

RESOLUTION NO. R-2006-0521

RESOLUTION APPROVING ZONING APPLICATION Z2005-1136
(CONTROL NO. 2005-129)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
APPLICATION OF FIVE PARTNERS, LTD.
BY BOOSE, CASEY, CIKLIN, LUBITZ, AGENT
(FIVE PARTNERS, LTD.)

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

WHEREAS, Zoning Application Z2005-1136 was presented to the Board of County Commissioners at a public hearing conducted on March 23, 2006; 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 has considered the findings in the staff report and 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) with approved conditions 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) with approved conditions 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) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY - Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 2.K.3.b (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 Application Z2005-1136 the application of Five Partners, Ltd. by Boose, Casey, Ciklin, Lubitz, agent, for an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Light Industrial Zoning District with a CONDITIONAL OVERLAY ZONE 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 March 23, 2006, subject to the conditions of the CONDITIONAL OVERLAY ZONE described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Tony Masilotti, Chair	-	Aye
Addie L. Greene, Vice Chairperson	-	Aye
Karen T. Marcus	-	Absent
Jeff Koons	-	Aye
Warren H. Newell	-	Absent
Mary McCarty	-	Aye
Burt Aaronson	-	Aye

The Chairman thereupon declared that the resolution was duly passed and adopted on March 23, 2006.

Filed with the Clerk of the Board of County Commissioners on 10th day of April, 2006.


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

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

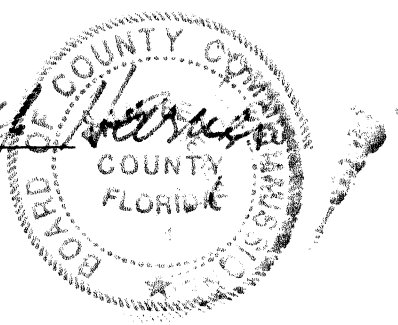
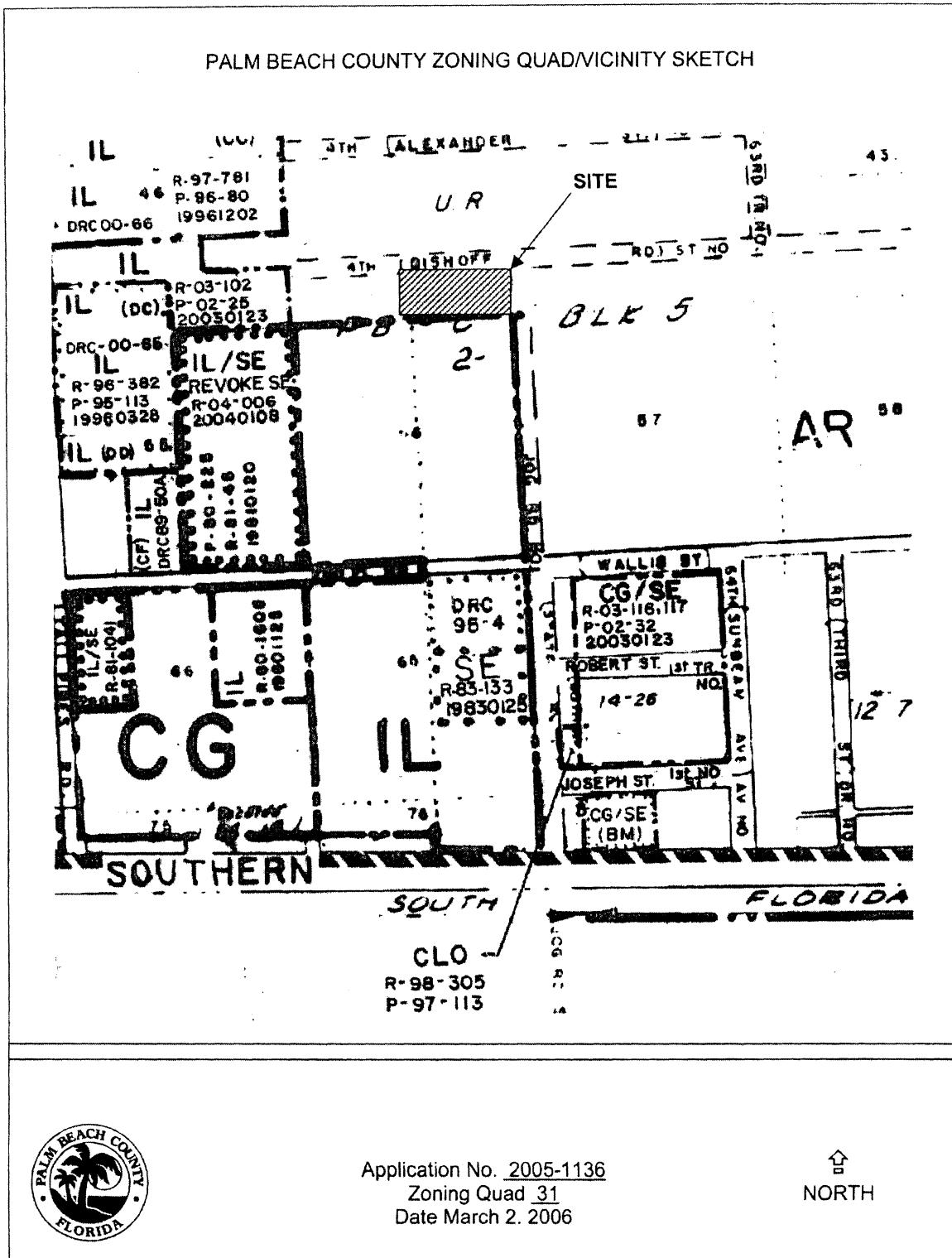


EXHIBIT A
LEGAL DESCRIPTION

LOTS 72, 73, 74, and 75, INCLUSIVE, **JEROME ACRES**, AN UNRECORDED SUBDIVISION OF TRACTS 44 AND 45, BLOCK 5, PALM BEACH COUNTRY FARMS COMPANY PLAT No. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 292.00 FEET OF THE WEST 584 FEET OF THE SOUTH $\frac{1}{2}$ OF THE SOUTH $\frac{1}{2}$ OF SAID TRACT 45, **LESS** THE NORTH 25 FEET FOR ROAD RIGHT-OF-WAY CONVEYED TO THE COUNTY OF PALM BEACH IN OFFICIAL RECORD BOOK 2335, PAGE 1303.

