

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



Application No.:	DOA/EAC-2007-00734
Control No.:	1976-00062
Applicant:	Highland Realty Llc
Owners:	Belvedere Real Estate Franklin Conklin Highland Realty LLC Noland Properties Inc Palm Beach County WFTV Inc
Agent:	Jon E Schmidt & Associates - Chris Barry
Telephone No.:	(561) 659-6690
Project Manager:	Carrie Rechenmacher, Senior Site Planner

Location: The subject property is located on the Southwest corner of Belvedere and Sansburys Way. **(Belrub Industrial Park, Plat 2)**

TITLE: Development Order Amendment. **REQUEST:** To redesignate uses and to add a BCC imposed condition. **TITLE:** Expedited Application Consideration. **REQUEST:** To allow an Expedited Application.

APPLICATION/ISSUES SUMMARY: Proposed is a Development Order Amendment to address use limitations for Parcel 3 of a 2.15-acre portion of an overall 16.23-acre Industrial Park. This parcel is subject of a request for a concurrent Future Land Use amendment to change the land use from Light Industrial (IL) to Commercial High (CH) to allow a Commercial Zoning designation on the subject parcel. An approved site plan indicates existing 15,000 square feet of retail and 1,000 square feet of office buildings. The Commercial Zoning designation would allow retail and office uses to be legally established in the Industrial Park. One access point to the site is indicated from Belvedere Road.

o September 24, 2007 BCC Hearing

Due to concern of the adjacent residents from Breakers West located directly to the north across Belvedere Road, and Kings Academy located just east of the Breakers PUD a Use Limitation condition is recommended. Representatives from these developments spoke at the September 24, 2007 BCC hearing for the proposed Land Use Amendment. The BCC postponed the Land Use Amendment hearing for 30 days to allow a Use Limitation condition to be added to the petition as a Development Order Amendment for the subject site.

Upon review of the application for the small scale amendment of the 2.15 acre parcel from IND to CH the Planning Division determined the request is inconsistent with the provisions of the County's Comprehensive Plan which discourages the loss of any industrial land. Pursuant to Florida Statutes and Article 1.A.1.C. and 2.B.2.B.1. of the ULDC, consistency with the Comprehensive Plan is required. Zoning therefore also must recommend denial of the request.

However, if the BCC recommends approval of the request, staff would recommend conditions of approval as indicated in Exhibit C. The Use Limitation Condition 1. will

prohibit liquor sales, including sale of alcohol associated with a restaurant use, cocktail lounges, or Adult Entertainment uses. One access point to the site is indicated from Belvedere Road.

o Denial Recommendation:

When considering a development order application for a proposed amendment, the Board of County Commissioners (BCC) shall consider the following standards indicated below. An amendment, which fails to meet any of these required standards, shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.2.B.1. and provides the following assessment:

DOA Standards

1. **Consistency with the Comprehensive Plan:** This application is being filed concurrently with a Small Scale Future Land Use Atlas Amendment application requesting for a land use amendment from Industrial (IND) to Commercial High Intensity (CH). The Planning Division has reviewed the application for the small scale amendment of the 2.15 acre parcel from IND to CH and determined the request is inconsistent with the provisions of the County's Comprehensive Plan which discourages the loss of any industrial land. The subject property is within the Urban/Suburban (U/S) Tier. The proposal to have a CH FLU designation together with the requested zoning classification of a Commercial Pod in an Industrial PID would therefore be consistent, with Table 3.C.1.A-15, of the Unified Land Development Code (ULDC). Also, the Comprehensive Plan (Plan) calls for allowing services and facilities consistent with the needs of urban and suburban development and providing employment opportunities within the U/S Tier. The request however is not consistent with the County's Comprehensive Plan in regard to the County's direction to prevent the loss of industrial lands.

At the September 7, 2007 hearing, the Land Use Advisory Board (LUAB) recommended denial of the proposed amendment in an 8-2 vote. The LUAB discussion confirmed that: the applicant's intentions were not to modify the existing buildings; a range of commercial uses are permitted in this land use and zoning category; there are no vested rights for a restaurant at the identified location; the applicant is seeking approval for a commercial use after the building had been constructed; and that the Comprehensive Plan Policies should be given more consideration. There was no public comment for this item.

2. **Consistency with the Code.** The proposed amendment is in conflict with Article 1.A.1.C of the ULDC (Consistency with the Plan) however if the FLU amendment is approved then the request would be generally consistent with the stated purpose and intent of the Code. The site plan is in compliance with the land development regulations within the ULDC to ensure the safe, compatible and appropriate use of the property.

The overall subject property was rezoned, as part of the Belrub Industrial Park, from Agricultural District (AG) to General Industrial District (IG) with a Special Exception (SE) allowing for a Planned Industrial Development (PID) by the Board of County Commissioners (BCC) on December 14, 1976 per Resolution-76-1179. The applicant could not obtain consensus from the property owner of the overall Belrub Industrial Park to rezone to an MUPD. The Code however does address this issue of Zoning designations that are no longer in the Code. Article 3.E.3.A. of the ULDC Planned Development Section, addresses MUPDs and provides that MUPD standards shall be applied to the modification of a previously approved special exception for a PID.

The MUPD standards allow for Industrial or Commercial Zoning designations with the correct corresponding FLU designations pursuant to Table 3.E.1.B. -22. The applicant had determined the previous concurrency had allowed the use of office and retail and had a site plan approved and constructed structures proposed for retail and offices uses. In fact this was not correct, and therefore the FLU and Zoning is proposed for

amendment with this application to correspond to the existing commercial structures that are built on site.

