



# PALM BEACH COUNTY ZONING APPLICATION STAFF REPORT

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ZONING COMMISSION, AUGUST 1, 2024

## A. Application Summary

### I. General

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<b>Application Name:</b>	Bedner Oaks Commerce, PDD-2023-00972
<b>Control Name:</b>	Bedner Oaks Commerce (2023-00072)
<b>Applicant:</b>	Bedner Farm Inc.
<b>Owner:</b>	Bedner Farm Inc.
<b>Agent:</b>	JMorton Planning & Landscape Architecture - Alex Ahrenholz
<b>Project Manager:</b>	Donna Adelsperger

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**Title/Request:** **Title:** an Official Zoning Map Amendment **Request:** to allow rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (AGR-MUPD) Zoning District on 9.0 acres

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**Application Summary:** Proposed is an Official Zoning Map Amendment for the 9.0-acre Bedner Oaks Commerce development. The site was last reviewed by the Board of County Commission (BCC) for a Class A Conditional Use to allow an Agricultural Marketplace on 14 acres. The 14 acre parcel includes 5 acres of Agricultural Marketplace (northern portion), and 9 acres property with Bonafide Agriculture (Row crops) and farm workers quarters (southern portion).

The subject request proposes a rezoning to the Multiple Use Planned Development (AGR-MUPD) Zoning District in order to allow the development of Industrial uses. The Preliminary Site (PSP) indicates two buildings with a total of 115,104 sq. ft. of Warehouse with accessory office, 149 parking spaces, 36 loading spaces, and associated site elements for buffering and water management. Access to the site is from State Road 7.

The request is being processed concurrently with a Future Land Use Amendment (FLUA) (LGA-2024-0003) to change the Future Land Use designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR), (89,781 sq. ft. Warehouse and 25,323 sq. ft. Accessory Office).

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### II. Site Data

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<b>Acres:</b>	9 acres
<b>Location:</b>	West side of State Road 7, approx. 415 feet south of Lee Road
<b>Parcel Control:</b>	00-41-46-01-02-001-0000
<b>Future Land Use:</b>	Agricultural Reserve (AGR)
<b>Proposed Future Land Use:</b>	Commerce with an underlying Agricultural Reserve (CMR/AGR)
<b>Zoning District:</b>	Agricultural Reserve District (AGR)
<b>Proposed Zoning:</b>	Multiple Use Planned Development (AGR-MUPD)
<b>Tier:</b>	Agricultural Reserve
<b>Utility Service:</b>	Palm Beach County
<b>Overlay/Study:</b>	N/A
<b>Neighborhood Plan:</b>	West Boynton Community Plan
<b>CCRT Area:</b>	N/A
<b>Comm. District:</b>	District 5, Mayor Maria Sachs

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### III. Staff Assessment & Recommendation

**ASSESSMENT:** Staff has evaluated the standards listed under Article 2.B.7.B, and determined that the requests meet the standards of the ULDC subject to Conditions of Approval as indicated in Exhibit C and the approval of the FLUA LGA-2024-003.

**STAFF RECOMMENDATION:** Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C.

**PUBLIC COMMENT SUMMARY:** At the time of publication, Staff had received zero (0) contacts from the public regarding this application.

#### **IV. Hearing History**

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**PLANNING COMMISSION:** *At the October 13, 2023 hearing recommended **denial** of the amendment by a vote of 7-4.*

**BCC TRANSMITTAL HEARING:** *At the Board of County Commissioners (BCC) January 31, 2024 Transmittal hearing, the BCC transmitted the request by a vote of 6-1.*

**ZONING COMMISSION:** *Scheduled for August 1, 2024*

**BCC HEARING:** *Scheduled August 22, 2024*

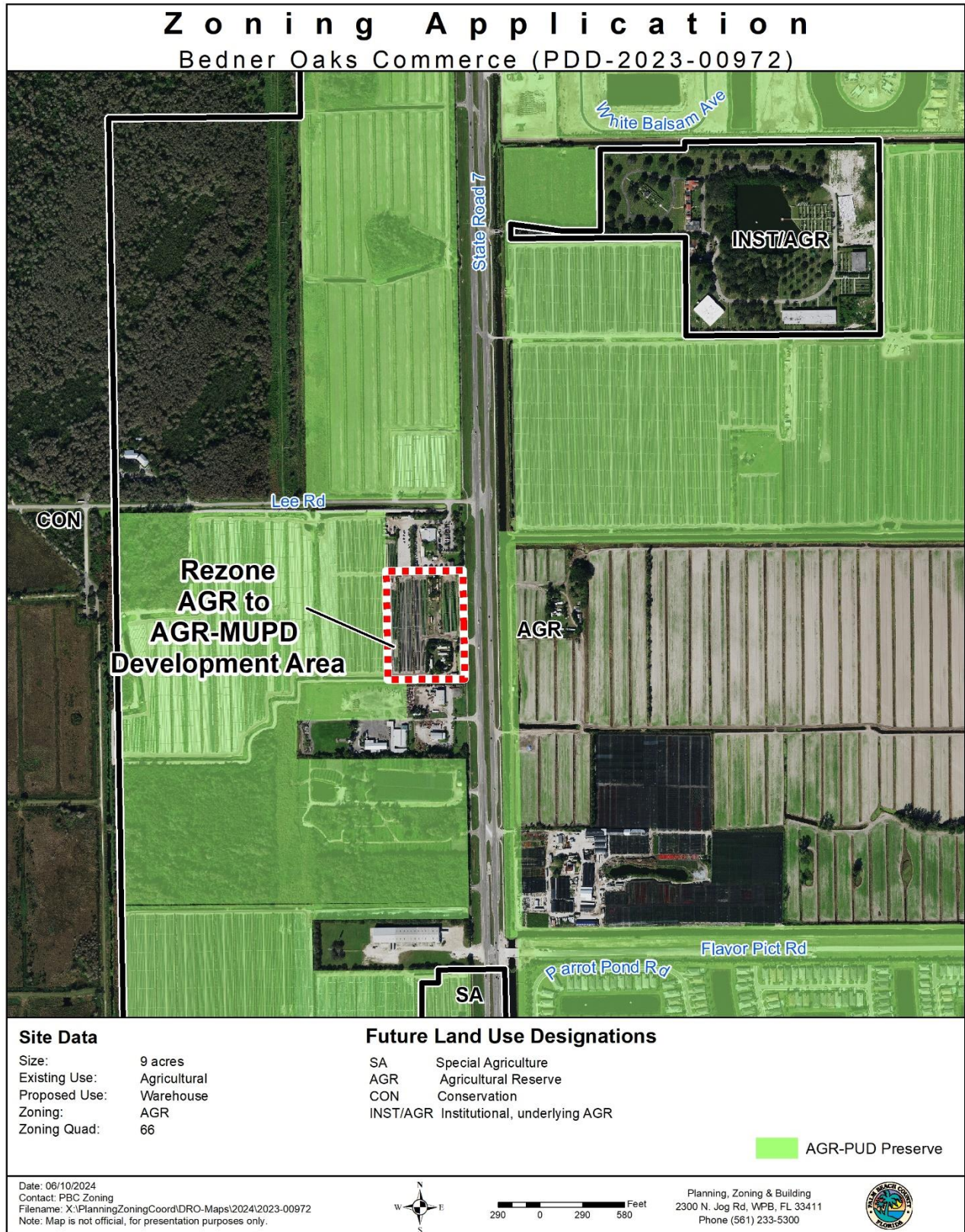
#### **B. Data & Analysis**

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The supporting data and analysis is provided within the following Exhibits.

