

RESOLUTION NO. R-2003-0102

RESOLUTION APPROVING ZONING PETITION Z2002-025
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF SEASONAL ENTERPRISES
BY KEVIN MCGINLEY, AGENT
(SEASONAL ENTERPRISES)

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 public hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended), have been satisfied; and

WHEREAS, Zoning Petition Z2002-025 was presented to the Board of County Commissioners at a public hearing conducted on January 23, 2003; 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 made the following findings of fact:

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) 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:

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 and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11 (Adequate Public Facilities Standards) of the Palm Beach County Unified Land Development Code; and,

This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (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 Petition Z2002-025, the petition of Seasonal Enterprises, by Kevin McGinley, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential Zoning District to the Light Industrial Zoning 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 January 23, 2003 subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	-	Absent
Tony Masilotti, Vice Chairman	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 23, 2003.

Filed with the Clerk of the Board of County Commissioners on 26 day of February 2003.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK

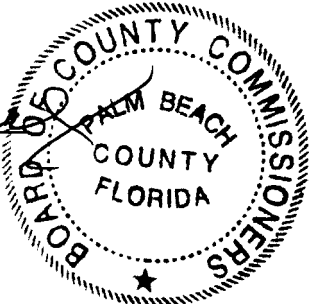


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1

A portion of Tract 46, Block 5, **PALM BEACH FARMS CO, PLAT NO. 3**, per Plat Book 2, Pages 45-54 inclusive, Palm Beach County Records, bounded by beginning at the Southeasterly corner of that Tract, thence Northerly along the Easterly boundary of that Tract, 140feet; thence Westerly, parallel to the Southerly boundary of that Tract, 144feet; thence Southerly parallel to the Easterly boundary of that Tract, 140 feet more or less to the Southerly boundary of that Tract; thence Easterly along the Southerly boundary of that Tract, 144 feet more or less to the point of beginning.

TOGETHER WITH an easement for the purposes of ingress and egress to and from the above described property, to be a right of way for a road described as follows:

A portion of Tract 46, Block 5, **PALM BEACH FARMS CO., PLAT NO. 3**, per Plat Book 2, Pages 45 to 54 inclusive, Palm Beach County Records, Bounded by commencing at the Southeasterly corner of that Tract, thence Northerly along the Easterly boundary of that Tract, 140feet to a point, being the point of beginning of this easement and the Northeast corner of the above described property; thence Westerly along the North line of the above described property, parallel to the Southerly boundary of that Tract, 144 feet to a point which is the Northwest corner of the above described property; thence Northerly parallel to the Easterly boundary of that Tract, 20 feet to a point; thence Easterly, parallel to the Southerly boundary of that Tract, 144feet to a point on the Easterly boundary of that Tract; thence Southerly along the Easterly boundary of that Tract, 20 feet more or less to the point of beginning.

Together With

PARCEL 2

The South 140 feet of the East 330 feet, less the East 144 feet of the South 140 feet, of Tract 46, Block 5, **PALM BEACH FARMS CO., PLAT NO. 3**, as per Plat Book 2, Pages 45 to 54 inclusive, Palm Beach County Records bounded by commencing at the Southeasterly corner of Tract 46 aforesaid, then Northerly along the Easterly boundary of that Tract, 140 feet; thence Westerly parallel to the Southerly boundary of that Tract, 144feet to the point of beginning of this said parcel; thence continue Westerly parallel to the Southerly boundary of that Tract, 186feet to a point that is 330 feet West of the Easterly boundary of that Tract; thence Southerly parallel to the Easterly boundary of that Tract, 140feet more or less to a point that is 330 feet West of the Southeasterly corner of that Tract more or less; thence Easterly along the Southerly boundary of that Tract, 186feet, more or less, to a point, which said point is the Southwest corner of a certain parcel of land conveyed by the grantors herein to the grantees by Warranty Deed recorded in Official Record Book 361, Page 632, Public Records of Palm Beach County, Florida; thence Northerly along the Westerly line of the land conveyed as aforesaid, 140 feet more or less, to the Point of Beginning

TOGETHER WITH an easement for the purpose of ingress and egress to and from the above described property, to be a right of Way for a Road, described as follows;

