

RESOLUTION NO. R-2024- 1038

RESOLUTION APPROVING ZONING APPLICATION PDD-2023-00972  
(CONTROL NO. 2023-00072)  
an Official Zoning Map Amendment  
APPLICATION OF Bedner Farm, Inc.  
BY JMorton Planning & Landscape Architecture, AGENT  
(Bedner Oaks Commerce)

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;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application PDD-2023-00972 was presented to the Board of County Commissioners at a public hearing conducted on August 22, 2024;

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;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for an Official Zoning Map Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application PDD-2023-00972, the Application of Bedner Farm, Inc., by JMorton Planning & Landscape Architecture, Agent, for an Official Zoning Map Amendment to allow rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (AGR-MUPD) Zoning District on 9.0 acres, on a parcel of land generally described

as shown on the legal description 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 August 22, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Baxter moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on August 22, 2024.

Filed with the Clerk of the Board of County Commissioners on August 26, 2024.

This resolution shall not become effective unless or until the effective date of the Large Scale Land Use Amendment No. LGA-2024-003.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:   
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

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

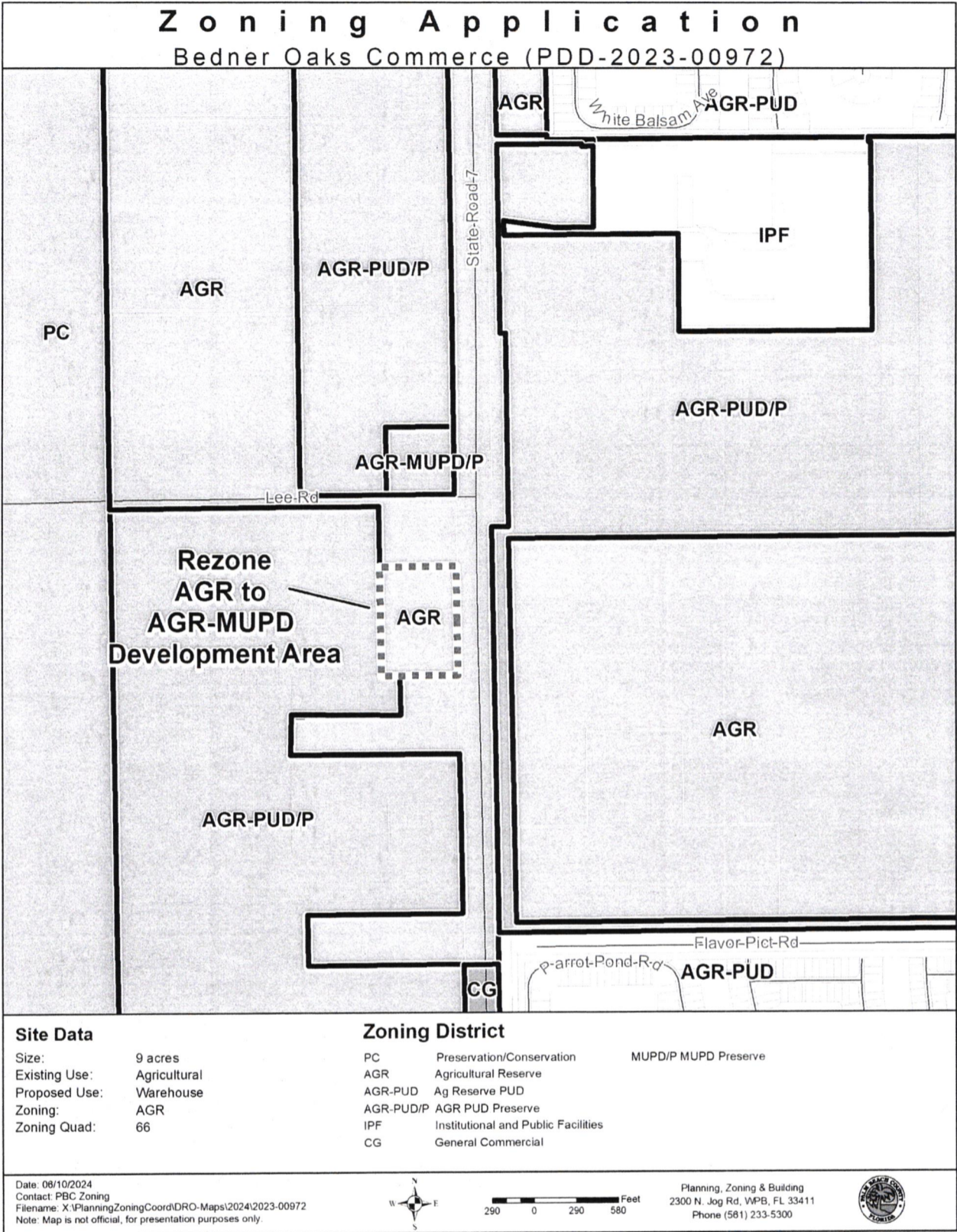
COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT A, THENCE SOUTH 00'54'39" EAST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 414.47 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89'26'45" EAST, A DISTANCE OF 525.74 FEET; THENCE SOUTH 00'58'36" EAST, ALONG THE EAST LINE OF SAID TRACT A, A DISTANCE 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

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### 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. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/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. (BLDGPMT: 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. (BLDGPMT/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. (BLDGPMPT: 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. (BLDGPMPT/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. (BLDGPMPT: 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) (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. (BLDGPMPT/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

## **LANDSCAPE - PERIMETER-WEST PROPERTY LINE**

1. Prior to final approval by the Development Review Officer (DRO), the west property line shall be revised to a Type 2 Incompatibility buffer with the following:
- a. Minimum of an eight (8) foot high opaque barrier that shall consist of any combination of the following: a fence with hedge, a wall and/or a berm;
- b. An increase in the number of trees by 25% over minimum ULDC requirements; and
- c. All trees and medium or large shrubs shall be native vegetation. (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. (BLDGPMPT/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. (BLDGPMPT: BUILDING DIVISION - 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.