

RESOLUTION NO. R-2014- 1889

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/Z/CA-2014-01351  
(CONTROL NO. 1996-00041)  
a Development Order Amendment  
APPLICATION OF SUNCAP Property Group LLC  
BY Akerman LLP, AGENT  
(Federal Express Distribution Center)

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, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied;

WHEREAS, Zoning Application ZV/DOA/Z/CA-2014-01351 was presented to the Board of County Commissioners at a public hearing conducted on December 4, 2014;

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 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

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;

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 BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Development Order Amendment; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 ZV/DOA/Z/CA-2014-01351, the petition of SUNCAP Property Group LLC, by Akerman LLP, Agent, for a Development Order Amendment to reconfigure the Site Plan, to delete square footage, and to modify and delete Conditions of Approval (Engineering, Planning and Signs), 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on December 4, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Mayor	-	Aye
Commissioner Mary Lou Berger, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Absent
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on December 4, 2014.

Filed with the Clerk of the Board of County Commissioners on December 8th, 2014

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

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

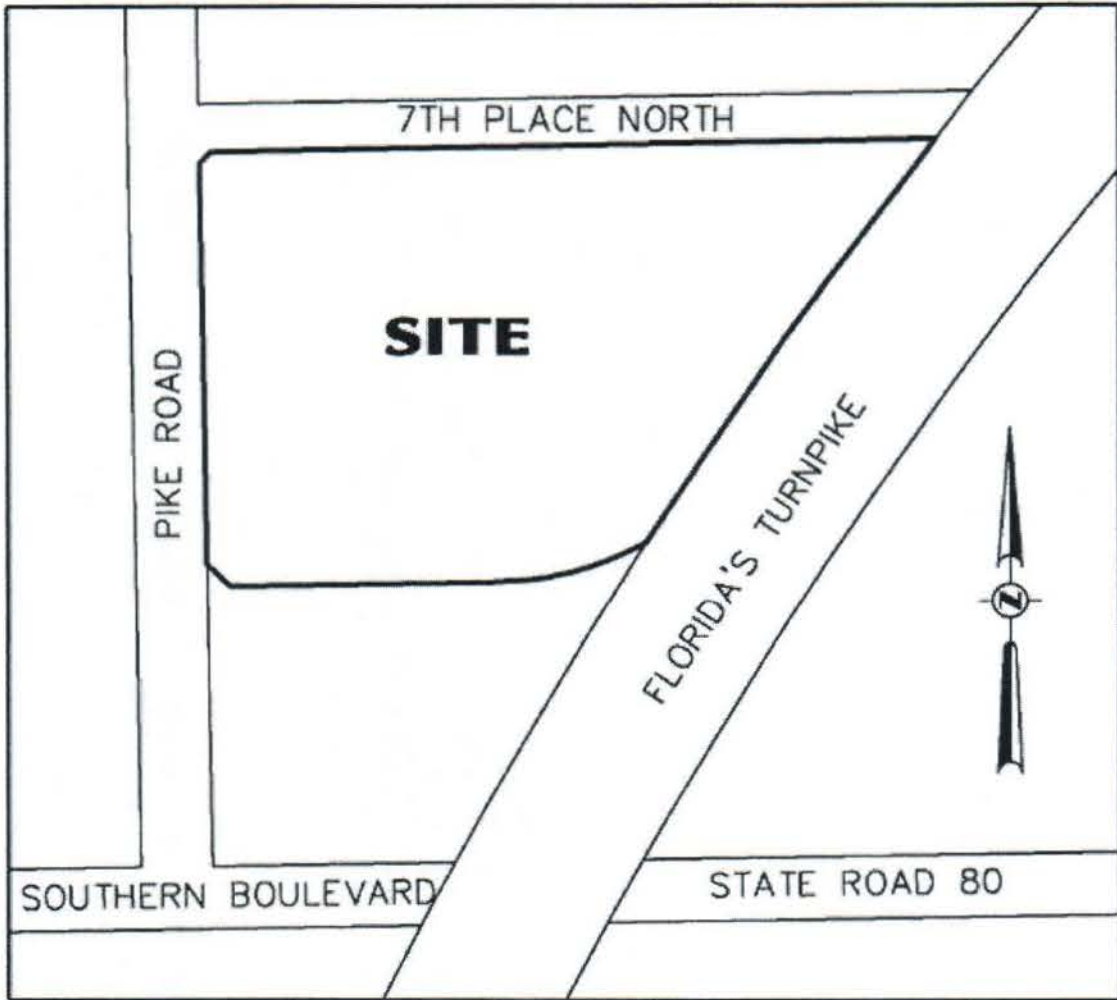


EXHIBIT A

LEGAL DESCRIPTION

All of PROLOGIS PARK WEST PALM BEACH MUPD, according to the Plat thereof as recorded in Plat book 111, page 165, public records of Palm Beach County, Florida.