3. Compatibility with Surrounding Uses: The property to the north is Breakers West a low-density gated residential community with a Low Residential 2 Land Use Designation. East of the Breakers is King's Academy with and Institutional Zoning and Land Use designation. It was representatives from these two developments that requested restrictions on the uses that may be allowed in the commercial portion of this development and requested that no liquor sales or adult entertainment be allowed since the school and residential community were just north of the subject property across Belvedere Road, (See Use Limitation Condition 1) and is the subject of this development order amendment. Additionally by allowing retail and office users the applicant may provide a greater range of services for residences to the north. However the conversion of industrial is not consistent with the Comprehensive Plan and the County's direction for the intent to prevent the loss of industrial lands. Therefore, the development order amendment may be compatible with the surrounding properties but not consistent with directives to retain industrial uses.

To the south is the Palm Beach Post warehouse and to the west is are warehouses and lumber yard both with the Belrub Industrial Development. The subject property has been approved and constructed as two office/retail buildings and the uses allowed in these buildings include all of those allowed in an MUPD. Any industrial use currently allowed would be prohibited on the subject property for Lot 3.

4. Design Minimizes Adverse Impact. The design of the Retail and Office buildings internalizes the structures to the greatest extent possible minimizing the direct impact on surrounding properties. The site plan has preliminary approvals and the buildings have already been constructed and are now awaiting a CO, which cannot be issued until the amendments for the Land Use are successfully accomplished. Lastly, the required right-of-way and compatibility buffers are being proposed in accordance with the ULDC.

5. Design Minimizes Environmental Impact. The subject property falls within the U/S Tier. Therefore, as part of the urbanized area of the County, there is not any substantial vegetation, or wildlife on the subject property that will be adversely affected by the existing development and proposed condition limitation.

6. Development Patterns. The request to add a use limitation condition for the restriction of alcohol and adult entertainment is not inconsistent with the development pattern of the area. The commercial uses are not consistent with the County's Comprehensive Plan in regard to the County's direction to prevent the loss of industrial lands. The proposed amendment is in conflict with Article 1.A.1.C of the ULDC (Consistency with the Plan) however if the FLU amendment is approved then the request would be generally consistent with the stated purpose and intent of the Code;

The subject property falls within the within the U/S Tier but it and is surrounded by uses that could potentially utilize the constructed retail and office buildings. As such, the logical, orderly and timely development of the subject property is as an infill project with a use that supports urban/suburban development and provides for employment in this Tier.

The subject property has been developed and constructed and requires this Zoning action and Land Use amendment to process a Certificate of Occupancy or Occupational licenses. The range of actual users is limited since the land use on the property is IND. The applicant is requesting a Small Scale Land Use amendment for the subject property in order to achieve greater flexibility for the potential retail and office users. The LPA however found this request to commercial as inconsistent with policies in the Comprehensive Plan causing this proposal to not result in a logical and orderly development pattern.

7. Consistency with Neighborhood Plans. The subject property does not fall within the boundaries of any neighborhood plan.

8. **Adequate Public Facilities.** The proposed site plan is approved for 16,000 square feet of retail and 1,000 square feet of office use and complies with Article 2.F, CONCURRENCY (Adequate Public Facilities). There is no net increase in Traffic to add a Use Limitation Condition of Approval. The traffic study submitted as part of the Land Use Amendment identified traffic from the site, with Industrial uses, as 279 trips per day. The Traffic Division estimates that the use of the property as commercial is expected to generate 3306 trips per day. See Traffic comments for further information.

9. **Changed Circumstances.** The overall 16.23-acre subject property was rezoned, as part of the Belrub Industrial Park, from Agricultural District (AG) to General Industrial District (IG) with a Special Exception (SE) allowing for a Planned Industrial Development (PID) by the Board of County Commissioners (BCC) on December 14, 1976 per Resolution-76-1179. The overall Planned Development has been constructed over the year since the original approval and supports 70,225 Warehouse and offices uses on Lot 1. 60,962 square feet of Manufacturing office and lumber Yard on Lot 2, 25,000 square feet of office and warehouse (PB Post) on Lot 4 and the subject 2.15 acre parcel for Lot 3 to support 16,00 square feet for retail and offices uses.

The 2.15-acre subject property has also since been constructed and requires a certificate of occupancy (CO). The ranges of actual users for this parcel are limited to uses allowed in an MUPD with an IND FLU designation. The applicant is requesting a Small Scale Land Use amendment, for the subject property in order to achieve greater flexibility for the potential retail and office users.

On December 8, 2006, the Zoning Director submitted an Administrative Interpretation regarding the subject site and proposed use in the Highland Park at the Belrub Industrial Multiple Unit Planned Development (MUPD). The letter was in response to a request for an interpretation of Resolution 76-1179 to allow Belrub Industrial MUPD with a special exception as a PID to permit a restaurant as an accessory use under the "retail use" approved on the development order. The interpretation determined that there were no vested rights for a restaurant at the identified location. The rationale for the determination are based on two items, the proposed restaurant would not be considered an accessory use pursuant to Code and future land use of the Belrub MUPD is not commercial but industrial therefore not permitting the restaurant within the MUPD. The Administrative Interpretation was subsequently appealed to the Palm Beach County Administrative Appeal Board on March 8, 2007 and was upheld.

