

RESOLUTION NO. R-95- 1471

RESOLUTION APPROVING ZONING PETITION PDD95-61
OFFICIAL ZONING MAP AMENDMENT (REZONING)
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF PALM BEACH BEDDING COMPANY
BY KIERAN J. KILDAY, AGENT

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

WHEREAS, Zoning Petition PDD95-61 was presented to the Board of County Commissioners at a public hearing conducted on October 26, 1995; 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:

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 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;
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 and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. 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 PDD95-61, the petition of Palm Beach Bedding Company, by Kieran J. Kilday, agent, for an Official Zoning Map Amendment (Z) from the Light Industrial (IL) Zoning District to the Multiple Use Planned District (MUPD) 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 October 26, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

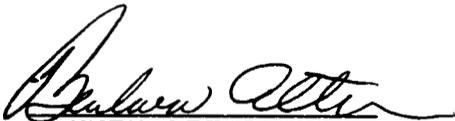
The Chair thereupon declared that the resolution was duly passed and adopted this 26th day of October, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

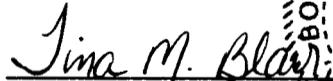
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

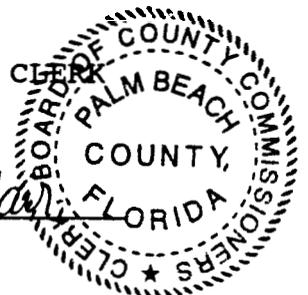
DOROTHY H. WILKEN, CLERK

BY :


COUNTY ATTORNEY

BY:


DEPUTY CLERK



LEGAL DESCRIPTION

LEGAL DESCRIPTION

PARCEL A:

A PARCEL OF LAND LYING AND BEING IN THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31; THENCE SOUTH 87°56'50" EAST, ALONG THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 1158.28 FEET TO A POINT; THENCE SOUTH 02°03'10" WEST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE HEREIN DESCRIBED; THENCE CONTINUE SOUTH 02°03'10" WEST, A DISTANCE OF 500.00 FEET TO A POINT; THENCE NORTH 87°56'50" WEST, A DISTANCE OF 781.78 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 9 (I-95), AS NOW LAID OUT AND IN USE; THENCE NORTH 19°20'02" WEST, A DISTANCE OF 120.96 FEET ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 2714.93 FEET AND A PARTIAL CENTRAL ANGLE OF 0833'41"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 405.30 FEET TO A POINT ON A LINE LYING 50.00 FEET SOUTH OF, WHEN MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 31; THENCE SOUTH 87°56'50" EAST, ALONG THE SAID PARALLEL LINE, A DISTANCE OF 945.11 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.

PARCEL B:

A PARCEL OF LAND LYING AND BEING IN THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31; THENCE SOUTH 87°56'50" EAST ALONG THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 1158.28 FEET TO A POINT; THENCE SOUTH 02°03'10" WEST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE HEREIN DESCRIBED; THENCE CONTINUE SOUTH 02°03'10" WEST, A DISTANCE OF 500.00 FEET TO A POINT; THENCE SOUTH 87°56'50" EAST, A DISTANCE OF 495.60 FEET TO A POINT; THENCE NORTH 02°03'10" EAST, A DISTANCE OF 500.00 FEET TO A POINT; THENCE NORTH 87°56'50" WEST, A DISTANCE OF 495.60 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.

