

RESOLUTION NO. R-94-1672

RESOLUTION APPROVING ZONING PETITION DOA90-43(B)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF USB ACQUISITION CO., INC.

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 petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA90-43(B) was presented to the Board of County Commissioners at a public hearing conducted on December 5, 1994; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), 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 made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. 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.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency exemption and therefore complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach

County Unified Land Development Code.

- 9. 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.
- 10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 DOA90-43 (B), the petition of USB Acquisition Co., for a DEVELOPMENT ORDER AMENDMENT in the General Industrial (IG/COZ) Zoning District, to delete Condition B.2 (perimeter buffer) of Resolution R-93-899, previously approved 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 December 5, 1994, subject to the conditions of approval 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 Roberts and, upon being put to a vote, the vote was as follows:

Ken Foster, Chair	--	Aye
Burt Aaronson	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 5th day of December, 1994.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

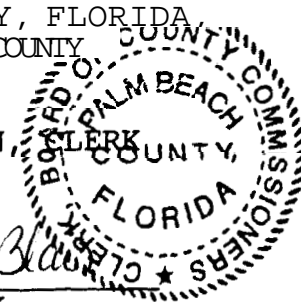


EXHIBIT A

LEGAL DESCRIPTION

THE EAST ONE-HALF (1/2) OF TRACTS 16 AND 17, BLOCK 4, THE PALM BEACH FARMS COMPANY PLAT NO. 3, LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY ACCORDING TO THE PLAT OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT 2, PAGE 46, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND ACCORDING TO THE **RIGHT-OF-WAY MAP OF SAID SUNSHINE STATE PARKWAY ON FILE IN THE OFFICE OF FLORIDA STATE TURNPIKE AUTHORITY.**

LESS: THE SOUTH 33 FEET THEREOF FOR RIGHT-OF-WAY OF BELVEDERE ROAD.

LESS: THE FOLLOWING DESCRIBED PARCELS.

PARCEL 116  
U.S.B. ACQUISITION CO., INC.

A PARCEL OF LAND BEING A PORTION OF TRACT 17, BLOCK 4, PALM BEACH FARMS CO., PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45-54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING SECTION 33, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 17, RUN N89°03' 20"E ALONG THE SOUTH LINE OF SAID TRACT 17 A DISTANCE OF 623.04 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE FLORIDA STATE TURNPIKE AS DESCRIBED IN DEED BOOK 1116, PAGE 560, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N40° 37' 50"E ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 44.11 FEET TO A POINT ON A LINE PARALLEL WITH AND 33.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACT 17, SAID LINE BEING THE EXISTING NORTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD AS DESCRIBED IN THE MINUTES OF THE COUNTY COMMISSIONERS DATED MARCH 14, 1932, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND ALSO BEING THE POINT OF BEGINNING.

THENCE CONTINUE N40° 37' 50"E, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID FLORIDA STATE TURNPIKE, A DISTANCE OF 97.51 FEET; THENCE N88° 59'58"E, A DISTANCE OF 428.01 FEET; THENCE N00° 00' 02"W A DISTANCE OF 30.00 FEET; THENCE N88° 59' 58"E A DISTANCE OF 75.45 FEET TO A POINT ON A LINE PARALLEL WITH AND 100.00 FEET WEST OF THE EAST LINE OF SAID TRACT 17; THENCE S00° 57' 28"E A DISTANCE OF 41.44 FEET; THENCE S89° 03' 20"W A DISTANCE OF 50.62 FEET; THENCE S00° 24' 11"E A DISTANCE OF 62.00 FEET TO A POINT ON SAID EXISTING NORTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD;

EXHIBIT A

LEGAL DESCRIPTION

THENCE S89° 03' 20"W, ALONG SAID NORTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD, A DISTANCE OF 507.95' FEET TO THE POINT OF BEGINNING.

SAID HEREIN DESCRIBED PARCEL CONTAINING 37,756 SQUARE FEET (0.867 ACRES).

PARCEL 118

A PARCEL OF LAND BEING A PORTION OF TRACT 17, BLOCK 4, PALM BEACH FARMS CO., PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45-54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING IN SECTION 33, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 17, RUN N00° 57' 28"W ALONG THE EAST LINE OF SAID TRACT 17 A DISTANCE OF 33.00 FEET TO A POINT ON THE EXISTING NORTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD AS DESCRIBED IN THE MINUTES OF THE COUNTY COMMISSIONERS, MARCH 14, 1932, PUBLIC RECORDS OF PALM BEACH COUNTY; FLORIDA, SAID LINE BEING PARALLEL WITH AND 33.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACT 17 AND SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE N00° 57' 28"W ALONG THE EAST LINE OF SAID TRACT 17 A DISTANCE OF 62.00 FEET TO A POINT ON A LINE THAT IS PARALLEL WITH AND 95.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACT 17, THENCE S89° 03' 20"W A DISTANCE OF 159.62 FEET; THENCE S00° 24' 11"E A DISTANCE OF 62.00 FEET TO A POINT ON SAID EXISTING NORTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD; THENCE N89° 03' 20"E A DISTANCE OF 160.22 FEET TO THE POINT OF BEGINNING.