A Certificate of Concurrency Exemption Extension was issued for the subject property on June 11, 1992. Included in the Concurrency Exemption Extension was Retail/Commercial use for 19,944 square feet. It was this certificate that allowed office and retail uses to be permitted in the PID. However retail and commercial uses are not permitted in an PID (reviewed pursuant to MUPD standards) with an IL FLU designation, therefore the proposed land use amendment would render the existing structures as consistent for utilization as office and retail uses. The proposed amendment from Industrial to a Commercial High with an underlying Industrial is compatible with adjacent future land uses but is not consistent with the County's Comprehensive Plan and the County's direction for the intent to prevent the loss of industrial lands.

TABULAR DATA

	EXISTING PARCEL 3	PROPOSED PARCEL 3
Property Control Number	00-42-43-31-03-000-0020	Same
Land Use Designation:	Industrial (IND)	Industrial (IND) and Commercial (CH)
Zoning District:	General Industrial/Special	Same Zoning District but

	Exception (IG/SE)	Reviewed as an MUPD
Tier:	Urban/Suburban	Same
Use:	Office and Retail (Vacant)	Office and Retail
Acreage:	15.47 acres Overall 2.15 Parcel 3	Same
Building Coverage:	69%	Same
Parking:	79 spaces	Same
Access:	Belvedere Road (1)	Same

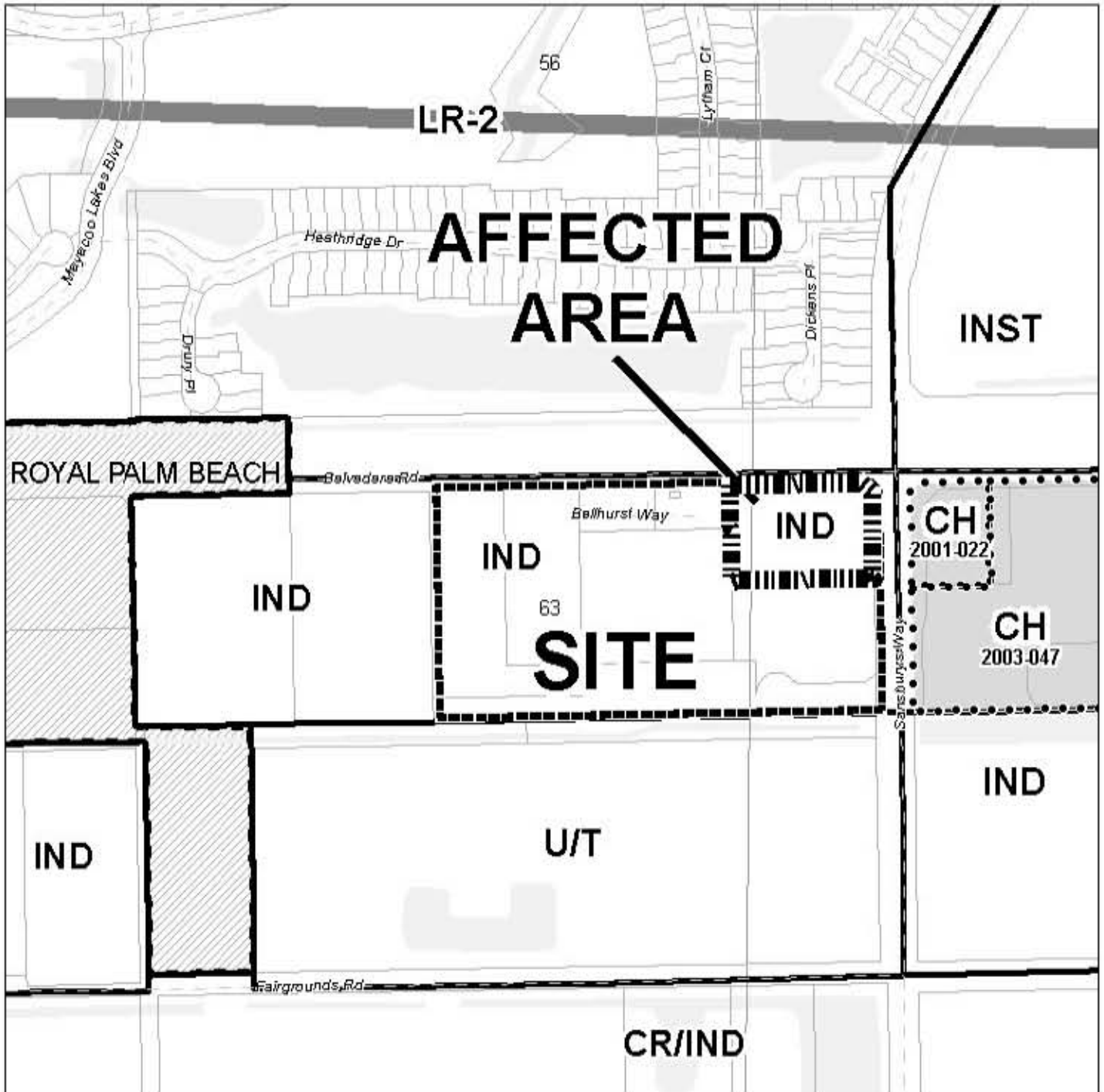
CODE ENFORCEMENT: No Code Enforcement Issues.

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received no letters from the public.

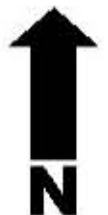
RECOMMENDATION: Staff recommends denial of the request.

MOTION: To adopt a resolution denying a Development Order Amendment to re-designate uses and to add a BCC imposed condition (Use Limitation).