TOTALLING 15.689 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

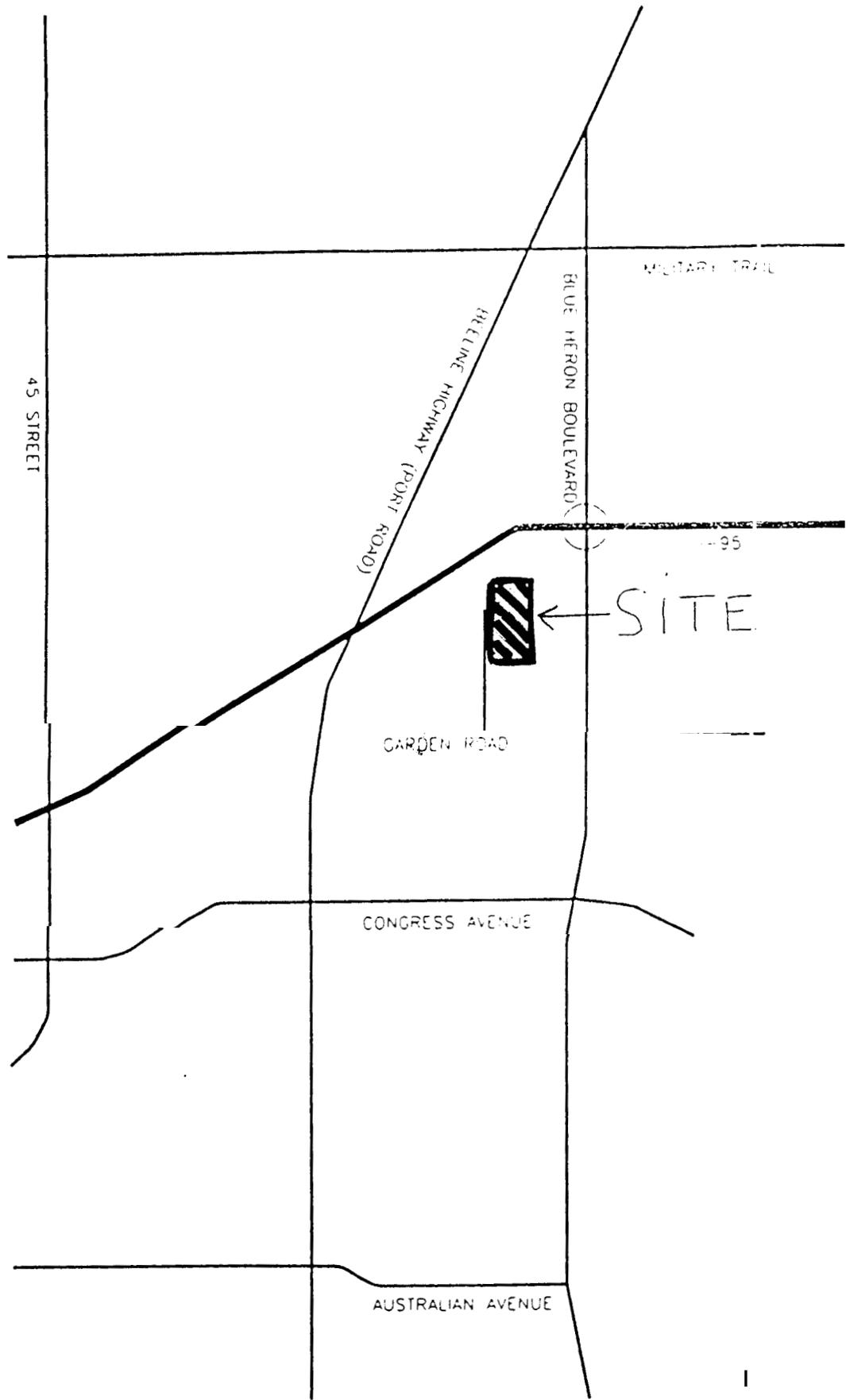


EXHIBIT C

CONDITIONS OF APPROVAL

A. ANNEXATION

1. The property owner shall voluntarily annex into the City of Riviera Beach at such time the subject property becomes contiguous to the City of Riviera Beach or is the subject of an annexation proposal by the City of Riviera Beach. (PLANNING)

B. BUILDING AND SITE DESIGN

1. The site shall be limited to processing and manufacturing only with an accessory office. (ZONING)
2. The accessory office shall be limited to a maximum of **40,000** square feet provided the Concurrency Reservation Certificate is amended to reflect the proposed square footage. (BUILDING)

C. ERM

1. A Wellfield Affidavit of Restriction shall be submitted to the Department of Environmental Resources Management (ERM) prior to final Development Review Committee (DRC) certification of the master plan. (ERM)

D. HEALTH

1. Reasonable precautions shall be taken during development to insure that unconfined particulate (dust particles) from the property do not become a nuisance to neighboring properties. (HEALTH)
2. **Generation and disposal of any hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent.** (HEALTH)

E. ENGINEERING

1. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition 95-61, to be paid at the time of issuance of the Building Permit presently is \$39,160.00 (712 additional trips X \$55.00 per trip). (IMPACT FEE COORDINATOR)

F. MURD

1. Total gross floor area shall be limited to a maximum of 273,208 square feet. Expansion shall be limited to five per cent (5%) or 1,000 square feet, whichever is less. (BUILDING-Zoning)

G. SIGNS

1. Freestanding signs along the west property line shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - twenty-five (25) feet;
 - b. Maximum sign face area per side - 120 square feet; and,
 - c. **Maximum number of signs - one (1).** (BUILDING-Zoning)

2. Freestanding signs along Interstate Park Road North shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 120 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (BUILDING-Zoning)

H. COMPLIANCE

1. 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; 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.

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. (MONITORING)