (1) to be located on the west side of the eastern driveway, facing east; and
  - c. location - one (1) to be located on the east side of the western driveway, facing east. (BLDGPMT/ONGOING: ZONING - Zoning)
3. Out-parcel signage is prohibited. (ONGOING: ZONING - Zoning)

### **COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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; the 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 Unified Land Development Code 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 of Approval; 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 the 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

#### **DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.