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



Application Number:	<u>EAC2007-734</u>
Control Number:	<u>1976-062</u>
Land Use Atlas Page:	<u>63</u>
Date:	<u>11/02/2007</u>



Zoning Map / Vicinity Map

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH

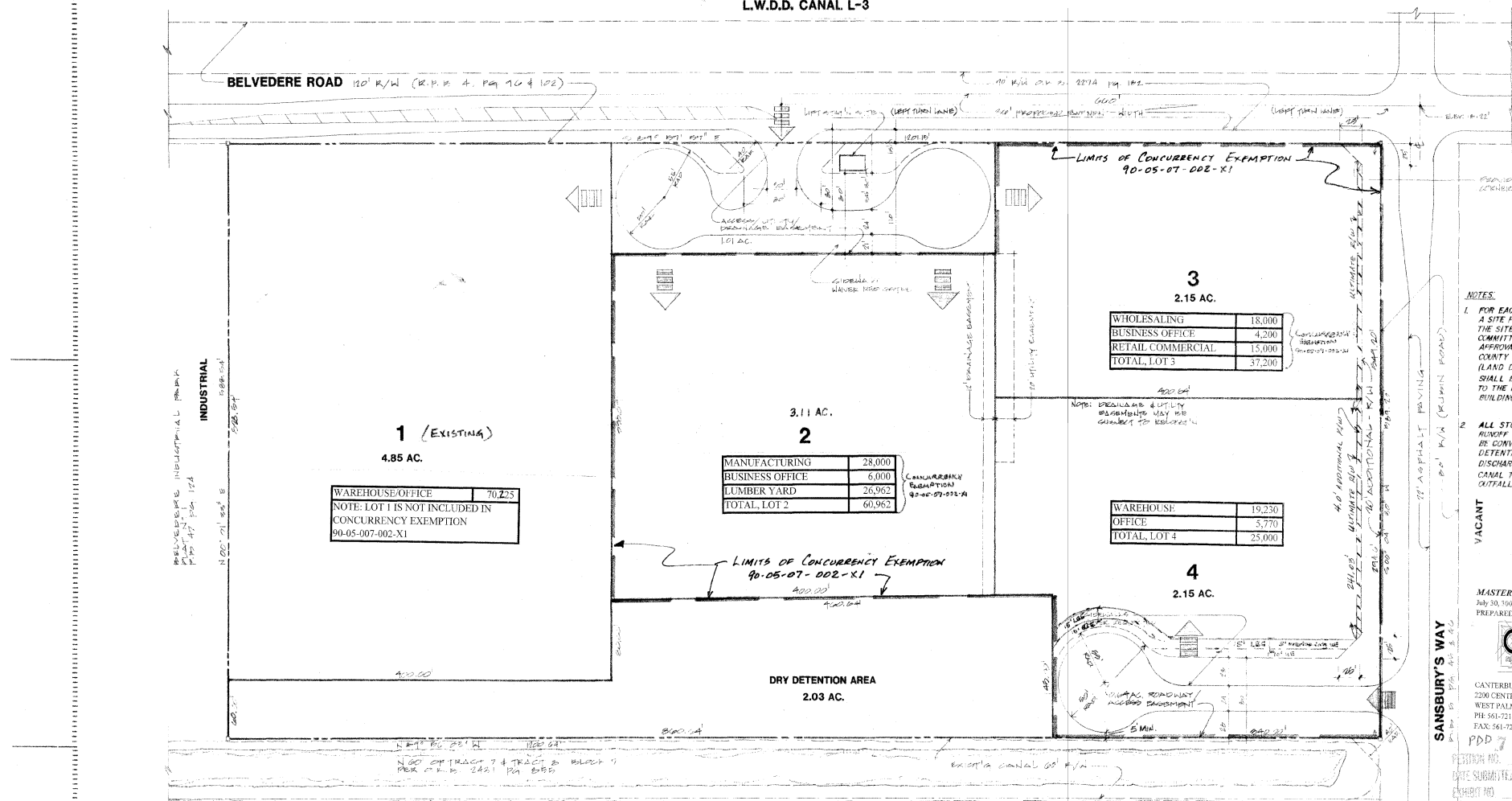


Application No. 2007-734
Zoning Quad 46
Date Nov. 29, 2007



RESIDENTIAL (BREAKERS WEST)
 L.W.D.D. CANAL L-3

2/18/87



Issue date
 Drawn by: Russ
 Checked by: D.F.M.
 Revision 01/30/01 - MASTER PLAN UPDATE

- NOTES:
- FOR EACH LOT A SITE PLAN APPROVAL BY THE SITE PLAN REVIEW COMMITTEE AND DRAINAGE APPROVAL BY THE PALM BCH COUNTY ENGINEERING DEPT (LAND DEVELOPMENT DIVISION) SHALL BE OBTAINED PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS.
 - ALL STORM WATER RUNOFF FROM EACH LOT SHALL BE CONVEYED TO THE DRY DETENTION AREA BEFORE DISCHARGING TO ANY OFF-SITE CANAL THROUGH THE COMMON OUTFALL CONTROL STRUCTURE.

3
2.15 AC.

WHOLESALE	18,000
BUSINESS OFFICE	4,200
RETAIL COMMERCIAL	15,000
TOTAL LOT 3	37,200

2
3.11 AC.

MANUFACTURING	28,000
BUSINESS OFFICE	6,000
LUMBER YARD	26,962
TOTAL LOT 2	60,962

4
2.15 AC.

WAREHOUSE	19,230
OFFICE	5,770
TOTAL LOT 4	25,000

1 (EXISTING)
4.85 AC.

