

RESOLUTION NO. R-2011- 0561

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2010-02802
(CONTROL NO. 2010-00352)

an Official Zoning Map Amendment
APPLICATION OF 934 Pike LLC
BY Jon E Schmidt & Associates, AGENT
(934 Pike LLC)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning; and

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

WHEREAS, Zoning Application Z/CA-2010-02802 was presented to the Board of County Commissioners at a public hearing conducted on April 28, 2011; 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 recommendation of the Zoning Commission; and

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.1.B.

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 Z/CA-2010-02802, the application of 934 Pike LLC, by Jon E Schmidt & Associates, agent, for an Official Zoning Map Amendment to allow a rezoning from the Multi-Family Residential (RM) Zoning District to the Light Industrial (IL) 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 in EXHIBIT B, attached hereto and made a part hereof, was approved on April 28, 2011 subject to the conditions 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 Vana and, upon being put to a vote, the vote was as follows:

Commissioner Karen T. Marcus, Chair	- AYE
Commissioner Shelley Vana, Vice Chair	- AYE
Commissioner Paulette Burdick	- AYE
Commissioner Steven L. Abrams	- AYE
Commissioner Burt Aaronson	- AYE
Commissioner Jess R. Santamaria	- AYE
Commissioner Priscilla A. Taylor	-

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 28, 2011.

Filed with the Clerk of the Board of County Commissioners on May 3, 2011.

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

The seal is circular with a double-line border. The outer ring contains the text "PALM BEACH COUNTY COMMISSIONERS" at the top and "FLORIDA" at the bottom. In the center, there is a five-pointed star.

EXHIBIT A

LEGAL DESCRIPTION

Legal Description
934 Pike, LLC
Palm Beach County (PBC) Development Review Officer (DRO) Submittal
Original Submittal: November 17, 2010

TRACT 3, BLOCK 6, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING AS RECORDED IN PLAT BOOK 2, TO THE MAP OR PLAT THEREOF, PAGE 45 THROUGH 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING PORTIONS OF SAID TRACT 3;

- #1 THE NORTH 245 FEET THEREOF.
- #2 THE SOUTH 198 FEET THEREOF.
- #3 THE EAST 220 FEET THEREOF LESS THE NORTH 245 FEET THEREOF AND LESS THE SOUTH 198 FEET THEREOF.
- #4 THE SOUTH 17 FEET OF THE NORTH 262 FEET THEREOF, LESS THE EAST 220 FEET THEREOF.

ALSO LESS AND EXCEPT THE LANDS CONVEYED TO PALM BEACH COUNTY IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 23885, PAGE 1622 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF TRACT 3, BLOCK 6, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 3;

THENCE SOUTH 00°59'11" EAST ALONG THE WEST LINE OF SAID TRACT 3, A DISTANCE OF 262.00 FEET TO A POINT ON A LINE BEING 262.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 3, SAME BEING THE POINT OF BEGINNING.

THENCE NORTH 89°00'49" EAST ALONG SAID PARALLEL LINE, 25.00 FEET TO A POINT ON A LINE BEING 25.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT 3, SAME BEING THE NEW EAST RIGHT OF WAY LINE OF PIKE ROAD;

THENCE SOUTH 00°59'11" EAST ALONG SAID PARALLEL LINE AND SAID NEW EAST RIGHT OF WAY LINE, 200.00 FEET TO A POINT ON A LINE BEING 462.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID TRACT 3;

THENCE SOUTH 89°00'49" WEST ALONG SAID PARALLEL LINE TO THE WEST LINE OF SAID TRACT 3, A DISTANCE OF 25.00 FEET;