SAID HEREIN DESCRIBED PARCEL CONTAINING 9,914 SQUARE FEET OR 0.228 ACRES.

PARCEL 119

ALLEN STAN

A PARCEL OF LAND BEING A PORTION OF TRACT 17, BLOCK 4, PALM BEACH FARMS CO., PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45-54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING IN SECTION 33, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 17, RUN N00° 57' 28"W ALONG THE EAST LINE OF SAID TRACT 17, A DISTANCE OF 95.00 FEET TO A POINT ON A LINE THAT IS PARALLEL WITH 95.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACT 17, AND ALSO BEING THE POINT OF BEGINNING; THENCE

EXHIBIT A  
LEGAL DESCRIPTION

CONTINUE N00° 57' 28"W, ALONG THE EAST LINE OF SAID TRACT 17, A DISTANCE OF 116.53 FEET; THENCE S88° 59' 58"W A DISTANCE OF 100.00 FEET; THENCE S00° 57' 28"E A DISTANCE OF 116.44 FEET TO A POINT ON A LINE THAT IS PARALLEL WITH AND 95.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACT 17; THENCE N89° 03' 20"E A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

SAID HEREIN DESCRIBED PARCEL CONTAINING 11,640 SQUARE FEET (0.267 ACRES).

TOTAL AREA OF TRACT = 4.46 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

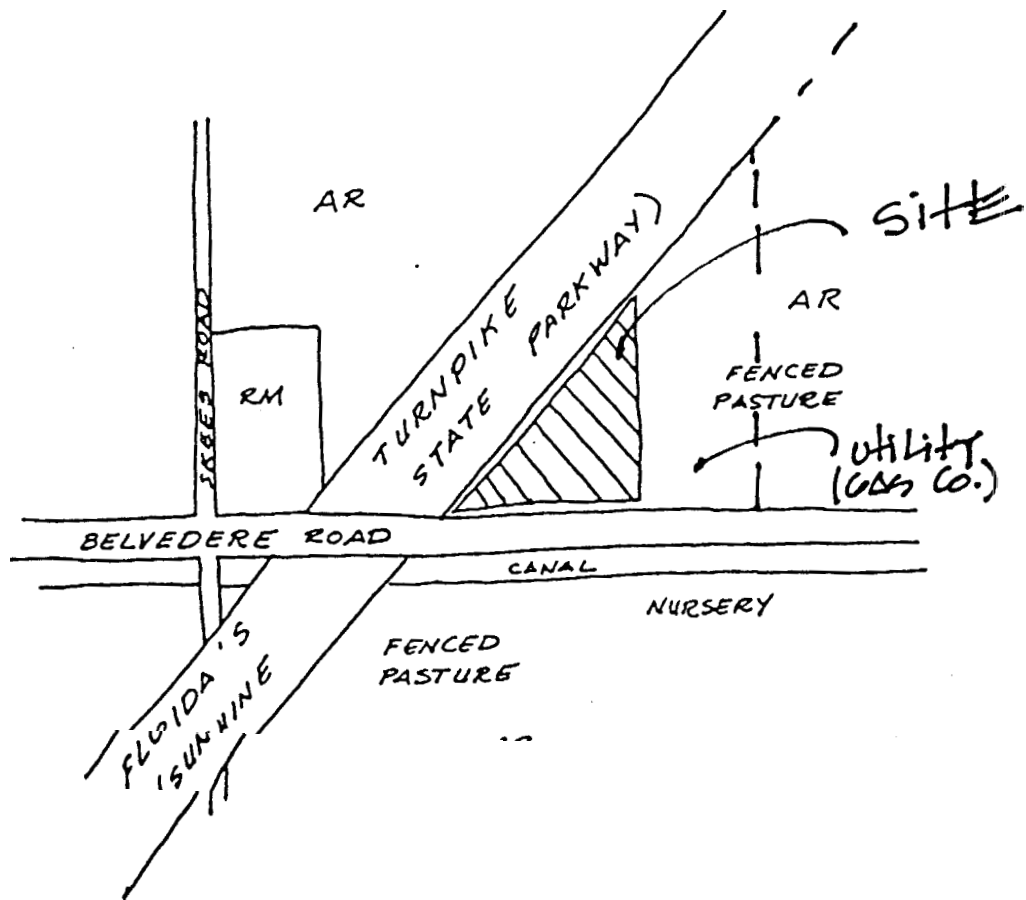


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in bold and will be carried forward with this petition unless expressly modified herein.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-93-899, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and original time limitations, unless expressly modified. (MONITORING)