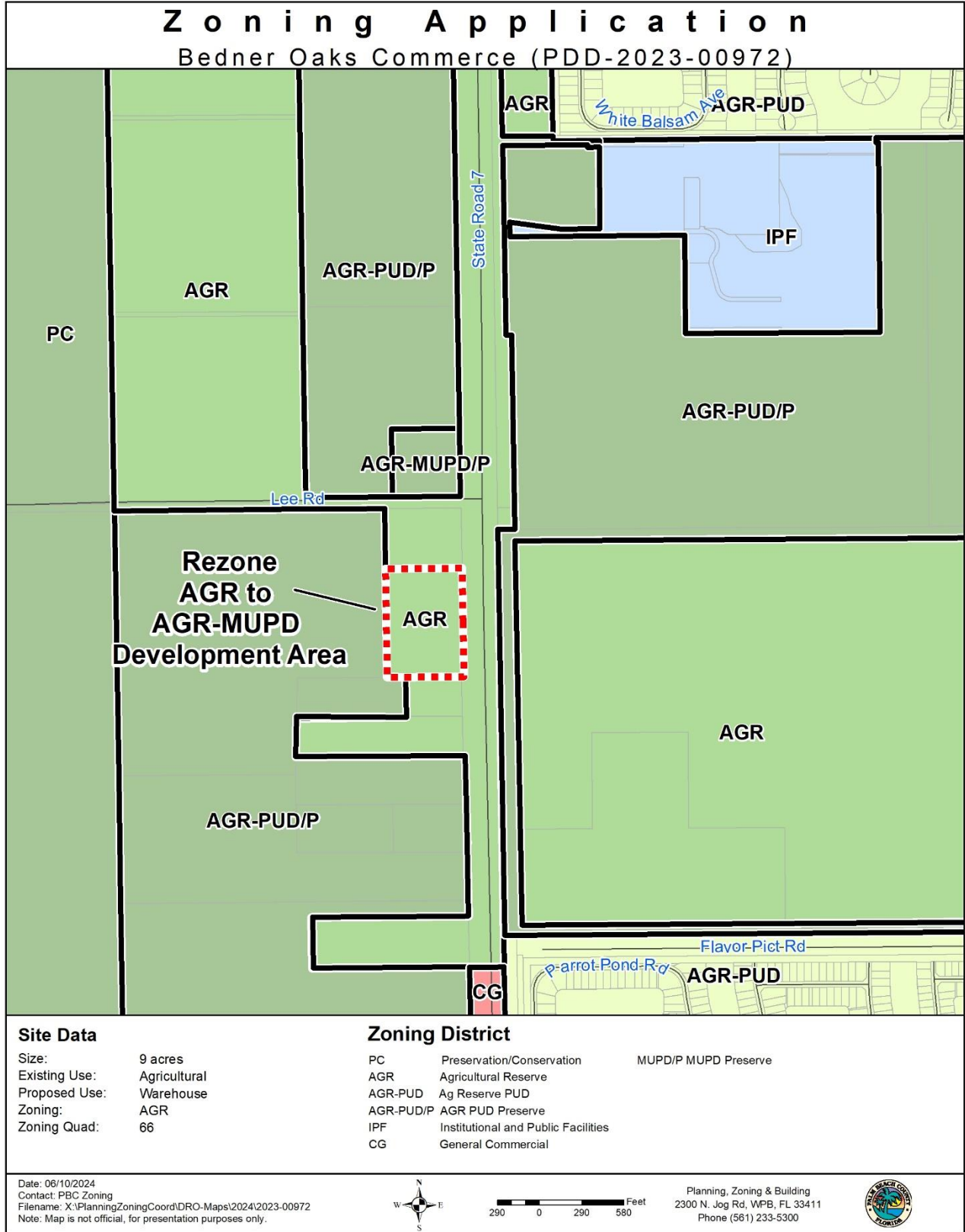
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# Exhibit A - Future Land Use Map





# Exhibit A - Zoning Map



## Exhibit B - Standards Analysis & Findings

### Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

Article 2.B.7.B, Standards for Rezoning to a PDD or a TDD, a Conditional Use, or a Development Order Amendment are indicated below with Staff Analysis. Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF) are subject to not subject to these Standards, and are subject to 5.G.1.B.2.e2)b) Factors for Consideration. A request that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved by the Commission.

**a. Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

○ *Consistency with the Comprehensive Plan:* Should the BCC approve the amendment request, then the proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

○ *Concurrent Land Use Amendments:* The site is the subject of a concurrent Large Scale Future Land Use Amendment known as Bedner's Market (LGA 2024-003). The request contains multiple parcels and seeks to amend the future land use designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR). The application also contains Text Amendments to the Comprehensive Plan in order to define Agricultural Marketplace and allow it as a permitted use within an AGR-MUPD Preserve, but only for Ag Marketplaces approved prior to May 31, 2013. The Planning Commission heard the item on October 14, 2022, and the BCC transmitted the item on January 31, 2024 by a vote of 6-1.

The subject site is identified as Parcel B within the companion amendment and has not been previously associated with an AGR PUD as a preserve. The Applicant is requesting the CMR FLU designation in order to allow for light industrial uses on the site, specifically proposed warehouses with accessory office. The CMR FLU designation affords opportunities for low-trip generating light industrial and/or employment uses that demonstrate light industrial characteristics as defined by FLUE Policy 2.2.4-d of the Comprehensive Plan. The proposed rezoning to the Multiple Use Planned Development (MUPD) Zoning District is consistent with the Comprehensive Plan, provided the requested CMR FLU designation is adopted by the Board.

○ *Relevant Comprehensive Plan Policies for Commerce:* Future Land Use Element (FLUE) Policy 1.5-v establishes specific location, size, and preserve requirements for all new future land use amendments to the Commerce FLU designation within the Agricultural Reserve Tier. As demonstrated through the concurrent FLUA amendment, the subject site meets each of the five listed requirements. The Preliminary Site Plan indicates a 9-acre parcel with frontage and direct access to State Road 7 to support approximately 115,104 sq. ft. of warehouses with accessory office space across two buildings.

○ *Intensity:* The request is for a rezoning from AGR to MUPD in order to allow the development of a 67,420 sq. ft. warehouse building. Contingent upon the adoption of the concurrent future land use amendment, the maximum Floor Area Ratio (FAR) for nonresidential projects with a CMR future land use designation in the Agricultural Reserve Tier is .35 (217,800 surveyed sq. ft. or 5.0 acres x .35 maximum FAR = 76,230 sq. ft. maximum). The request proposes a FAR of approximately 0.31 (67,420 sq. ft. / 217,800 sq. ft. or 5.0 acres = 0.309 or 0.31 FAR).