A portion of Tract 46, Block 5, **PALM BEACH FARMS CO., PLAT NO. 3**, as per Plat Book 2, Page 45 to 54 inclusive, Palm Beach County Public Records, bounded by commencing at the Southeasterly corner of that Tract, thence Northerly along the Easterly boundary of that Tract, 140 feet to a point, thence Westerly parallel to the Southerly boundary of that Tract, 144 feet to a point, which said point is the Point of Beginning of this Easement and the Northwest corner of the above described parcel; thence continue Westerly parallel to the Southerly boundary of that Tract, 186 feet to a point that is 330 feet West of the Easterly boundary of that Tract; thence Northerly parallel to the Easterly boundary of that Tract, 20 feet to a point; thence Easterly parallel to the Southerly boundary of that Tract,

186 feet to a point that is 144 feet Westerly of the Easterly boundary of that Tract; thence Southerly parallel to the Easterly boundary of that Tract, 20 feet to the Point of Beginning of the Easement, said Easement to run East and West, 20 feet in width, measured North and South along and immediately adjacent to the above described property.

Together With

PARCELA

The North one-half of the South 264 feet of the West 330 feet of Tract 46, in Block 5, the **PALM BEACH FARMS CO., PLAT NO. 3**, according to the plat thereof recorded in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, pages 45 to 54, inclusive.

Less and except the following described parcel;

The West 25 feet of the North One-half of the South 264 feet of the West 330 feet of Tract 46, in Block 5, the **PALM BEACH FARMS CO., PLAT NO. 3**, according to the Plat thereof recorded in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, pages 45 to 54, inclusive.

Together With

PARCEL B

A portion of Tract 46, Block 5, **PALM BEACH FARMS CO., PLAT NO. 3**, per Plat Book 2, pages 45 to 54 inclusive, Palm Beach County records, described as follows; Start at the Southeasterly corner of said Tract; thence North along the Eastern boundary of said Tract, 264 feet; thence West parallel to the Southerly boundary of said Tract, 230 feet to a Point of Beginning; thence West parallel to the Southerly boundary of said Tract, 100 feet; thence South parallel to the Easterly boundary of said Tract, 124 feet; thence East parallel to the Southerly boundary of said Tract, 100 feet; thence North parallel to the Easterly boundary of said Tract, 124 feet to the Point of Beginning.

