

RESOLUTION NO. R-2008- 0473

RESOLUTION APPROVING ZONING APPLICATION PDD2007-890  
(CONTROL NO. 2007-277)  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
APPLICATION OF EAST GROUP PROPERTIES, LP  
BY JON E. SCHMIDT & ASSOCIATES, AGENT  
(EAST GROUP INDUSTRIAL)

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, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider applications relating to zoning; and

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

WHEREAS, Zoning Application PDD2007-890 was presented to the Board of County Commissioners at a public hearing conducted on March 24, 2008; and

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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; 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 stated purpose and intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations.
3. This official zoning map amendment (rezoning) is compatible and 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, orderly and timely development pattern.
6. This official zoning map amendment is consistent with applicable Neighborhood Plans.
7. This official zoning map amendment (rezoning) complies with Article 2.F (Concurrency) of the Palm Beach County Unified Land Development Code.

8. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment.

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 PDD2007-890, the application of Eastgroup Properties LP, by Jon E. Schmidt & Associates, agent, for an Official Zoning Map Amendment to a Planned Development District from the Industrial Light Zoning District to the Multiple Use Planned Development Zoning District, 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 March 24, 2008, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	Aye
Jeff Koons, Vice Chair	Aye
Karen T. Marcus	Aye
Robert J. Kanjian	Aye
Mary McCarty	Aye
Burt Aaronson	Aye
Jess R. Santamaria	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on March 24, 2008.

Filed with the Clerk of the Board of County Commissioners on March 24, 2008

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:

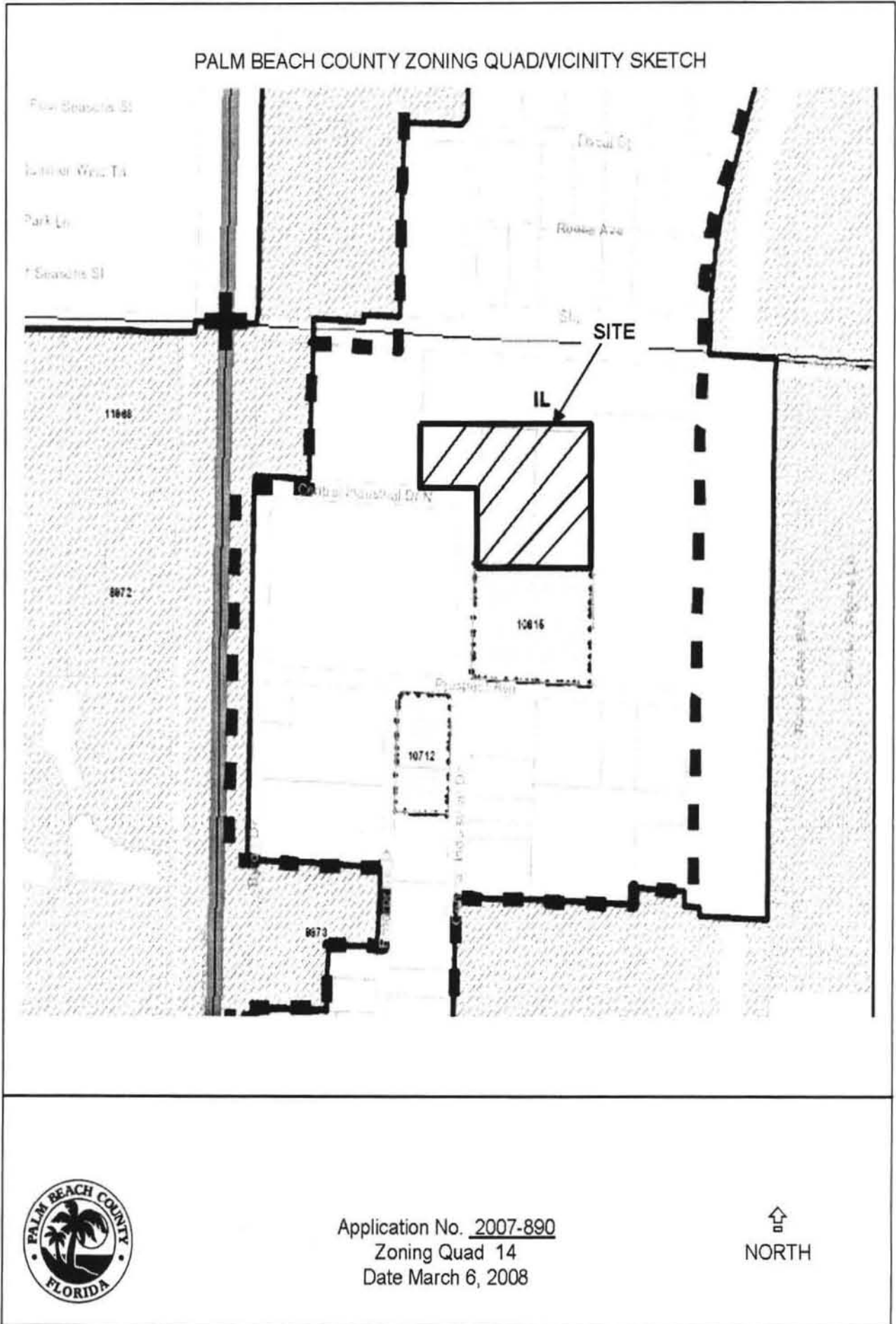
  
DEPUTY CLERK



EXHIBIT A  
LEGAL DESCRIPTION

TRACT "B" PLAT NO. 2 CENTRAL INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 51, PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B  
VICINITY SKETCH



Application No. 2007-890  
Zoning Quad 14  
Date March 6, 2008

↑  
NORTH

## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated November 26, 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. (ONGOING: ZONING - Zoning)

#### ACCESS

1. Prior to the issuance of the first Certificate of Occupancy for Building 3, the non-approved central access point from Central Industrial Drive shall be removed. (CC: BLDG – Building)

#### ARCHITECTURAL REVIEW

1. Building 3 shall be designed and constructed to be generally consistent with the facade elevations prepared by Horton, Harley & Carter, Inc. and dated December 21, 2007. Deviations are permitted with the review and approval of the Architectural Review Section. (BLDG PERMIT: ARCH REVIEW - Zoning)

#### DUMPSTER

1. Prior to final approval by the Development Review Office (DRO), the existing dumpsters outside of the specialized vehicular use area shall be shown on the site plan. (DRO: ZONING – Zoning)
2. Prior to issuance of the first Certificate of Occupancy for Building 3, the property owner shall retrofit the existing dumpsters outside of the specialized vehicular use area in accordance with ULDC 5.B.1.A.8.e and the approved final site plan. (CC: BLDG – Zoning)

#### ENGINEERING

1. 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 March 27, 2011. 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)

#### LANDSCAPE

1. Prior to final approval by the Development Review Officer (DRO), 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. (DRO: LANDSCAPE - Zoning)
2. Prior to the issuance of the first Certificate of Occupancy for Building 3, the property owner shall replace all dead and missing plant materials on the entire subject property. (CO: LANDSCAPE - Zoning)

## SIGNS

1. Prior to final approval by the Development Review Officer (DRO), the final site plan shall be revised to limit the freestanding sign for Building 3 to a maximum of 100 square feet of sign face area.
2. If the existing 10-foot structure of the freestanding sign for Buildings 1 and 2 is renovated or destroyed, the sign shall be rebuilt at a maximum height of 8 feet with a maximum sign face area of 100 square feet.

## 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; 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 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.

Departmental administrative actions made pursuant to this condition may be appealed as 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 Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)