B. GENERAL

1. **To mitigate the impacts associated with the intense uses of the IG district, permitted uses of the site shall not include:**

Asphalt plant;  
Gas and fuel, wholesale;  
Heavy industry which involve hazardous or commonly recognized offensive conditions. Including uses such as warehousing of chemicals, dry ice, fertilizers, fireworks and explosives, pulp and paper products, and radioactive materials; fat rendering plants; slaughterhouses; and tanneries; steel works; and petroleum refineries;  
Machine or welding shops;  
Potting soil manufacturing; or,  
**Sugar mill or refinery.** (Previously Condition No. A.1 of Resolution No. R-93-899, Petition No. 290-43(A)  
(ZONING/BUILDING)

2. To ensure the timely redevelopment of the existing use, the petitioner shall submit an application to the Development Review Committee (DC) on or before **January 5, 1994** for the certification of the site plan approved by the Board of County Commissioners, Exhibit 49 of Petition NO. **290-43(A)**. The site plan shall be approved by the DC on or before **March 25, 1994**. (Previously Condition No. A.2 of Resolution No. R-93-899, Petition No. 290-43(A)  
(ZONING)
3. To ensure the timely redevelopment of the existing use, the petitioner shall bring the site into compliance with the certified site plan prior to December 1, 1995.  
(MONITORING)

C. LANDSCAPING

1. To insure the buffering of the industrial uses from adjoining non industrial lands, all trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.  
(Previously Condition No. B.1 of Resolution No. R-93-899, Petition No. 290-43(A)  
(ZONING)

2. Condition No. B.2 of Resolution No. R-93-899, Petition No. 290-43(A) which currently states:

To provide for adequate buffer to adjoining residential lands, landscaping and buffering along the east property line, abutting residential land uses, shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip; and,
- b. A six (6) foot high opaque concrete wall. The following landscaping requirements shall be installed on the exterior side of the required wall:
  - (1) One (1) native canopy tree planted every twenty (20) feet on center;
  - (2) One (1) native palm tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,
  - (3) Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches.  
(ZONING)

Is hereby deleted.

3. To provide for adequate buffer from surrounding thoroughfares, landscaping along the south and west property lines, abutting road right-of ways shall be upgraded to include:
- a. One (1) native canopy tree planted every twenty (20) feet on center;
  - b. One (1) native palm trees for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,
  - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (Previously Condition No. B.3 of Resolution No. R-93-899, Petition No. 290-43(A)  
(ZONING)
4. To ensure compliance with the compliance agreement, the petitioner shall, prior to March 31, 1995, install all required landscape improvements in accordance with Section 7.3 of the ULDC and conditions of approval. No administrative time extensions shall be approved.  
(MONITORING/CODE ENFORCEMENT - Zoning)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification is required by ERM prior to Final Site Plan certification. (Previously Condition No. C.1 of Resolution No. R-93-899, Petition No. 290-43(A) (ERM)
2. Secondary containment for stored Regulated Substances (fuels, oils and other hazardous chemicals) is required. The Department of Environmental Resources Management is willing to provide guidance on appropriate protective measures. (Previously Condition No. C.2 of Resolution No. R-93-899, Petition No. 290-43(A) (BUILDING /ERM)



3. Plans for any underground storage tanks must be approved by the Dept. of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (Previously Condition No. C.3 of Resolution No. R-93-899, Petition No. Z90-43(A) (BUILDING-ERM))

**E. HEALTH**

1. If the use of the facility is altered or the intensity increased, or if the existing septic tank system is modified, the wastewater disposal system must be re-evaluated by the Palm Beach County Public Health Unit. (Previously Condition No. D.1 of Resolution No. R-93-899, Petition No. Z90-43(A))
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing on-site potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (Previously Condition No. D.2 of Resolution No. R-93-899; Petition No. Z90-43(A))

**F. COMPLIANCE**

1. Failure to comply with any of these conditions; of approval at any time may result in:
  - a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or
  - b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
  - c. A requirement of the development to conform with updated standards of development, applicable 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;
  - d. Referral to code enforcement; and/or
  - e. Imposition of entitlement density or intensity.

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 Conditional Use, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)