EXHIBIT B  
VICINITY SKETCH



**LOCATION MAP**  
NTS

## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment

##### ALL PETITIONS

1. Previous ALL PETITIONS condition 1 of Resolution R-2007-1044, Control No.1996-00041, which currently states:

Development of the property is limited to the site design approved by the Board of County Commissioners. The approved site plan is dated April 16, 2007. 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.

##### Is hereby amended to read:

The approved Preliminary Site Plan is dated October 22, 2014. 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 or the Zoning Commission. (DRO/ONGOING: ZONING - Zoning)

2. Upon issuance of a change of use or tenant for the 10,000 square foot (sq. ft.) building located on Tract F, the temporary gate arms located at the west entrance shall be removed. (ONGOING: ZONING - Zoning)

##### ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated October 22, 2014. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

##### ENGINEERING

1. Previous ENGINEERING condition 1 of Resolution R-2007-1044, Control No.1996-00041, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

A) No Building Permits for the site may be issued after June 28, 2010. 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)

##### Is hereby amended to read:

In order to comply with the Mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after December 31, 2018. 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 - Engineering)

## 2. CORRIDOR CONVEYANCE OF RIGHT OF RIGHT OF WAY

The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for:

- 7th Place North, 40 feet from centerline from the parcel added as part of this application.
- Pike Road, 40 feet from centerline.

All right of way deed(s) and associated documents shall be provided and approved prior to issuance of a Building Permit.

Right of way conveyance shall be along the entire frontage and shall be free of all encroachments and encumbrances. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County 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 Grantor, the Grantor agrees to hold the Grantee 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. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate provisions for Expanded Intersection Details and "Corner Clips." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE/BLDG. PERMIT: MONITORING-Eng)

(BLDG/PMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 2 of Resolution R-2007-1044, Control No.1996-00041)

3. Prior to the issuance of a building permit the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Pike Road at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include corner clips" where appropriate as determined by the County Engineer. The property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments.

(BLDG/PMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 3 of Resolution R-2007-1044, Control No.1996-00041)

4. Prior to issuance of the first building permit, the property owner shall provide a temporary roadway construction easement along Pike Road to Palm Beach County This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners entrance road right of way. Construction within this easement shall conform to Palm Beach County Standards The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG/PMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 4 of Resolution R-2007-1044, Control No.1996-00041)

5. Previous ENGINEERING condition 5 of Resolution R-2007-1044, Control No.1996-00041, which currently states:

The Property owner shall construct the following:

- a) left turn lane east approach on 7th Place North at Pike Road;
- b) left turn lane North approach on Pike Road at the Project entrance;
- c) right turn lane south approach on Pike Road at the Project Entrance.

- d) All construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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.
- e) Permits required by Palm Beach County for the construction in 5.a-5.d shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
- f) Construction for the improvements in 5.a)-5.d shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING Eng)

(BLDGPMT: MONITORING - Engineering)

**Is hereby deleted.** [REASON: The turn lane requirements are now outlined in Engineering Conditions 7 and 8.]

6. Previous ENGINEERING condition 6 of Resolution R-2007-1044, Control No.1996-00041, which currently states:

Prior to issuance of a Building Permit, the Property Owner shall plat the subject property into one legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. A recorded plat waiver is also acceptable, provided this property is eligible for a plat waiver in accordance with the provisions of the ULDC as determined by the County Engineer.

**Is hereby amended to read:**

Prior to the issuance of the first building permit, the Property Owner shall re-plate the property in accordance with Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering)

7. The Property Owner shall construct the following turn lane improvements at the intersection of 7th Place North and Pike Rd:

right turn lane south approach.

All construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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 by Palm Beach County for the construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering)
- b. Construction for these improvements shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)

8. The Property Owner shall lengthen the existing left turn lane north approach on Pike Rd at the Turnpike entrance road. This turn lane shall be lengthened to a minimum 400 feet in storage length plus 50 foot paved taper, or as approved by the County Engineer. 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 for improvements identified above shall be obtained from Palm Beach County 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)

## **FIRE PROTECTION**

1. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site Plan to indicate the location of the Fire Pump Room with a ten (10) foot clear access for the Fire Department. (DRO: FIRE RESCUE - Fire Rescue)

2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site Plan to relocate the three fire hydrants on the south side of the building to the south side of the drive aisle. The fence shall be adjusted accordingly to accommodate the relocated fire hydrants. (DRO: FIRE RESCUE - Fire Rescue)

3. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site Plan to relocate the fire hydrants on the north side of the building to be a minimum of 450 feet apart. (DRO: FIRE RESCUE - Fire Rescue)

#### **LANDSCAPE - GENERAL-STANDARD**

1. Prior to the issuance of a building permit, the Property Owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDGPM: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 1 of Resolution R-2007-1044, Control No.1996-00041)

2. 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. (CO: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 2 of Resolution R-2007-1044, Control No.1996-00041)

3. Prior to final site plan approval by the Development Review Officer (DRO), the Property Owner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 3 of Resolution R-2007-1044, Control No.1996-00041)

#### **4. LANDSCAPING ALONG THE NORTH, SOUTH AND WEST PROPERTY LINES (FRONTAGES OF 7TH PLACE NORTH, PIKE ROAD AND ABUTTING THE FLORIDA TURNPIKE TOLL PLAZA)**

In addition to ULDC requirements, landscaping for the perimeter buffers shall be upgraded to include one (1) palm tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters.

(BLDGPM: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 4 of Resolution R-2007-1044, Control No.1996-00041)

#### **PLANNING**

1. Previous PLANNING condition 1 of Resolution R-2007-1044, Control No.1996-00041, which currently states:

Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall include sidewalks, decorative pavement pedestrian crosswalks, and gazebos, consistent with the certified site plan dated April 13, 2007. (DRO: PLANNING - Planning)

**Is hereby deleted.** [REASON: No Longer Applicable]

#### **SIGNS**

1. Freestanding 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 - eighty (80) square feet;

c. maximum number of signs two (2);

d. style - monument style only; and

e. location - at southwest corner of property (intersection of Pike Road and Turnpike entrance) and northwest corner of property (at intersection of Pike Road and 7th Place North).

(BLDGPM: BUILDING DIVISION - Zoning) (Previous SIGNS condition 1 of Resolution R-



2007-1044, Control No.1996-00041)

2. Previous SIGNS condition 2 of Resolution R-2007-1044, Control No.1996-00041, which currently states:

Freestanding sign fronting on 7th Place 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 - eighty (80) square feet;
- c. maximum number of signs one (1);
- d. style - monument style only;
- e. location - at easternmost entrance drive to 7th Place North. (BLDG PERMIT: BLDG - Zoning)

**Is hereby amended to read:**

Freestanding sign fronting on 7th Place 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 - eighty (80) square feet;
- c. maximum number of signs - two (2);
- d. style - monument style only;
- e. location - one sign at the project's main truck entrance along 7th Place North and one at the western boundary of Tract F along 7th Place North. (BLDGPERMIT: BUILDING DIVISION - Zoning)

3. Prior to final approval by the Development Review Officer (DRO), the property owner shall revise the sign details on the regulating plan to reflect the revised signage requirements. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SIGNS condition 4 of Resolution R-2007-1044, Control No.1996-00041)

4. Previous SIGNS condition 5 of Resolution R-2007-1044, Control No.1996-00041, which currently states:

Entrance signs allowed:

- a. one (1) pair at entrance along Pike Road;
- b. one (1) pair at one entrance along 7th Place North; and
- c. no other entrance signs shall be allowed at entrance drives along 7th Place North. (BLDG PERMIT: BLDG - Zoning)

**Is hereby amended to read:**

3. Entrance signs allowed:

- a. one (1) pair at one entrance along 7th Place North; and
- b. no other entrance signs shall be allowed at entrance drives along 7th Place North. (BLDGPERMIT/ONGOING: BUILDING DIVISION - Zoning)

**SITE DESIGN**

1. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site Plan to indicate the relocation of the dumpster/compactor to be outside of the building and shall revise the Preliminary Regulating Plan to indicate the detail of the dumpster/compactor. (DRO: 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: ZONING - 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: ZONING - Zoning)

**DISCLOSURE**

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