○ *Special Overlay District/Neighborhood Plan/Planning Study Area:* The site is within the boundaries of the West Boynton Area Community Plan (WBACP), which is administered by the Coalition of Boynton West Residential Associations (COBWRA). The Applicant has been advised to contact the community group and inform them of the request.

**b. Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

Should the BCC approve the concurrent Comprehensive Plan Text and Future Land Use amendment (Bedner's Market (LGA 2024-003) request, then the proposed rezoning is consistent with the Goals, Objectives and Policies of the Comprehensive Plan including previous Land Use Amendments, densities and intensities of use.

○ *Design Objectives and Performance Standards:* As the proposal is for a rezoning to an MUPD, the proposed development is required to be consistent with Article 3.E.1.C.1, PDD Design Objectives, and Art. 3.E.1.C.2, Performance Standards. As required by the PDD Objectives and Standards, the proposed development provides adequate pedestrian circulation within the site connecting all buildings, parking areas and pedestrian pathway to the sidewalks SR7.

Objectionable Features such as Loading Areas and Dumpster Areas have been adequately screened, as required by Art. 3.E.1.C.1.e, Design Objectives. The proposal is also required to be consistent with Art. 3.E.3.B, Objectives and Standards. After reviewing the provided Site Plan Staff have determined that the proposed development is in compliance with the Design Objectives and Performance Standards for an MUPD. This includes protecting adjacent non-residential uses from adverse impacts .

○ *Property Development Regulations (PDR):* The site has frontage and access on State Road 7/US 441 (SR7/441) meeting the minimum frontage and access required for Planned Developments. In addition, the property meets Code requirements per Table 3.E.3.D, MUPD Property Development Regulations for minimum lot dimensions. The site exceeds the minimum lot size of 3-acres (9.0-acres provided), exceeds the minimum 300 ft. of width/frontage (745.27 ft. provided on SR7/441), and exceeds the minimum 300 ft. of depth (527.9 ft. provided).The proposed rezoning does not create any non-conformities. The required setbacks are: 30-foot front, 15-foot side; and 20-foot rear, for which the development meets or exceeds all setbacks as shown on the PSP.

○ *Phasing:* The Applicant has indicated that the development is not proposed to be phased at this time. Staff has concerned that should only Building A be constructed that the loading area for this building will be visible from the Right-of-Way (ROW) and not screened as required per Article 6.E.4.A.3.b Loading Area Screening by a building at least 12-feet in height or a wall in combination with landscape materials. Staff is recommending a Condition of Approval that Building B is to be constructed first to ensure that the loading area is properly screened.. (See Site Design Condition 1)

○ *Use Specific Requirements:* Warehouse Use as shown on the PSP is in excess of 100,000 sq ft and requires BCC approval within an MUPD with CMR FLU; and, has no specific criteria stated in Article 4 for such items as frontage and access. The Accessory Office use is however limited to 30 percent of the overall square footage for which the Applicant is proposing only 22 percent of the each building area as shown on the PSP (Exhibit E).

○ *Architectural Review:* The industrial use is required to comply with the Architectural Guidelines specified in Article 5.C, Design Standards, as Building B is visible from the ROW. As the development is an MUPD all buildings are required to have an overall unified architectural character by use of common elements such as consistent forms, colors, materials and details. Similar architectural composition and treatment will be provide on all sides of each building contiguous to or visible from a public street or residential zoning district. The Applicant has requested for Architectural Review to be done at time of Building Permit, Staff has no objection for the Architectural Elevations to be provided and reviewed for compliance at time of Building Permit.

○ *Parking:* The Applicant has chosen to use the individual parking count of Article 6 Table 6.B.1.B for Warehouse and Accessory Office, versus using the Article 3.E.1.C.2.h.2)a) PDD Performance Standards Parking Non-Residential Uses. Art. 6 requires a minimum of one parking space per 2,000 sq. ft for the Warehouse use and one parking space per 250 sq. ft. for the Accessory office. The proposed development requires a minimum of 146 parking spaces based on the calculation below. The Applicant is provide 149 parking spaces.

- Warehouse Required 1/2,000 sq. ft. = 45 spaces
- Office Required 1/250 sq. ft. = 101 spaces
- Total Provided = 149 spaces

Historically the Agriculture Marketplace to the north has used the Right-of-Way along SR7/441 for overflow parking when holding events. Staff has concerns that this site would/could be used for offsite parking for the Ag Marketplace to the north and pedestrians walking through and destroying buffers. Staff is recommending a Condition of Approval that Off-Site Parking not be allowed on this parcel. (see Parking Condition 1). In addition the Applicant has provided a 20-foot Fire Department Emergency Use access at the northeast corner of the development. The proposed access as shown on the PSP does not conflict with any parking spaces or interior islands.

○ *Loading:* The Applicant has chosen the Type “B” loading standard, which requires a 15-foot wide by 55-foot long loading space. Per Art. 6.E.4.A, Design and Construction Standards, the proposed development containing 115,104 sq. ft. is required to have four loading spaces. The site plan indicates a total of 36 Type “B” loading spaces. The Applicant is requesting a Type 1 Waiver, to be approved at time of Final DRO, to reduce the length for 18 of the loading spaces, to the rear of Building B, from 55 feet to 40 feet. The Applicant indicates that end users for Building B will be typical box trucks under 40-feet in length and has indicated in the Justification Statement that all end users for Building B will be informed through lease agreements of the limitation of the maximum truck length allowed as well as stripping and signage in the loading area.

- *Landscape/Buffering:* The PSP indicates a 20-foot Right-of-Way Buffer along SR7/441 as required per Table 7.C.2.A. The PSP currently indicates on the north, south and west property lines a 15-foot Type 2 Incompatibility Buffer; however, Staff has included a condition to provide a 20-foot Type 3 Incompatibility buffer on the west property lines to mitigate compatibility concerns (see Compatibility).

Within the AGR Tier the front, side and rear facades are required to provide Foundation Planting 10-feet in width for a percent of each facade. The PSP indicates the required width with 50 percent of the front and sides of each building providing the required foundation planting length; and though 30 percent is required for the rear of each building, which would require 151.8 feet, due to the rear façade being primarily loading bays, the Applicant is only required to provide for the 80-feet that is not encumbered by loading bays, thus requiring only 24-feet of foundation planting on the rear of each building, which is provided along the southern portion of the rear façade for Building A. The front of Building A and the rear of Building B are not visible from the Right-of-Way nor from a residential district therefore foundation planting is not required for these facades.

- *Signs:* The Preliminary Master Sign Plan (PMSP), indicates a total of two freestanding ground signs as permitted per Table 8.G.2.A, along State Road 7/441; and two entrance signs at the entrance on SR7/441 as permitted per Table 8.G.2.C. Staff has analyzed the proposed signs and have determine that is in compliance with the code and has no objection to the signage as shown on the Preliminary Master Sign Plan (Exhibit G). Staff recommends a Condition of Approval that prohibits Outparcel signage.

**c. Compatibility with Surrounding Uses – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.***

The approval of the zoning application is contingent upon the approval of the concurrent future land use and text amendments as the requests are inconsistent with the current ULDC. The Applicant has indicated that the proposed Light Industrial use is compatible along State Road 7 because it provides very low traffic, all activities will be provided indoors and that it is adjacent to other nonresidential uses.