WAREHOUSE/OFFICE	70,225
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NOTE: LOT 1 IS NOT INCLUDED IN CONCURRENCY EXEMPTION 90-05-07-002-X1

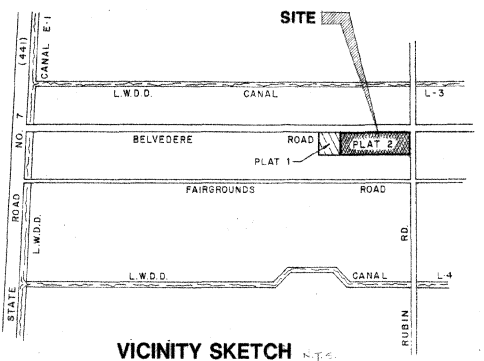
DRY DETENTION AREA
2.03 AC.

MASTER PLAN UPDATE
 July 30, 2001
 PREPARED BY:

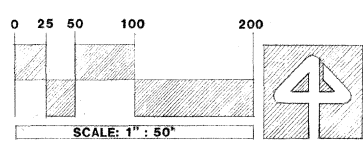
 CANTEBURY ENGINEERING, INC.
 2200 CENTREBARK WEST DRIVE
 WEST PALM BEACH, FL 33409
 PH: 561-721-0152
 FAX: 561-721-0153

PDD 76-032
 PETITION NO.
 DATE SUBMITTED 8/8/01
 EXHIBIT NO. 26
 SUPERSEDES EXH. NO. 14

FINAL PLAN SIGNATURE ONLY APPROVED 8/8/01



INDUSTRIAL USE
 BELRUB INDUSTRIAL PARK
 (PLAT # 2 MASTER PLAN)



SITE DATA

TOTAL ACREAGE	16.23 AC.
LOTS (4)	12.26 AC.
COMMON AREAS	3.97 AC.
ZONING DISTRICT	IG
LAND USE	IND.
CONCURRENCY CASE NO.	90-05-07-002-X1

BELRUB INDUSTRIAL PARK, PLAT NO. 2
 DEVELOPMENT TABULAR DATA

LOT	AREA	CURRENT DRG. APPROVAL	DRG. PERMITTED SUBTOTAL	CHANG.	EX. CHANGE
LOT 1	4.85	70,225	70,225	0	0.00%
LOT 2	3.11	60,962	60,962	0	0.00%
LOT 3	2.15	37,200	37,200	0	0.00%
LOT 4	2.15	25,000	25,000	0	0.00%
TOTAL	12.26	193,387	193,387	0	0.00%

PROJECT NO. 0390-001
 DEVELOPER:
 W.G. LASSITER JR., TRUSTEE
 505 SOUTH FLAGLER DRIVE
 WEST PALM BEACH, FLORIDA 33401
 (305) 658-4422

LEGAL DESCRIPTION

A PART OF LAND LIES IN SECTION 21 AND 22, TOWNSHIP 26 SOUTH, RANGE 30 EAST, COUNTY OF PALM BEACH, STATE OF FLORIDA AND MORE PARTICULARLY DESCRIBED AS:



Preliminary Master Plan Dated 8/8/01

Project: BELRUB INDUSTRIAL PARK PLAT 2
 BELVEDERE RD., PALM BEACH COUNTY
 W.G. LASSITER JR., TRUSTEE
 505 S. FLAGLER DR., W.P.B., FL. 33401
 (305) 658-4422

Belrub Industrial (Palm Beach Port)
 Revised PDD

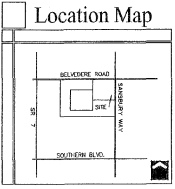
BCC
 Application No. DOA/EAC2007-734
 Control No. 1976-00062
 Project No. 00390-001

November 29, 2007
 BCC District 06

Page 306

Site Data

Petition Number	76-062
Project Number	2004-0912
Name of Project	Highland Park
Proposed Use	Retail/Office/Warehouse
Future Land Use Designation	IND
Zoning District	U/2E M/100
Section, Township, Range	31/43/42
Property Control Numbers	00-42-43-31-03-000-0020 00-42-43-31-03-000-0030
Traffic Analysis Date	01/17/06
Last ZC/BCC Approval Date	12/14/76
State Petition Number, Approval Date	N/A
Resolution #	76-1179
Applicable Overlay(s)	N/A
Total Site Area	53,050 s.f.



Development Regulations

Category	Min.	Max.
Total Gross Floor Area	53,050 s.f.	
Phase I		
30% Office	11,115 s.f.	
70% Warehouse	25,935 s.f.	
Phase II		
Retail	15,000 s.f.	
Office	1,000 s.f.	
Total Floor Area Ratio	2.3	
Total Building Coverage (Including canopy of 2,375 s.f.)	24%	
Impervious Area	69%	
Buildings	53,050 s.f.	
Pavement/Walks	104,214 s.f.	
Permeous Area	31%	
Open Space	71,862 s.f.	max. 30'
Building Height		
Number of Stories		1
Parking Required in accordance with MUDC:	135 - 191 SPACES	
Phase I		
Office - 1 Space/166 - 250 s.f. @ 11,115 s.f. = 45 - 67		
Warehouse - 1 Space/1,000 s.f. @ 25,935 s.f. = 26		
Phase II		
Retail - 1 Space/166 - 250 s.f. @ 15,000 s.f. = 60 - 91		
Office - 1 Space/166 - 250 s.f. @ 1,000 s.f. = 4 - 7		
Proposed Parking	158 SPACES	
Handicap Spaces Required	8	
Handicap Spaces Proposed	8	
Loading Platform (10' x 50' Min.)	4	
Loading Provider	4	

