

RESOLUTION NO. R-93-899

RESOLUTION APPROVING ZONING PETITION Z90-43(A)  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
PETITION OF U. S. BLOCK, CORP.

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 Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition Z90-43(A) was presented to the Board of County Commissioners at a public hearing conducted on July 29, 1993; 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 Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County 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 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 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 Z90-43(A), the petition of U. S. BLOCK, CORP. by: DENNIS P. KOEHLER, AGENT for a OFFICIAL ZONING MAP AMENDMENT (REZONING) from the AGRICULTURAL RESIDENTIAL (AR) AND LIGHT INDUSTRIAL (IL) ZONING DISTRICT to the GENERAL INDUSTRIAL (IG) ZONING DISTRICT with a CONDITIONAL OVERLAY ZONE (COZ) 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 July 29, 1993, subject to the conditions of the Conditional Overlay Zone 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 Foster and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 29th day of July, 1993.


APPROVED AS TO **FORM**  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK  
COUNTY,  
FLORIDA  
★  
CLERKS \* COMMISSIONERS

**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.N. 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 N01°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 59.62 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 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 116

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 9,919 SQUARE FEET OR 0.228 ACRES.

PARCEL 119

ALLEN STAM

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 TRACT 17, A DISTANCE OF 95.00 FEET TO A POINT ON A LINE THAT IS PARALLEL WITH AND 95.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACT 17,, AND ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE N00°57'28"W, ALONG THE EAST LINE OF SAID TRACT 17, A DISTANCE OF 116.53 FEET; THENCE S80°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 11,648 SQUARE FEET (0.267 ACRES).

TOTAL AREA OF TRACT=4.46 ACRES MORE OR LESS

EXHIBIT B  
VICINITY SKETCH

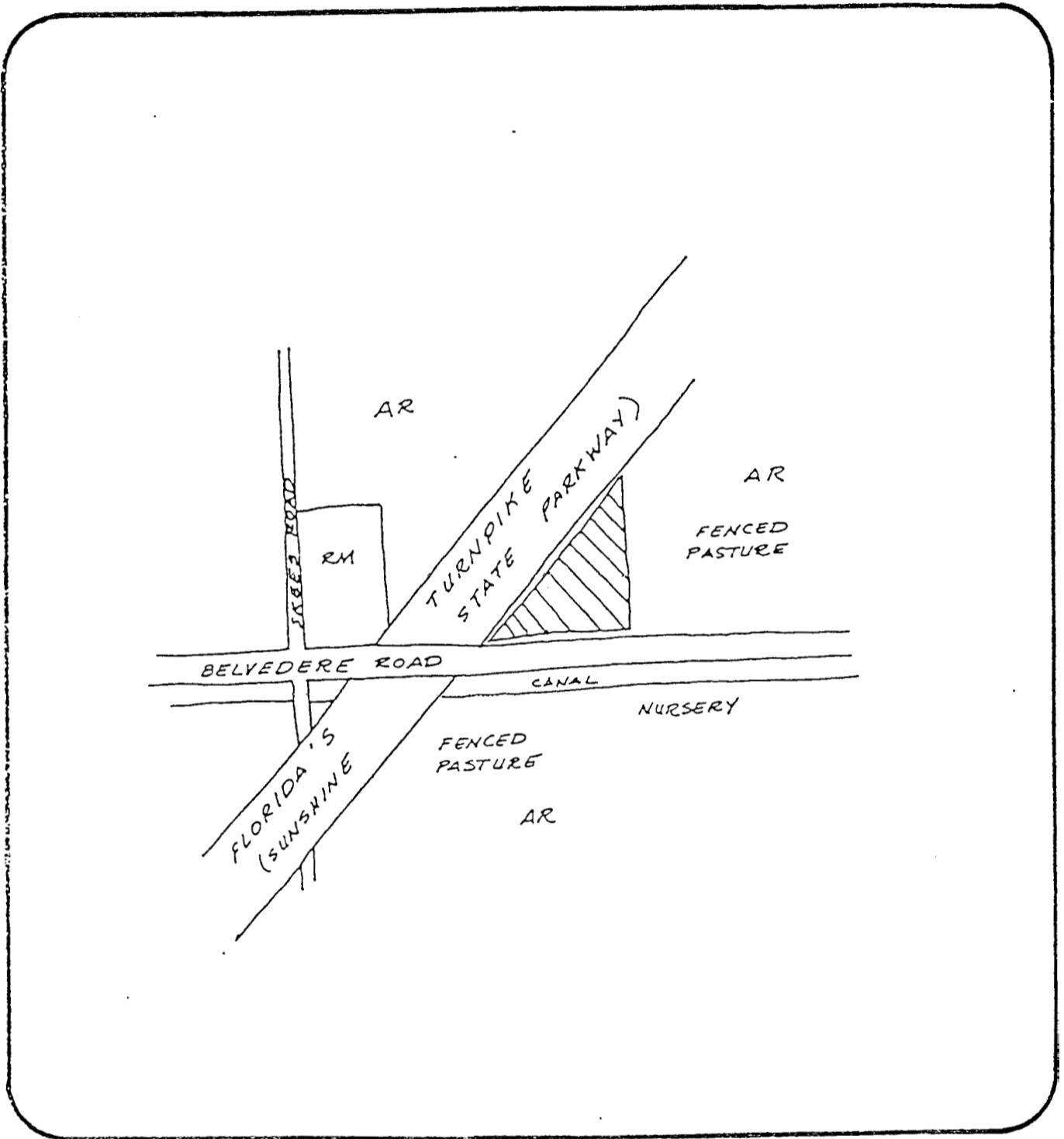


EXHIBIT C

CONDITIONS OF APPROVAL

A. 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; slaughterhouse; and tanneries; steel works; and petroleum refineries;  
Machine or welding shop;  
Potting soil manufacturing; or,  
Sugar mill or refinery. (ZONING/BUILDING)

2. To insure the timely redevelopment of the existing use, the petitioner shall submit an application to the Development Review Committee (DRC) 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. Z90-43(A). The site plan shall be approved by the DRC on or before March 25, 1994. (ZONING)

B. 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. (ZONING)

2. 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)
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. (ZONING)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

- 1. A Wellfield Affidavit of Notification is required by ERM prior to Final Site Plan certification. (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. (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. (BUILDING-ERM)

D. 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.
- 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.