The site is located south of the Bedner Agricultural Marketplace, east of Bedner owned agricultural lands, and north of heavy agricultural uses that front State Road 7. The Planning Division future land use amendment staff report recommended **denial**; however, the Board transmitted the request on January 31, 2024. The Planning Division’s raised compatibility issues in the staff report for this site and the associated zoning applications. Specifically, the staff report states:

- *“the location of the sites presents concerns regarding compatibility with lands to the west that have been long established agricultural preserve areas, which have recorded Agricultural Conservation easements that Palm Beach County is a grantee for. The County holds an interest in these properties through the conservation easements (OR Bk 16390 PG 1447 & OR Bk 23876 PG 0562) and their continued activities to support, preserve and perpetuate bona fide agricultural use, open space uses, and to preserve any environmentally significant upland or wetland.”; and*
- *“the two sites are located in predominately agricultural areas bordered and surrounded predominately by active crop production on land subject to agricultural conservation easements and in close proximity to lands that are in wildlife conservation. The compatibility concerns and potential for resulting inconsistent development in an established agricultural area are counter to County Directions 2 and 4, and have the potential to disrupt surrounding agricultural uses and preservation lands that are intended for the Tier to primarily support.”*

In order to ensure compatibility between the industrial uses on the subject site and the adjacent agricultural preserve land to the west, Staff as added conditions of approval to require 20 foot Incompatibility buffers. The request meets this Standard with the Staff proposed buffer.

**d. Design Minimizes Adverse Impact – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.***

As proposed, the site layout and design are configured in a way to minimize adverse impacts on surrounding lands The site plan proposes one access from SR7/441.

The proposed buildings are oriented with the loading area facing internal to the development. The vehicular circulation is located around the perimeter to access the parking areas along the east and west portions of the Property. The front setback exceeds the required setback with 85 feet along the east property line; the side setback exceeds the required setbacks, with 75 feet along the north and +/- 161 feet along the south property lines; and the rear setback exceeds the required with 70 feet along the west property line; in lieu of 30 feet, 15 feet, and 20 feet respectively. In addition the Applicant is not requesting any additional height allowed by Code.

As noted above under b. Consistency with the Code – Phasing, Staff has concerned that should only Building A be constructed that the loading area for this building will be visible from the Right-of-Way (ROW)

and not screened as required per Article 6.E.4.A.3.b Loading Area Screening by a building at least 12-feet in height or a wall in combination with landscape materials. Staff is recommending a Condition of Approval that Building B is to be constructed first to ensure that the loading area is properly screened.

The combination of the setbacks, building orientation, and Staff proposed conditions of approval on the north and west sides of the site represent design that minimizes adverse effects on adjacent lands.

- e. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*
  - o *Vegetation Protection:* The application request does not impact native vegetation.
  - o *Wellfield Protection Zone:* This property is not located within Wellfield Protection Zone.
  - o *Irrigation Conservation Concerns and Surface Water:* All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non-stormwater discharge or the maintenance or use of a connection that results in a non-stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.
  - o *Environmental Impacts:* There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.
- f. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The site is located south of the Bedner Agricultural Marketplace, east of Bedner owned agricultural lands, and north of heavy agricultural uses that front State Road 7. The Planning Division future land use amendment staff report recommended **denial**; however, the Board transmitted the request on January 31, 2024. Contingent upon the approval of the FLU amendment by the BCC, the rezoning to MUPD would be logical, orderly, and timely development pattern with the adjacent properties.

- g. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

**OFFICE OF RESILIENCY**

Staff has reviewed this application and have no comment.

**ENGINEERING COMMENTS:**

The proposed Warehouse/Office development on an existing agricultural land area is expected to generate 386 net daily trips, 47 net AM peak trips, and 46 net PM peak hour. The build out of the project is assumed to be by 2026.

The project will have insignificant impact (as per the definition in the PBC Traffic Performance Standards) on the area roadways. The project will have a right-in/right-out driveway on SR-7. A southbound right turn lane on SR-7 at the proposed project entrance will be required to be constructed as per the FDOT driveway approval. This right turn lane currently exists, but may needs to be modified.

The Property Owner will be required to plat.

The Property Owner will be required to provide a historical drainage study prior to site plan approval.

**DRAINAGE STATEMENT:** The site in in the boundaries of the South Florida Water Management District (SFWMD) and Lake Worth Drainage District C-15 Drainage Basin.

In accordance with the Drainage Statement, Exhibit E, it states “*that the runoff be directed to on-site water management areas or underground exfiltration trench by means of paced and grass swales and inlets and storm sewer. Legal positive outfall is available via discharge to the Lake Worth Drainage District S-105 Canal along the south side of the subject parcel.*”

Land Development Staff have reviewed the drainage statement. Further review is required prior to issuance of a building permit for the proposed drainage improvements. Prior to issuance of any building permits, the Property Owner will have to obtain applicable approvals and permits from Lake Worth Drainage District and Florida Department of Transportation for Drainage Connection.



**WASTE AND WATER PROVIDER:** Water and Wastewater to be provided by Palm Beach County Water Utilities. In accordance with the letter dated April 28, 2023, Exhibit K, they stated the following, “This letter is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. Based on a review of the current PBCWUD infrastructure and existing customers within the general vicinity of the referenced property, PBCWUD currently has the capacity to provide the level of service required for the land use amendment from Agricultural Reserve (AGR) to Commerce with an underlining Agricultural Reserve (CMR/AGR). The proposed change will allow for Warehouse and Light Industrial uses while allowing the 5-acre marketplace to remain as AGR.

The nearest point of connection is a 12-inch potable water main located approximately 4000 feet south of the subject property within SR 7. There is an 8-inch sanitary sewer force main located approximately 5800 feet south of the subject property within SR7. Offsite improvements and a lift station will be required.

Prior to issuance of any building permits, the Property Owner will have to obtain applicable approvals and permits from Palm Beach County Water Utilities to connect to water and wastewater services.

**PALM BEACH COUNTY HEALTH DEPARTMENT:** This project has met the requirements of the Florida Department of Health.

**FIRE PROTECTION:** Staff has reviewed this application and have no comment. The proposed development is located within the boundary of PBC Fire Station #49.



**SCHOOL IMPACTS:** The School Board has no comment regarding this non-residential application.

**PARKS AND RECREATION:** This is a non-residential project, therefore Park and Recreation Department ULDC standards do not apply.