Development Team

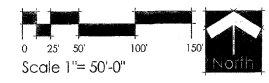
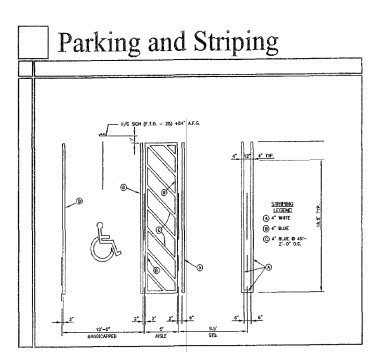
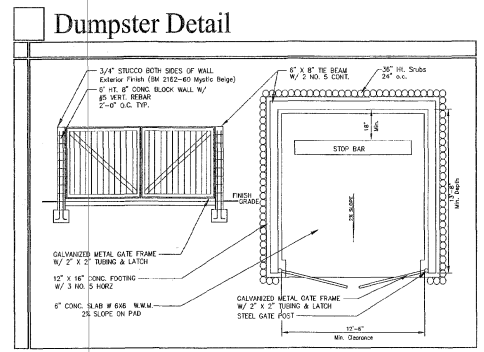
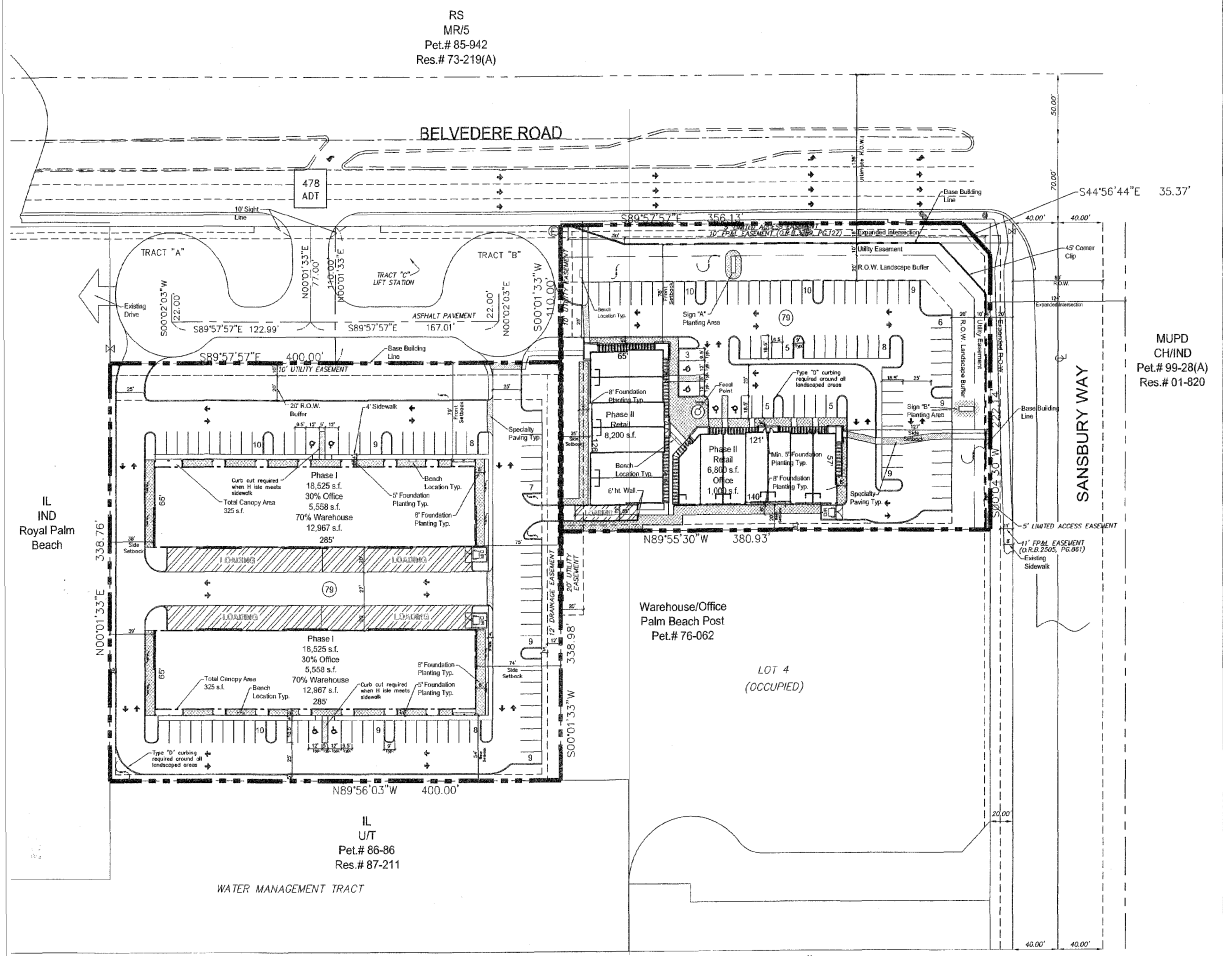
DEVELOPER:	HIGHLAND MANAGEMENT, INC. 1975 SANDLOV'S WAY SUITE 114 WEST PALM BEACH, FLORIDA 33411 (561) 784-7650
SURVEYOR:	40C DEVELOPMENT SERVICES, INC. 12777 W. FOREST HILL BLVD., SUITE 1503 MELBOURNE, FLORIDA 32914 (561) 792-4477
CIVIL ENGINEER:	ROSS AND MALAYAL ENGINEERS, INC. 1615 FOWLER BLVD., SUITE 200 WEST PALM BEACH, FLORIDA 33411 (561) 689-0554
TRAFFIC ENGINEER:	YVONNE ZIEL TRAFFIC CONSULTANTS 11449 BETH ST. N. WEST PALM BEACH, FLORIDA 33412 (561) 824-7222
ARCHITECT:	AKOUB CONSULTING ENGINEERS 2801 N.W. 32nd STREET MIAMI, FLORIDA 33154 (305) 688-9282

