

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING SITE PLAN AND SPECIAL EXCEPTION APPLICATION (SP-17-04 and SE-17-02) TO BUILD AND OPERATE A 14,707 SQUARE FOOT WAREHOUSE WITH ACCESSORY OFFICE, ON APPROXIMATELY 1.0 ACRE OF VACANT LAND WITHIN THE HAVERHILL BUSINESS PARK (LOT 2), IDENTIFIED BY PARCEL CONTROL NUMBER 56-42-42-26-02-000-0020, LOCATED ON HAVERHILL BUSINESS PARKWAY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City staff received an application for site plan and special exception approval (SP-17-04 and SE-17-02) from KMJ Palm Beach, LLC, to construct and operate a 14,707 square foot warehouse with accessory office use on the property known by Parcel Control Number 56-42-42-26-02-000-0020; and

WHEREAS, said property is currently vacant, located within the Haverhill Business Park (Lot 2), on Haverhill Business Parkway, east of Haverhill Road, and is approximately 1.0 acre in area; and

WHEREAS, said land has an Industrial future land use designation and General Industrial (IG) zoning designation, which requires a special exception approval for warehouses and storage uses; and

WHEREAS, City staff has determined that the site plan and special exception application (SP-17-04 and SE-17-02) is consistent with the City's Comprehensive Plan and the City's Land Development Regulations; and

WHEREAS, the Planning and Zoning Board reviewed the application on September 28, 2017, which included the Site Plan (Exhibit 'A'), Landscape Plan (Exhibit 'B'), and Building Elevations (Exhibit 'C'), and unanimously recommend approval to the City Council; and

WHEREAS, the City Council desires to approve the site plan and special exception application submitted by KMJ Palm Beach, LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. The City Council hereby finds that the application for site plan and special exception approval (SP-17-04 and SE-17-02) from KMJ Palm Beach, LLC, to construct and operate a 14,707 square foot warehouse with accessory office use on the property known by Parcel Control Number 56-42-42-26-02-000-0020, on Haverhill

Business Parkway, is consistent with and compatible to the City's Comprehensive Plan, land Development Regulations and Code of Ordinances.

SECTION 2. The City Council finds that the application from KMJ Palm Beach, LLC, has met the standards required for granting a special exception as provided by City Code Section 31-62 and as provided in the findings below:

Special Exception Analysis:

- a. *Ingress to and egress from the property and the proposed structures thereon, if any, including such considerations as automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.***
 - Ingress to and Egress from the site are available directly off of Haverhill Business Parkway, which can be accessed from the north and south via Haverhill Road.
- b. *Off-street parking and loading areas, where required, including consideration of relevant factors in subsection (2)a. of this section, and the economic, noise, glare or odor effects of the location of such areas on adjacent and nearby properties and properties generally in the district.***
 - Adequate parking spaces have been proposed in accordance with the City's Land Development Regulations.
- c. *Refuse and service areas, including consideration of relevant factors in subsections (2)a and b of this section.***
 - Typical dumpster enclosure details have been provided.
- d. *Utilities, including such consideration as hook-in locations and availability and compatibility of utilities for the proposed use or structure.***
 - Utilities are currently available to the site and will be properly connected as required by the appropriate utility providers.
- e. *Screening, buffering and landscaping, including consideration of such relevant factors as type, dimensions and character to preserve and improve compatibility and harmony of use and structures between the proposed special exception and the uses and structures of adjacent and nearby properties and properties generally in the district.***
 - Adequate landscaping has been proposed on site which must be maintained in perpetuity according to the City's Land Development Regulations.
- f. *Signs, or outside displays, if any, and proposed exterior lighting, if any, with reference to glare, traffic safety and economic effects of same on properties in the district.***

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- Future site signage shall be approved through the building permit process in accordance with existing Land Development Regulations.
- A lighting plan has been provided, which demonstrates adequate lighting and limited light trespass from the property.

g. Required yards and open spaces. The board shall make such recommendations as it deems necessary, guided by the factors that may be described in this zoning district, based on the nature of the request and its effect.

- Adequate yard/open space has been proposed in accordance with the City's Land Development Regulations.

SECTION 3. The City Council hereby approves the site plan and special exception application from KMJ Palm Beach, LLC, with the following conditions:

1. A two-year landscaping performance bond for 110% of the value of landscaping and irrigation shall be required before a Certificate of Occupancy or Certificate of Completion is issued.
2. Construction and landscaping improvements must be initiated within 18 months of the effective date of this Resolution in accordance with Section 31-60(b), of the City Code of Ordinances. Demolition, site preparation and/or land clearing shall not be considered construction. Building permit application and associated plans and documents shall be submitted in its entirety and shall not be accepted by City staff in a partial or incomplete manner.
3. This development must receive final Certificate of Occupancy from the City for all buildings and units approved within five years of the approval of the adopting resolution or the adopting resolution shall be considered null and void, requiring the applicant to resubmit application for site plan and special exception approval and re-initiate the site plan approval process.
4. All future advertising must state that the development is located in the City of Riviera Beach. Fees and penalties in accordance with City Code Sec. 31-554 will be levied against the property owner and/or business for violation of this condition.
5. Once approved, this resolution shall supersede any previous site plan approval resolutions associated with this property, causing previous site plan approval resolutions to be null and void.
6. City council authorizes City staff to approve future amendments to this site plan administratively so long as the site plan does not deviate greater than 5% from the originally approved site plan.

SECTION 4. The associated Site Plan, Landscape Plan, and Building Elevations are attached hereto and made a part of this Resolution as Exhibit "A", "B", and "C".

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SECTION 5. Should any one or more of the provisions or elements of this Resolution be held invalid, such provisions or elements shall be null and void, and shall be deemed separate from the remaining provisions or elements and shall in no way affect the validity of any of the remaining provisions or elements of this resolution.

SECTION 6. This Resolution shall take effect immediately upon approval.

PASSED and APPROVED this _____ day of _____, 2017.

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APPROVED:

THOMAS A. MASTERS
MAYOR

KASHAMBA MILLER-ANDERSON
CHAIRPERSON

ATTEST:

CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK

TONYA DAVIS JOHNSON
CHAIR PRO TEM

LYNNE L. HUBBARD
COUNCILPERSON

DAWN S. PARDO
COUNCILPERSON

TERENCE D. DAVIS
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

K. MILLER-ANDERSON _____

T. DAVIS JOHNSON _____

L. HUBBARD _____

D. PARDO _____

T. DAVIS _____

REVIEWED AS TO LEGAL SUFFICIENCY

ANDREW DEGRAFFENREIDT
CITY ATTORNEY

DATE: _____