**h. Changed Conditions or Circumstances** – There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.

The Applicant’s Justification Statement indicates the following justification for their changed conditions of circumstances: *There have been many developments over the recent years that make the request for industrial uses on the Property logical. The consultants that prepared the Agricultural Reserve Master Plan recognized the industrial nature of certain sections of the Agricultural Reserve and recommended 330,000 square feet of additional industrial uses within the Tier. There is a substantial need for more industrial uses in the region as the older industrial areas continually redevelop and modern businesses need larger buildings for operations.*

*The consultants that developed the Agricultural Reserve Master Plan anticipated that the Agricultural Reserve would be a place where people can live, work and play without having to travel to the Urban/Suburban Tier. Contrary to the intent of the Master Plan, the Agricultural Reserve has become an exclusive community comprised mainly of expensive single-family homes. Most of the employment*

*opportunities available within the Tier are generated by the commercial centers, farming activities, and industrial corridor along Atlantic Avenue. The proposed rezoning to MUPD will create another opportunity for a service not currently located in the Tier. The Board of County Commissioners recognized this need for additional industrial land and adopted a comprehensive plan amendment to create a new Commerce Future Land Use designation category with policies regarding location and property size within the Agricultural Reserve.*

*The Commerce future land use designation has been designated throughout the Agriculture Reserve Tier since its adoption. There are two examples of Commerce land use to the west of State Road 7 near Boynton Beach Blvd. at existing industrial sites: Morin/ Connolly (LGA-2023-002) totaling 3.39 acres and the LTG Sports Turf (LGA-2023-007). Most of the current industrial properties are situated along Atlantic Avenue and Boynton Beach Blvd, but the State Road 7 Business Plaza (LGA-2023-006) was recently approved along State Road 7 between those two roads in an area previously only utilized by agriculture.*

## Exhibit C - Conditions of Approval

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### 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/modify 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. (BLDGPM: MONITORING - Engineering)

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

4. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: MONITORING - Engineering)

5. Landscape Within the Median of State Road 7

The Property Owner shall design, install and perpetually maintain median landscape within the median of State Road 7 from the south property line to the median opening at Lee Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires County Engineer approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from the Florida Department of Transportation prior to the issuance of the first building permit, or as approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy, or as approved by the County Engineer. (BLDGPM/CO: MONITORING - Engineering)

c. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to Palm Beach County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit, or as approved by the County Engineer. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan or a corridor proposed to be added to the OTIS Master Plan and shall be based on the project's front footage along State Rad 7 from the south property line to the median opening at Lee Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPM: MONITORING - Engineering)

**ENVIRONMENTAL**

1. Prior to Final Approval by the Development Review Officer, a Phase II Environmental Site Assessment shall be submitted to the Department of Environmental Resources Management (ERM). If the results of the Phase II Environmental Site Assessment indicate areas of on-site contamination, the project shall be referred to the Florida Department of Environmental Protection (FDEP) for the development of a mitigation plan and to oversee the remediation on the site. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. None of the landscape material to be planted and/or maintained shall be on the 2023 Florida Invasive Species Council (FISC) list of Invasive Plant Species, as periodically amended. (BLDGPM/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

**LANDSCAPING – PERIMETER - WEST PROPERTY LINE**

1. Prior to final approval by the Development Review Officer (DRO), the west property line shall be revised to a 20 foot Type 3 Incompatibility buffer. (DRO: ZONING – Zoning)

2. Prior to final approval by the DRO, a Landscape Detail shall be included on the Preliminary Regulating Plan. (DRO: ZONING – Zoning)

**PALM TRAN**

1. Prior to Plat Recordation or Issuance of the first Building Permit, whichever shall occur first, the Property Owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran shall be required. (BLDGPM/ONGOING/PLAT: MONITORING - Palm-Tran)

**SIGNS**

1. Out-parcel signage is prohibited. (ONGOING: ZONING – Zoning)

**SITE DESIGN**

1. Building B shall be the first building to be constructed within the development. (BLDGPM/ BUILDING DIVISION - Zoning)

2. Prior to final approval by the Development Review Officer, the site plan shall be revised to show the required Type 3 Incompatibility Buffer along the west property line. (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: 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.



## Exhibit D - Project History

The site is currently part of Control 2007-00357 last approval by the Board of County Commission (BCC) for a Class A Conditional Use to allow an Agricultural MarketPlace. This portion of the property is currently developed with Agricultural uses, as row crops.

Application No.	Title & Request	Resolution	Decision	Approval Date
CA-2007-01790	<b>Title:</b> a Class A Conditional Use <b>Request:</b> to allow a Produce Stand in the AGR District	R-2008-0917	Adopted with Conditions of Approval	05/22/2008
ABN/CA-2012-2097	<b>Title:</b> a Development Order Abandonment <b>Request:</b> to abandon a Class A Conditional Use for a Produce Stand approved via Resolution R-2008-917	R-2013-0643	Approved	05/23/2013
ABN/CA-2012-2097	<b>Title:</b> a Class A Conditional Use <b>Request:</b> to allow an Agriculture Marketplace	R-2013-0644	Adopted with Conditions of Approval	05/23/2013

## Exhibit E - Preliminary Site Plan

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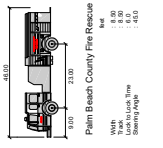
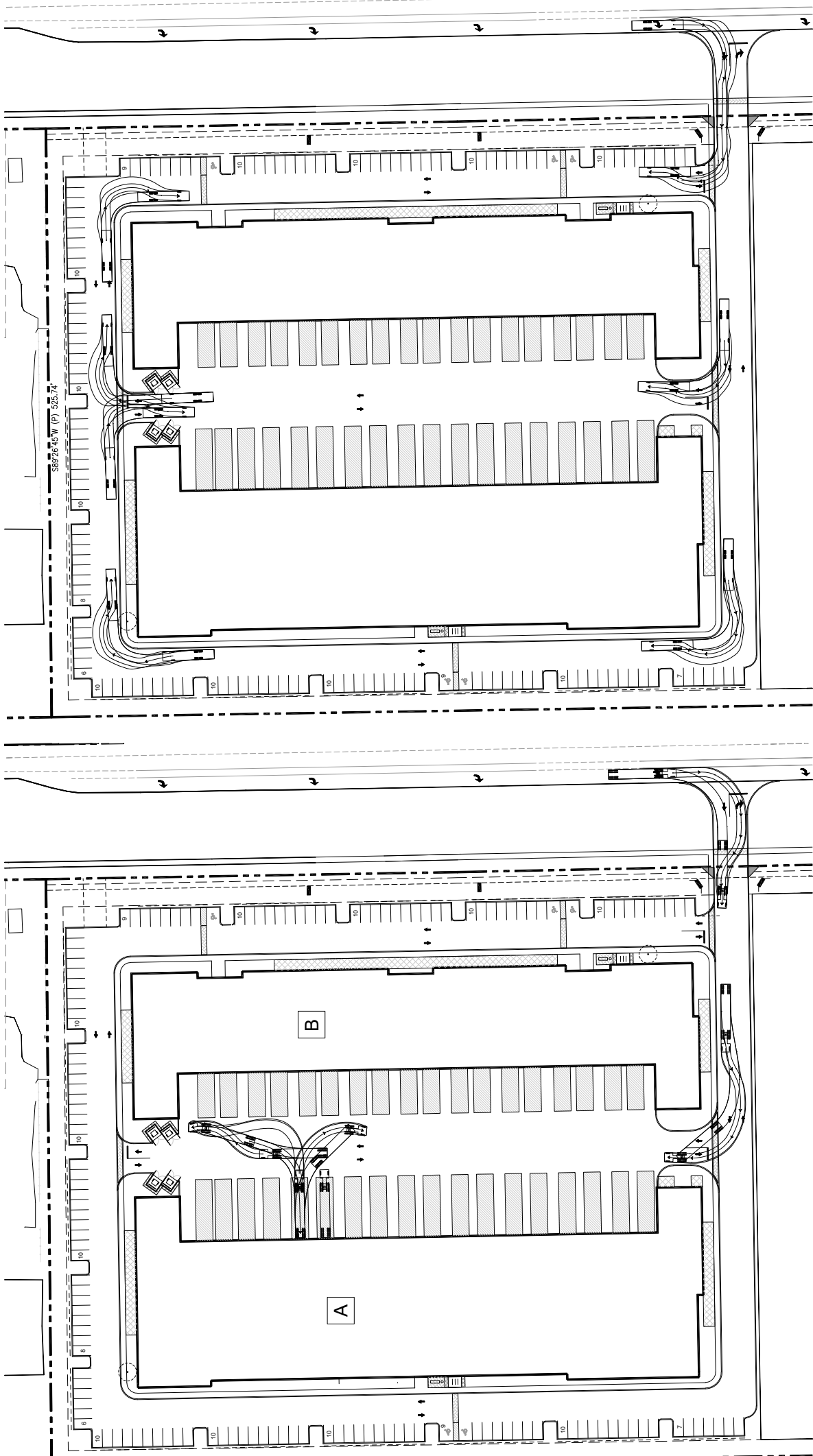
## Exhibit F - Preliminary Regulating Plan