Notes

- BASE INFORMATION FOR THIS PROJECT WAS OBTAINED FROM A SURVEY PREPARED BY LANDMARK SURVEYING & MAPPING, DIGITAL DATA, 2/4/7 July 06g
- D/R DUMPSTER WITH ENCLOSURES
- APPLICANT INTENDS TO FURTHER SUBDIVIDE PROPERTY PURSUANT TO THE PLATING EXEMPTIONS PERMITTED BY SEC. 6.B.B. AS SHOWN HEREIN

DRC Conditions of Approval

LIFT ANY BELONGINGS IMMEDIATELY TO THE CURBSIDE SYSTEMS WATER AND WASTEWATER FACILITIES AND RECLAIMED THAT ARE A RESULT OF PROPERTY WORKS OF THE DEVELOPER. THE DEVELOPER SHALL PAY FOR THE COMPLETE DESIGN AND CONSTRUCTION COSTS ASSOCIATED WITH THESE BELONGINGS AND FACILITIES. (COMBINATION OF APPROVAL CHARGES, WATER UTILITY)



PROJECT NO. 0390-0001
 DESIGN NO. 76-062
 SUBMITTED 3/9/05
 EXPIRES 3/7 (1/07)
 FINAL PLAN APPROVED AT 3/9/05 DRC
 [Signature]

Jon E. Schmidt and Associates
 Landscape Architecture & Site Planning
 333 Southern Boulevard, Suite 200
 West Palm Beach, Florida 33403
 Tel. (561) 659-6690 • Fax (561) 659-6691
 E-mail: jschmidt@joe.net

Highland Park at Belrub Industrial M.U.P.D

Palm Beach County, Florida

Date: 11/2/04
 Scale: 1" = 50'-0"
 Design By: JES
 Drawn By: Coy
 Checked By: Jes
 File No. 360.01
 Job No. 04-19

REVISIONS / SUBMISSIONS

12/10/04 DRC Comments
1/26/05 DRC Comments
2/8/05 DRC Comments

Site Plan

SP-1 of 2

Preliminary Site Plan for the Commercial Pod Dated 3/09/05

Belrub - Highland Park - FSP (1 of 2)

STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION:

Existing - Industrial (IND),

Proposed - Commercial High with alternative Industrial (CH/IND) on the 2.15 acre portion.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The site is located within the Urban/Suburban Tier and has a future land use (FLU) designation of Industrial. Lot 3 of the Belrub Industrial Park, a 2.15 acre portion of this site, is the subject of a Small Scale Land Use Amendment, Belvedere/Sansbury Commercial (SCA 2007-039) to change the FLU designation from IND to CH/IND.

The Planning Division has reviewed the request for a Development Order Amendment to redesignate uses and to add a BCC imposed condition and an Expedited Application Consideration. Contingent upon approval of the concurrent land use amendment, the Zoning application would be consistent with the site's proposed CH/IND FLU designation. The request would also be consistent with the maximum Floor Area Ratio (FAR) of .50 for a site in a Planned Development District with a CH FLU designation. For the 2.15 acre portion site, the site could develop with a maximum of 46,827 square feet at the .50 FAR. The existing approved square footage for the 2.15 acre portion is 16,000 square feet for an FAR of approximately .17. No additional square footage is being requested.

Planning staff is recommending denial of this proposed FLUA amendment based on the following analysis as stated in the Small Scale Land Use Amendment staff report:

Overall, the proposed amendment meets all public facility requirements for land use amendments and the requirements of Chapter 163, F.S. concerning the processing of future land use amendments. The proposed amendment from Industrial to a Commercial High with an underlying Industrial is compatible with adjacent future land uses but is not consistent with the County's Comprehensive Plan and the County's direction for the intent to prevent the loss of industrial lands."

The Land Use Advisory Board (LUAB) recommended denial of the proposed amendment in an 8-2 vote at the September 7, 2007 LUAB hearing. Discussion focused on the range of commercial uses permitted in the existing land use and zoning categories; the lack of vested rights for a restaurant at this location, the Comprehensive Plan Policies the request is inconsistent with and the current building on the subject site.

TIER: The subject site is in the Urban/Suburban Tier.

FUTURE ANNEXATION AREAS: The subject site is located within the future annexation area of the Village of Royal Palm Beach and the City of West Palm Beach. As part of the public hearing notice process, Zoning Staff has notified these municipalities of the request.

INTERGOVERNMENTAL COORDINATION: The subject property is located within one mile of the Village of Royal Palm Beach. As part of the public hearing notice process, Zoning Staff has notified this municipality of the request.

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA:
None

FINDINGS: Contingent on approval of the FLUA amendment, the application would be consistent with the proposed CH/IND land use designation of the Palm Beach County Comprehensive Plan.

ENGINEERING COMMENTS:

MAJOR THOROUGHFARES

There is no net increase in traffic for this request for the property owner to add conditions of approval. The traffic study submitted as part of the land use amendment identified traffic from the site, with Industrial uses, as 279 trips per day. The use of the property as commercial is expected to generate 3306 trips per day.