THENCE NORTH 00°59'11" WEST ALONG THE WEST LINE OF SAID TRACT 3, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

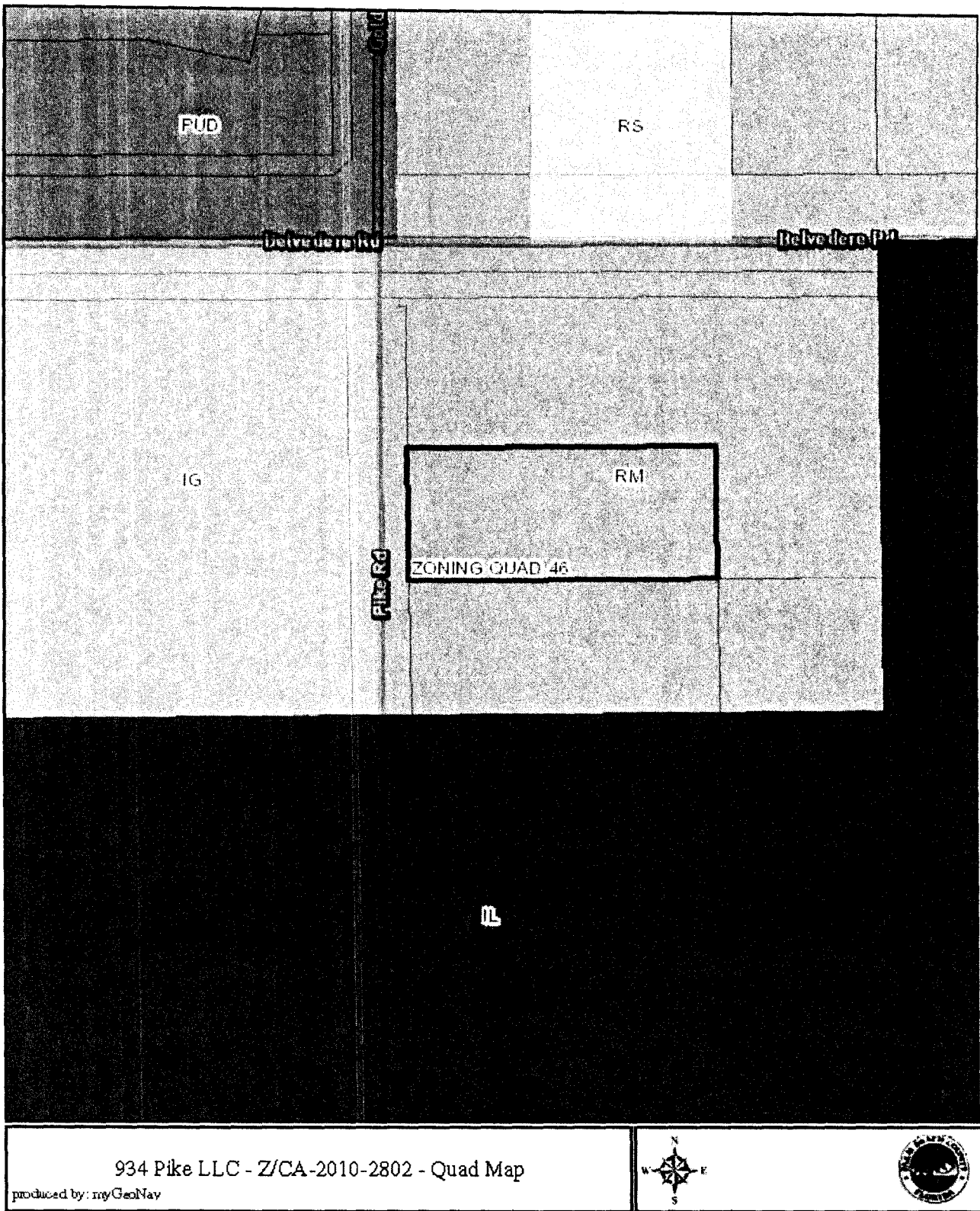


EXHIBIT C

CONDITIONS OF APPROVAL

ENGINEERING

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

a. No Building Permits for the site may be issued after December 31, 2014. 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-Eng)

2. Prior to issuance of the first building permit the property owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

3. Property owner shall construct a 5 foot concrete sidewalk along the property frontage along the east side of Pike Road. 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. These improvements shall be completed concurrently with the onsite paving and grading and shall be completed prior to the issuance of the first building permit. Alternatively, the property owner may provide funds to Palm Beach County to construct the sidewalk based on 110% of a cost estimate prepared by a professional engineer and approved by the County Engineer. (BLDG PERMIT: MONITORING -Eng)

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 the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING-Eng)

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. (PLAT/BLDG PERMIT: MONITORING-Eng)

HEALTH

1. Wastewater and water service is available to the property. Therefore, no onsite sewage treatment and disposal system (OSTDS) or potable water well will be permitted. All existing OSTDS and potable water well systems shall be abandoned in accordance with Chapter 64E-6, and 8 F.A.C. respectively. (ONGOING: HEALTH-Health)

LANDSCAPE – GENERAL

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 all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)

2. Prior to the issuance of any permits for the subject property, a landscape inspection shall be required to ensure preservation and barricading of the *Simarouba glauca* (Paradise Tree, Bitterwood). (BLDG PERMIT: LANDSCAPE Zoning)

LANDSCAPE – PERIMETER

3.The landscaping and buffer width along the north property line shall include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum eight (8) foot high concrete panel wall;
- c. one (1) canopy tree per twenty (20) linear feet; and
- d. a continuous four (4) foot high hedge to be planted on the outside of the wall. (BLDG PERMIT: LANDSCAPE - Zoning)

4.The landscaping and buffer width along the south and east property lines shall include:

- a. a minimum of ten (10) foot wide landscape buffer strip;
- b. one (1) canopy tree per twenty (20) linear feet;
- c. a minimum eight (8) foot high opaque fence;
- d. a continuous four (4) foot high hedge to be planted on the outside of the fence. (BLDG PERMIT: LANDSCAPE - Zoning)

LIGHTING

1.All outdoor, freestanding and structure mounted lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

2.All outdoor lighting shall be extinguished no later than 7:30 P.M., excluding security lighting only. (ONGOING: CODE ENF - Zoning)

3.The lighting conditions above shall not apply to proposed low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

SITE DESIGN

1.The repair and maintenance structure shall be limited to a height of twenty-five (25) feet and the bay door shall be located on the west facade. (ONGOING/BLDG PERMIT: BLDG - Zoning)

USE LIMITATIONS

1.Hours of operation for the site shall be limited as follows:

- a. Outdoor Activities and Repair and Maintenance: 6:00 AM to 7:00 PM Monday through Saturday; and
- b. Office: 6:00 AM to 11:00 PM. (ONGOING: CODE ENF - Zoning)

2.The Repair and Maintenance structure shall be an accessory use to the Contractor's Storage Yard. No paint and bodywork shall be permitted on site. (ONGOING: CODE ENF - 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 (CO); 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 Unified Land Development Code (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. (ONGOING: MONITORING - Zoning)