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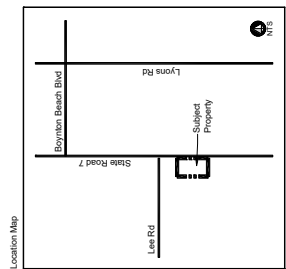
Revisions	
Submitted	7/19/2024
Reviewed	10/29/2024
Resubmitted	12/27/2024
Resubmitted	01/29/2025
Resubmitted	04/22/2025

Preliminary Regulating Plan	
Scale	As Shown
Drawn By	RT/KG
Checked By	AA/LM
Date	2024-04-22
By	182.02 - Bedner Oaks Commerce
Site	182.02 - Bedner Oaks Commerce



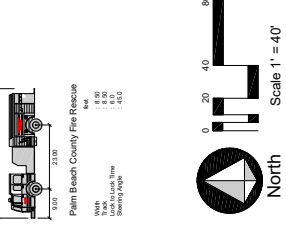
**Palm Beach County Fire Rescue**

Item	Height
Truck	13.00
Tractor	8.00
Generator	8.00
Generator	4.00



Amendments

Zoneing Stamp



**Site Data**  
 Project Name: 2023-072  
 Control No.:  
 Application No.:

## Exhibit G - Preliminary Master Sign Plan

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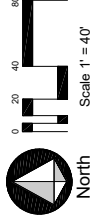
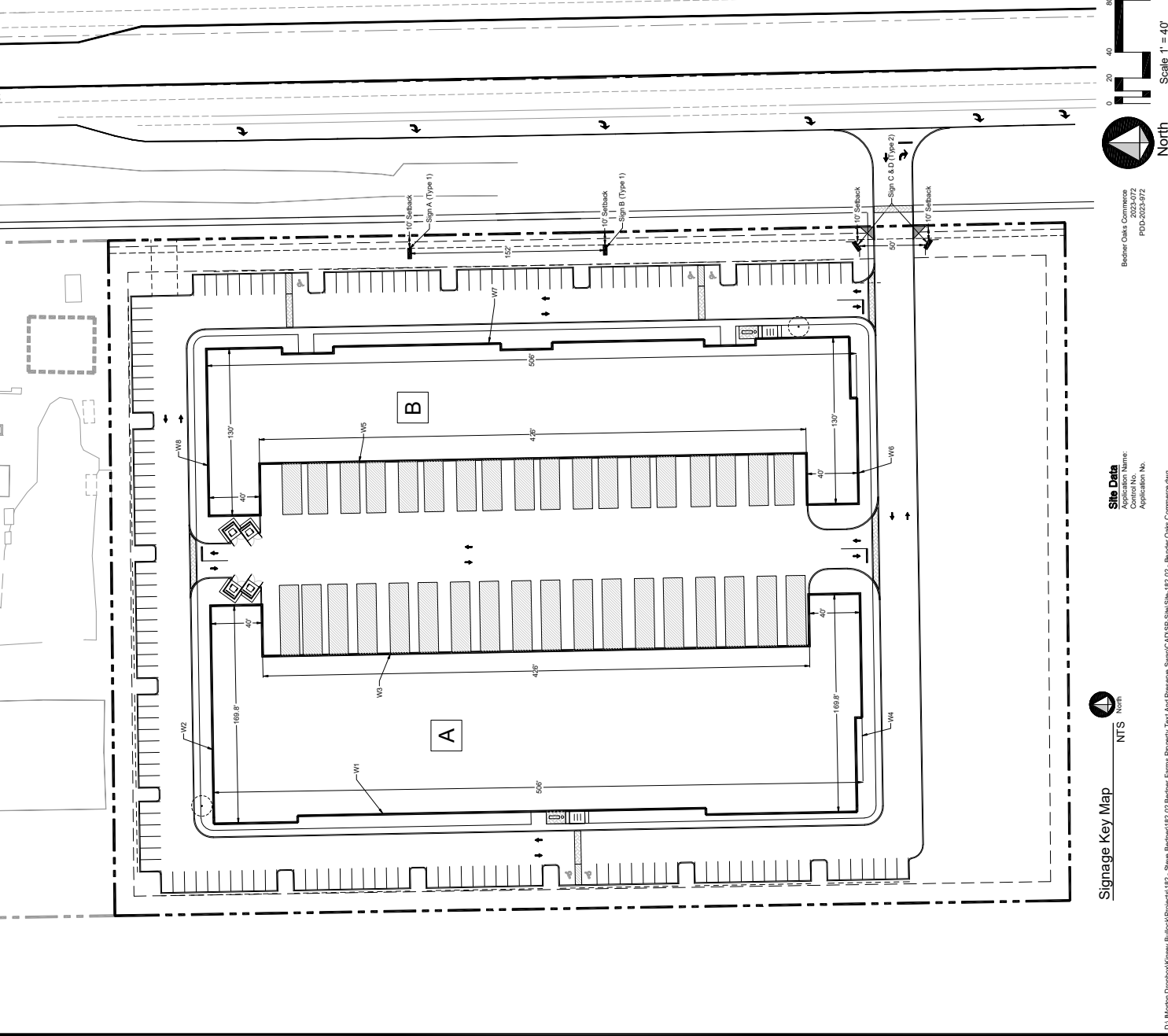
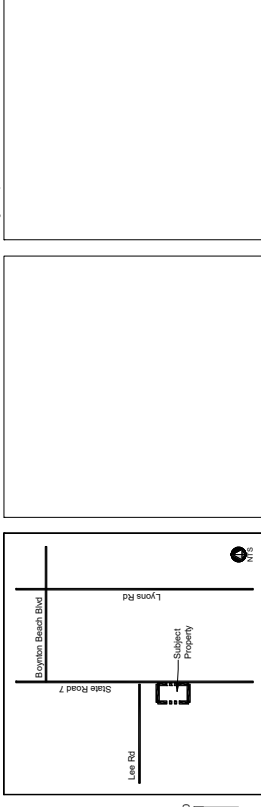
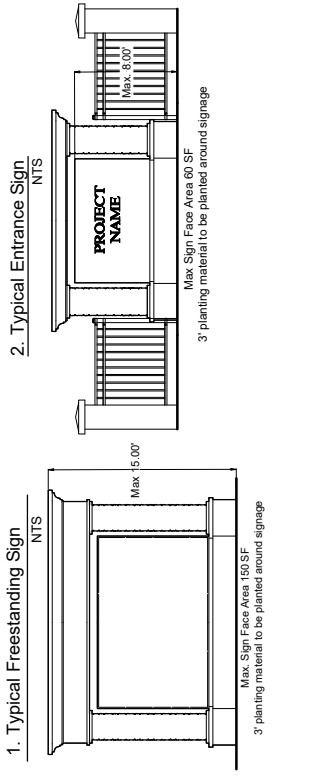
Revisions	
Submitted	7/19/2023
Reviewed	7/19/2023
Resubmitted	10/23/2023
Resubmitted	12/27/2023
Resubmitted	1/12/2024
Resubmitted	1/22/2024