TRAFFIC: Belvedere Road

SEGMENT: Lyons Road to Benoist Farms Road

PRESENT: 30343

HISTORICAL

GROWTH TRAFFIC: -

OTHER DEVELOPMENT

TRAFFIC: -

FROM PETITION: This Development Order Amendment (DOA) to add conditions of approval for the Belrub Industrial Park does not add additional traffic to the roadway traffic

TOTAL: 30343

PRESENT CAPACITY AT

LEVEL OF SERVICE "D": 49200

PRESENT LANEAGE: 6 lane

PALM BEACH COUNTY HEALTH DEPARTMENT:

No comment.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site is uncleared but dominated with prohibited exotic vegetation. There are no significant preservation issues.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond removal of vegetation in compliance with ULDC requirements.

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: No educational impact created by this project.

PARKS AND RECREATION: This is a non-residential application and Parks & Recreation ULDC standards do not apply

CONCURRENCY: Concurrency has been approved for approved for a 15,000 square feet of retail, and 1,000 square feet of office use and complies with Article 2.F, CONCURRENCY (Adequate Public Facilities).

WATER/SEWER PROVIDER: Palm Beach County Water Utilities.

FINDING: The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

DEVELOPMENT REVIEW EVALUATION:

SITE FACTORS: Parcel 3 is a 2.25-acre site, approximately 380 feet wide and 237 feet in depth with one internal drive with the primary central access from Belvedere Road. This parcel is one of 4 parcels totaling 16.23 acres for a PID approved in 1976. The site supports 15,000 square feet of retail and 1000 square feet of office uses.

ADJACENT LAND USE AND ZONING:

NORTH:	Comprehensive Plan: Zoning District: Supporting:	LR-2 Residential Planned Unit Development (PUD) Breakers West
SOUTH:	Comprehensive Plan: Zoning District: Supporting:	IND IG/SE MUPD Palm Beach Post Warehouse
EAST:	Comprehensive Plan: Zoning District: Supporting:	Commercial High (CH/8) MUPD Vacant with Proposed Retail/ Convenience Store with Gas Sales
WEST:	Comprehensive Plan: Zoning District: Supporting:	IND IG/SE (MUPD) Warehouse and accessory offices Warehouse with Accessory Offices

ZONING REQUIREMENTS: A final site plan shall be approved by the Development Review Officer (DRO) in accordance with the Unified Land Development Code (ULDC). The DRO review will ensure compliance with Board of County Commission conditions of approval, and all applicable section of the ULDC.

Exhibit A:	Legal Description (N/A included in resolution)
Exhibit B:	Vicinity Sketch (N/A included in resolution)
Exhibit C:	Conditions of Approval
Exhibit D:	Disclosure Form

EXHIBIT C

CONDITIONS OF APPROVALS

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-76-1179 (Control 1976-62), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)
2. Development of the site is limited to the uses approved by the Board of County Commissioners. The approved site plan is dated May 16, 2007. 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)

ENGINEERING

1. Previous Condition 1 of Resolution R-76-1179, Control No. 1976-062, which currently states:

Within sixty (60) days, the Developer shall convey to Palm Beach County, forty (40) feet from centerline for the ultimate right-of-way for Rubin Road.

Is hereby amended to read:

CORRIDOR CONVEYANCE OF RIGHT OF RIGHT OF WAY

1. The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for:

- Lyons Road (aka Rubin Road), 60 feet from centerline.

- Belvedere Road, 76 feet from centerline to provide for an expanded intersection as shown on the applicants site plan.

All right of way deed(s) and associated documents shall be provided and approved prior to July 1, 2008 or prior to the issuance of any further building permits whichever shall first occur.

Right of way conveyance shall be free of all encroachments and encumbrances. 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. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include "Corner Clips." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE/BLDG. PERMIT: MONITORING-Eng)

HEALTH

1. Property owners and operators of facilities generating industrial, hazardous, or toxic waste shall not deposit or cause to be deposited in the sanitary sewer system any such wastes unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF.-Health)

USE LIMITATIONS

1. The following uses shall be prohibited on the 2.15 acre Commercial Parcel 3: a. Adult Entertainment; b. The sale of alcohol, including sale of alcohol associated with a restaurant use; and, c. Cocktail Lounge. (ONGOING: CODE ENF - Zoning)

COMPLIANCE

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

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)

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

DISCLOSURE FORM

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared

Robert Miller, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [XX] Manager _____ [position-

e.g., president, partner, trustee] of Highland Realty, LLC [name and type of entity-e.g., *ABC Corporation, XYZ Limited Partnership*] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: 1975 Sansburys Way, Suite 114, West Palm Beach, FL 33411.

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

Disclosure of Beneficial Interest Ownership

Created 01/22/2007
Updated 01/31/2007

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Robert Miller

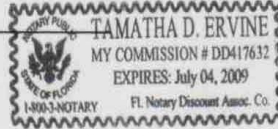
Robert Miller, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 4th day of June, 2007, by Robert Miller, [who is personally known to me or [] who has produced _____ as identification and who did take an oath.

Tamatha D. Ervine
Notary Public

(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: _____



PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

EXHIBIT "A"

PROPERTY

Legal Description

Lot 3 of "BELRUB INDUSTRIAL PARK PLAT NO. 2", Recorded in Plat Book 59, Pages 146 and 147, being in Section 31 and 32, Township 43 South, Range 42 East, Palm Beach County, Florida, being a Replat of a Portion of Tracts 5 and 6, Block 7, Palm Beach Farms Co. Plat No. 3, recorded in Plat Book 2, Pages 45 thru 54, Public Records of Palm Beach County, Florida.

Lot 3 containing: 93,813.8 s.f.- 2.15 acres

Property Control No. 00-42-43-31-03-000-0030

Disclosure of Beneficial Interest Ownership form

Created 01/22/2007
Updated 01/31/2007

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
Duncan Miller	1975 Sansburys Way, Suite 114, West Palm Beach, FL, 33411