EXHIBIT B
VICINITY SKETCH



Application No. 2005-1136
Zoning Quad 31
Date March 2, 2006



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved site plan is dated December 28, 2005. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING – Zoning)

BUILDING AND SITE DESIGN

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within one hundred and fifty (150) feet of the west property line, and shall be confined to the area(s) indicated on the approved site plan. (DRO: ZONING - Zoning)
2. Outdoor storage, parking, and activities shall not be permitted within fifty (50) feet of the west property line. (DRO: ZONING - Zoning)

ENGINEERING

1. Prior to April 1, 2007 the property owner shall combine the existing parcels into a single lot of record in accordance with the plat or waiver of plat process as applicable with the provisions of Article 11 of the Unified Land Development Code. (DATE: MONITORING-ENG)
2. Prior to April 1, 2007, the property owner shall convey to Palm Beach County Land Development Division by warranty deed for a 25 foot corner clip at the intersection of Bischoff Road and Jog Road. Right of way conveyance shall be free of all encumbrances and encroachments. 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. (DATE: MONITORING - ENG)
3. The Property owner shall construct Bischoff Road from Jog Road to the project's entrance road. Construction shall be concurrent with the paving and drainage improvements for the site and shall be to local street standards. 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 drainage.
 - a. Permits required by Palm Beach County for this construction shall be obtained prior to December 1, 2006. (DATE: MONITORING -ENG)
 - b. Construction shall be completed prior to July 1, 2007. (DATE: MONITORING - ENG)

HEALTH

1. Prior to the issuance of a certificate of occupancy, the property owner shall provide verification to the Palm Beach County Health Department that the site is connected to public water and sanitary sewer services, and that all onsite sewage treatment and disposal systems and potable water wells have been properly abandoned. (CO: MONITORING - Health)

ZONING - LANDSCAPING-STANDARD

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the ULDC and all conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)
2. A minimum of fifty percent (50%) of all trees to be planted in the landscape buffers shall meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: Three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
 - c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)
3. All palms required to be planted in the perimeter landscape buffers 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. (BLDG PERMIT: LANDSCAPE - Zoning)
4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)
5. Field adjustment of landscape materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)

ZONING - LANDSCAPING-NORTH, EAST AND WEST PROPERTY LINES (ABUTTING BISCHOFF ROAD, JOG ROAD AND RESIDENTIAL PROPERTY)

1. In addition to ULDC requirements, landscaping along the north, east and west property lines shall be upgraded to:
 - a. include one (1) palm or pine tree for each for each thirty (30) linear feet of the property line. Palm or pine trees shall be planted alternating on both sides of any required opaque barrier and at a maximum spacing of thirty (30) feet on center; and,
 - b. achieve a continuous, opaque screen of not less than twelve (12) feet in height consisting of any combination of berms, walls, fences,

vegetation, and/or buildings. This screen height may be achieved by the installation of landscape materials within five (5) feet of the interior boundary of a perimeter landscape buffer. (BLDG PERMIT: LANDSCAPE Zoning)

LIGHTING

1. Outdoor, freestanding light fixtures shall be prohibited, excluding security lighting only. (BLDG PERMIT: BLDG Zoning)

MONITORING

1. The property owner shall submit an application to the Development Review Officer (DRO) on or before May 3, 2006 for final site plan approval. (DATE: MONITORING - Zoning)
2. The site plan shall be approved by the Development Review Officer (DRO) on or before November 8, 2006. No administrative time extension to this condition shall be allowed. (DATE: MONITORING - Zoning)

SIGNS

1. Freestanding point of purchase signs fronting on Bischoff Road shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - six (6) feet;
 - b. maximum sign face area per side - fifty (50) square feet;
 - c. maximum number of signs - one (1) for the entire site;
 - d. style - monument style only;
 - e. location - to the east of the driveway only; and,
 - f. Signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning)
2. Building mounted signs shall be prohibited on the north facade of any building or structure facing Bischoff Road, unless required by law. (BLDG PERMIT: BLDG - Zoning)

USE LIMITATIONS

1. Use of the site shall be limited to a contractor storage yard and a security or caretaker quarters. (ONGOING: ZONING - Zoning)
2. Outdoor manufacturing and/or processing shall be prohibited. (ONGOING: CODE ENF - Zoning)
3. Hours of operation shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday. Operation shall be prohibited on Saturday, Sunday, and statutory holidays. This condition shall not apply to a security or caretaker quarter. (ONGOING: CODE ENF - Zoning)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD - PBCWUD)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the 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; 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 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.

Staff may be directed by the Executive Director of PZ&B or a 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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. (ONGOING: MONITORING - Zoning)

Five partners
strike-out

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

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ENGINEERING

- ~~1. Prior to December 1, 2006, the property owner shall plat the subject property 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. (DATE: MONITORING – ENG)~~
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1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD - PBCWUD)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the 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)
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 - 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; 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
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