Preliminary Master Sign Plan	
Scale	As Shown
Drawn By	RT/KG
Checked By	AALM
Date	2024-04-22
File	Site-19.02 - Bedner Oaks Commerce

UDC Requirements per Table 6.6.1.A - Wall Sign Bandwidth		Proposed Sign Dimensions, Separation between Signs	
Sign ID	Building A	Front (West)	Side (North/South)
Maximum Sign Area (per linear ft. of the wall of which it is attached)	0.75 sq. ft. along any one side of the building	W1 379.5 SF	-
0.5 sq. ft. along any of the remaining side of the building or 0.25 sq. ft. for walls adjacent to a residential zoning district or use	0.5 sq. ft. along any of the remaining side of the building or 0.25 sq. ft. for walls adjacent to a residential zoning district or use	W2	85 SF
0.5 sq. ft. along any of the remaining side of the building or 0.25 sq. ft. for walls adjacent to a residential zoning district or use	0.5 sq. ft. along any of the remaining side of the building or 0.25 sq. ft. for walls adjacent to a residential zoning district or use	W3	213 SF
0.5 sq. ft. along any of the remaining side of the building or 0.25 sq. ft. for walls adjacent to a residential zoning district or use	0.5 sq. ft. along any of the remaining side of the building or 0.25 sq. ft. for walls adjacent to a residential zoning district or use	W4	85 SF
	Building B	Front (East)	Side (North/South)
Maximum Sign Area (per linear ft. of the wall of which it is attached)	0.5 sq. ft. along any of the remaining side of the building or 0.25 sq. ft. for walls adjacent to a residential zoning district or use	W5	-
0.5 sq. ft. along any of the remaining side of the building or 0.25 sq. ft. for walls adjacent to a residential zoning district or use	0.5 sq. ft. along any of the remaining side of the building or 0.25 sq. ft. for walls adjacent to a residential zoning district or use	W6	85 SF
0.75 sq. ft. along any one side of the building	0.75 sq. ft. along any one side of the building	W7 379.5 SF	-
0.5 sq. ft. along any of the remaining side of the building or 0.25 sq. ft. for walls adjacent to a residential zoning district or use	0.5 sq. ft. along any of the remaining side of the building or 0.25 sq. ft. for walls adjacent to a residential zoning district or use	W8	85 SF

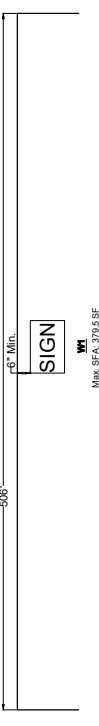
Freestanding Signs Within the AGR Tier		Max. Sign Area (per linear ft. of frontage) and Max. Sign Height		Min. Setback		Min. Separation	
Street Name/Length of Frontage	Max. No. per Project	Allowed	Proposed	Allowed	Proposed	Allowed	Proposed
US-441 (755 LF)	2	300 SF	300 LF	-	-	-	-
Sign A	-	150 SF	15'	15'	10'	10'	50'
Sign B	-	150 SF	150 SF	15'	15'	10'	50'
US-441 (755 LF)	2	120 SF	120 SF	-	-	-	-
Sign C	-	60 SF	60 SF	8'	8'	10'	10'
Sign D	-	60 SF	60 SF	8'	8'	10'	10'



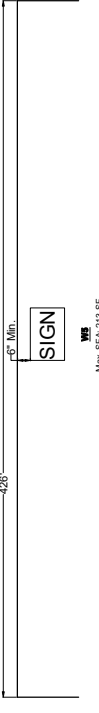
**Site Data**  
Bedner Oaks Commerce  
Control No. 2023-072  
Application No. PDD-2023-072

**Signage Key Map**  
NTS North

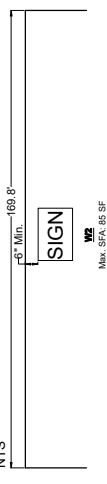
**Bldg A Wall Signage: West Facade**



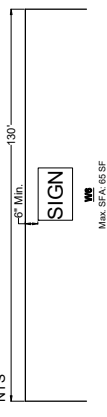
**Bldg B Wall Signage: West Facade**



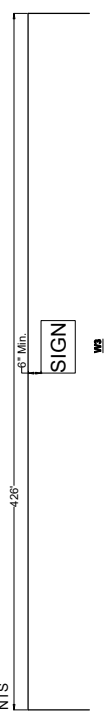
**Bldg A Wall Signage: North Facade**



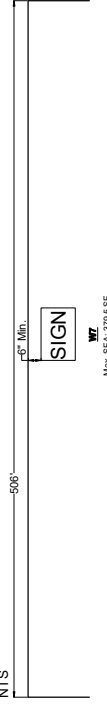
**Bldg B Wall Signage: South Facade**



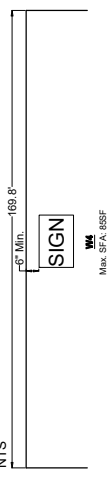
**Bldg A Wall Signage: East Facade**



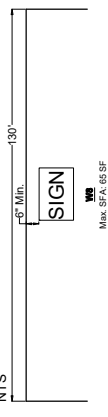
**Bldg B Wall Signage: East Facade**



**Bldg A Wall Signage: South Facade**



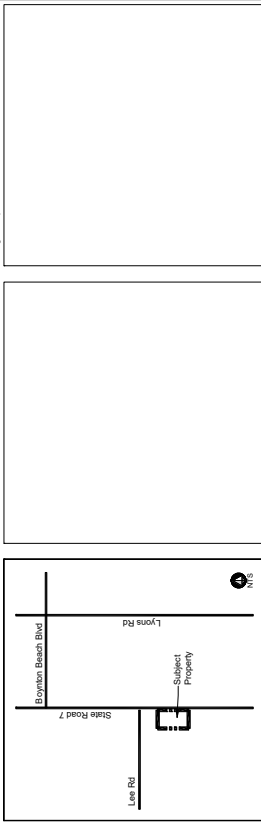
**Bldg B Wall Signage: North Facade**



Zoning Stamp

Amendments

Location Map



**Site Data**  
Application Name: 2023-072  
Control No.:  
Application No.:

Bedner Oaks Commerce  
2023-072  
POD-2023-072

Revisions	
Submitted	7/19/2023
Reviewed	7/19/2023
Re-submitted	10/23/2023
Re-submitted	12/27/2023
Re-submitted	1/17/2024
Re-submitted	1/22/2024

Preliminary Master Sign Plan	
Scale	As Shown
Drawn By	RT/AG
Checked By	AA/MLM
Date	2024-04-22
File	2024-04-22
Sheet	19.2.02 - Bedner Oaks Commerce





7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

  
Stephen Bedner Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of  physical presence or [ ] online notarization, this 12<sup>th</sup> day of July, 20 23 by Stephen Bedner (name of person acknowledging) He is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and did/did not take an oath (circle correct response).