EXHIBIT B
VICINITY SKETCH

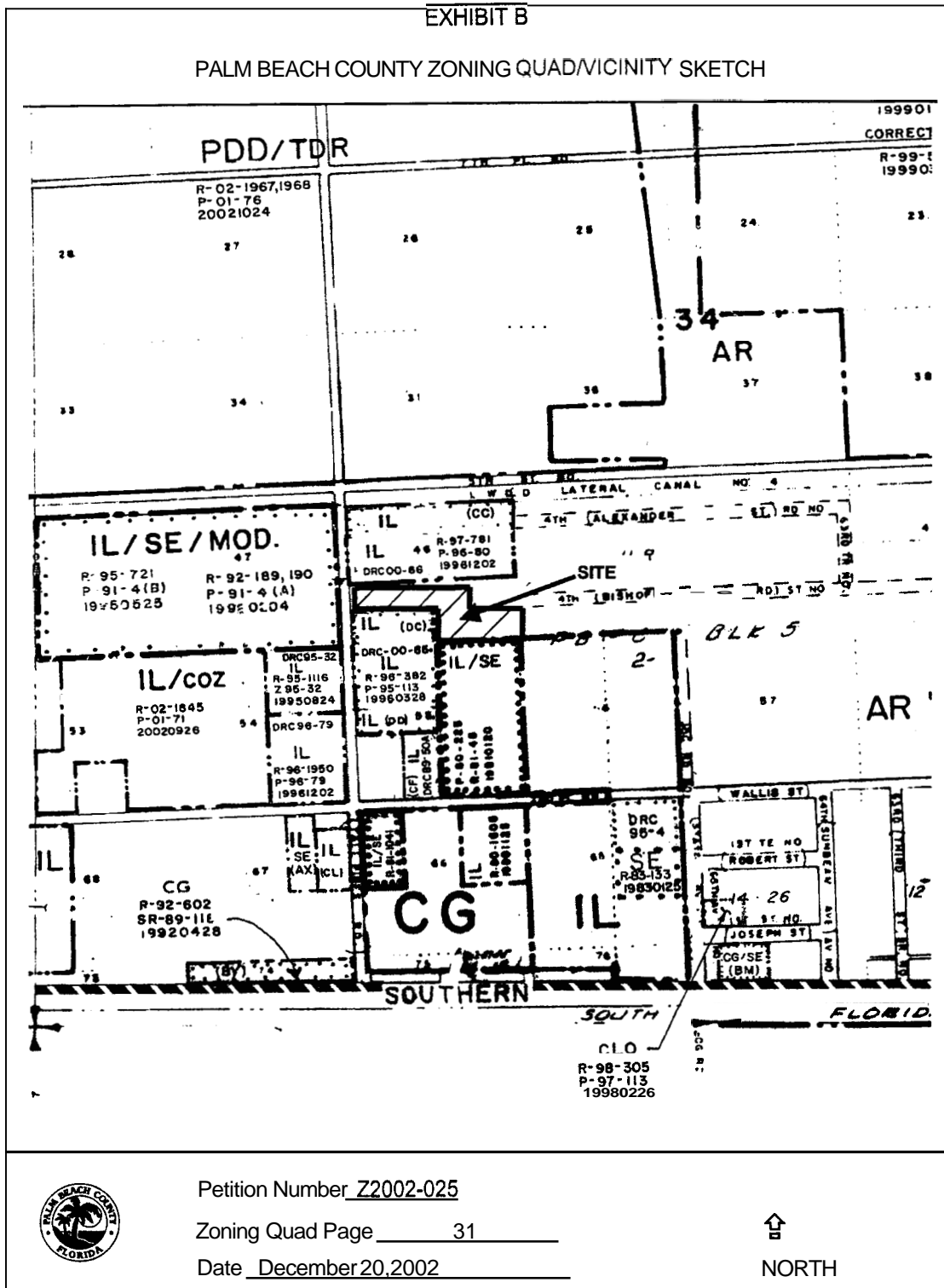


EXHIBIT C

VOLUNTARY COMMITMENTS

A. LANDSCAPING - STANDARD

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet, except along the east and northeast property lines, where minimum tree height shall be ten (10) feet;
 - b. trunk diameter: 3.5 inches measured at 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 3.5 feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site 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)

B. LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF TALL PINES ROAD)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. a continuous two (2) foot high berm measured from top of curb. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways or to accommodate existing vegetation;
 - c. one (1) native canopy tree for each thirty (30) feet of the property line; and
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
 - f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. (CO: LANDSCAPE – Zoning)

C. LANDSCAPING ALONG THE EAST AND NORTHEAST PROPERTY LINES /ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the east and northeast property lines shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip;

- b. a continuous two and one half (2.5) foot high berm measured from finished grade. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways or to accommodate existing vegetation;
- c. a six (6) foot high opaque concrete wall. 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;
- d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall; and,
- e. one (1) shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation, and to be planted on both sides of the wall. (CO: LANDSCAPE – Zoning)

D. ENVIRONMENTAL

- 1. All existing native vegetation 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)

E. There are no Engineering conditions.

F. SIGNS

- 1. Freestanding point of purchase signs fronting on Tall Pines Road shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - six (6) feet;
 - b. maximum sign face area per side - fifty (50) square feet;
 - c. maximum number of signs - one (1);
 - d. style - monument style only; and,
 - e. Signs shall be limited to identification of tenants only. (CO: BLDG-Zoning)

G. USE LIMITATIONS

- 1. The storage of fireworks shall not be permitted on the property. (ONGOING: CODE ENF - Planning)
- 2. Manufacturing and processing activities shall not be allowed on the property as follows:
 - a. prior to 7:00 AM nor continue later than 7:00 PM Monday through Friday; and,
 - b. prior to 8:00 AM nor continue later than 6:00 PM Saturday and Sunday. (ONGOING: CODE ENF - Planning)

H. COMPLIANCE

- 1. Failure to comply with any of the voluntary commitments 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 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any voluntary commitment.

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)

- 2. 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 commitments of this approval. (ONGOING: MONITORING - Zoning)