Lauren McClellan  
(Name - type, stamp or print clearly)

Lauren L. McClellan  
(Signature)

My Commission Expires on: 2/28/25

NOTARY'S SEAL OR STAMP



LAUREN L. MCCLELLAN  
Commission # HH 057806  
Expires February 28, 2025  
Bonded Thru Budget Notary Services

**EXHIBIT "A"**

**PROPERTY**

BEING A PORTION OF TRACT A, BEDNER/OAKS, AS RECORDD IN PLAT BOOK 103, PAGES 91 AND 92 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT A, THENCE SOUTH 00' 54' 39" EAST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 414.47 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89' 26' 45" EAST, A DISTANCE OF 525.74 FEET; THENCE SOUTH 00' 58' 36" EAST, ALONG THE EAST LINE OF SAID TRACT A, A DISTANCE OF 367.22 FEET; THENCE, CONTINUE ALONG SAID EAST LINE, SOUTH 01' 10' 24" EAST, A DISTANCE OF 378.05 FEET; THENCE SOUTH 89' 34' 42" WEST, ALONG THE SOUTH LINE OF SAID TRACT A, A DISTANCE OF 527.90 FEET; THENCE NORTH 00' 54' 39" WEST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 744.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.000 ACRES, MORE OR LESS.

NOTE: THE SUBJECT PARCEL LIES WITHIN SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST.

**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
Charles Bedner	10066 Lee Rd, Boynton Beach, FL 33473
Bruce Bedner	10066 Lee Rd, Boynton Beach, FL 33473
Steve Bedner	10066 Lee Rd, Boynton Beach, FL 33473

# Exhibit I - Drainage Statement

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July 18, 2023  
Job No. 22-191  
Revised 10/20/2023  
Revised 12/22/2023

## DRAINAGE STATEMENT

Bedner Oaks Commerce  
Palm Beach County, Florida

### SITE DATA

The subject parcel is located on the west side of State Road 7, just south of Lee Road in unincorporated Palm Beach County, Florida. The subject parcel is the southerly 9 acres of a 14 acre tract with Property Control Number 00-41-46-01-02-001-0000. Proposed site development on the current agricultural land area consists of 89,781 SF of warehouse area and 25,323 SF of general office area. For additional information concerning site location and layout, please refer to the Site Plan prepared by J. Morton Planning & Landscape Architecture.

### PROPOSED DRAINAGE

The site is located within the boundaries of the South Florida Water Management District (SFWMD) and Lake Worth Drainage District C-15 Drainage Basin. The site is located within Flood Zone X and not within a Special Flood Hazard area. It is proposed that runoff be directed to on-site water management areas or underground exfiltration trench by means of paved and grass swales and inlets and storm sewer. Legal positive outfall is available via discharge to the Lake Worth Drainage District S-105 Canal along the east side of State Road 7 or overflow (via bubble-up structure) to the Florida Department of Transportation owned/maintained swale long the west side of State Road 7.

Drainage design will address the following:

1. On-site retention of the runoff from the 3 year – 1 hour rainfall event.
2. No runoff to leave the site except through an approved control structure up to the level produced by the 25 year – 3 day rainfall event.

2581 Metrocentre Blvd. West, Ste 3 | West Palm Beach, FL 33407  
561.478.7848 | simmonsandwhite.com | Certificate of Authorization Number 3452



Drainage Statement  
Job No. 22-191  
July 18, 2023 – Page 2  
Revised 10/20/2023  
Revised 12/22/2023

SITE DRAINAGE (CONTINUED)

3. Building floor elevations to be at or above the level produced by the greater of 100 year-3 day (zero discharge) rainfall event.
4. Allowable discharge to be in accordance with South Florida Water Management District and Lake Worth Drainage District Criteria.
5. Roads to be protected from flooding during the 3 year – 24 hour event.
6. Due consideration to water quality.

Required permits/approvals shall include the following:

1. Palm Beach County Building Department Onsite Drainage Review
2. Lake Worth Drainage District Drainage Permit
3. South Florida Water Management District Environmental Resource Permit
4. Florida Department of Transportation Drainage Connection Permit

<p>Robert F. Rennebaum, Professional Engineer, State of Florida, License No. 41168</p> <p>This Item has been electronically signed and sealed by Robert F. Rennebaum, P.E., on 12/27/2023, using SHA-1 Authentication Code.</p> <p>Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.</p>	<p>Digitally signed by Robert F. Rennebaum Date: 2023.12.27 08:44:43 -05'00'</p>
--	--

sa: x:/docs/trafficedrainage/ds.22191.revII





## Exhibit J - Utility Letter



**Water Utilities Department  
Engineering**

8100 Forest Hill Blvd.  
West Palm Beach, FL 33413  
(561) 493-6000  
Fax: (561) 493-6085  
www.pbcwater.com



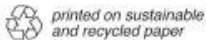
**Palm Beach County  
Board of County  
Commissioners**

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

**County Administrator**

Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"



April 28, 2023

Morton  
3910 RCA Boulevard  
Palm Beach Gardens, Fl. 33410

RE: Bedner Market  
PCN 00-42-43-27-05-061-0311 & 00-41-46-01-02-001-0000  
Service Availability Letter

Dear Ms. Velasco,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. Based on a review of current PBCWUD infrastructure and existing customers within the general vicinity of the referenced property, PBCWUD currently has the capacity to provide the level of service required for the land use amendment from Agricultural Reserve (AGR) to Commerce (CMR) with an underlining Agricultural Reserve (CMR/AGR). The proposed change will allow for Warehouse and Light Industrial uses while allowing the 5-acre marketplace to remain as AGR..

The nearest point of connection is a 12" potable water main located approximately 4000' south of the subject property within SR7. There is an 8" sanitary sewer force main located approximately 5800' south of the subject property within SR&. Offsite improvements and a lift station will be required.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD. In addition, the addition of new developments/customers prior to service initiation to the property may affect the available capacity. PBCWUD does not make any representations as to the availability of capacity as of the future service initiation date.

If you have any questions, please give me a call at (561)493-6116.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jackie Michels".

Jackie Michels, P.E.  
Project Manager

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