

RESOLUTION NUMBER 99-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING SITE PLAN APPLICATION (SP-21-03) FROM RIVIERA BEACH JOF ESA I LLS AND THIRTEENTH STREET LLC. REQUESTING SITE PLAN APPROVAL FOR RECONFIGURATION OF THE PARKING, LANDSCAPING AND SITE TO SUPPORT A 117,700 SQUARE FOOT THIRD TIER DISTRIBUTION CENTER FACILITY ON 11.93 ACRES OF LAND IDENTIFIED BY PARCEL CONTROL NUMBERS 56-43-42-32-40-001-0000, 56-43-42-32-40-002-0000 AND 56-43-42-33-00-000-3010, HAVING A ZONING DESIGNATION OF GENERAL INDUSTRIAL (IG), HAVING A FUTURE LAND USE DESIGNATION OF INDUSTRIAL (IND); PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City received an application from the Riviera Beach JOF ESA I, LLC. (hereinafter “JDA”) and Thirteenth Street LLC., for site plan approval (SP-21-03) to develop the parcel consisting of 11.93 acres of land located on 1301 President Barack Obama Highway, also identified by Parcel Control Numbers 56-43-42-32-40-001-0000, 56-43-42-32-40-002-0000 and 56-43-42-33-00-000-3010 (hereinafter the “Property”); and

WHEREAS, the applicants’ proposed development site will support a 117,700 square foot, third tier distribution center facility and create additional job opportunities within the City of Riviera Beach; and

WHEREAS, the proposed use for this site is a permitted use in the General Industrial (IG) zone and the Future Land Use designation is Industrial (IND); and

WHEREAS, the Property has been reconfigured to include buildings, interspersed with access aisles, sidewalks, parking and landscape areas. This arrangement is consistent with the business model for this specific use; and

WHEREAS, City staff required and reviewed a Declaration of Unity of Control between the owner and operator of the parcels located on this site requiring that the parcels be planned, integrated, and used as a single development for buildings, related uses and facilities and that all structures, uses, and parking areas on the property are and will be a single unified planned development, regardless of ownership, and meet all the land development requirements as if they are one lot, and

WHEREAS, the Declaration of Unity of Control also provided, amongst other requirements, that the applicants dedicate, grant, establish, and record mutual and reciprocal rights-of-way for ingress and egress, parking, drainage, and utilities located within the Property; and

WHEREAS, the Planning and Zoning Board reviewed the proposed site plan (SP-21-03), along with corresponding documents and City staff report on September 9, 2021 and recommended approval with conditions to the City Council; and

WHEREAS, City staff find that this proposed site plan will provide for the development of this Property; and

WHEREAS, the City Council of the City of Riviera Beach finds that the proposed site

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plan (SP-21-03) is consistent with the City's Comprehensive Plan, supports economic development and promotes the health, safety, and welfare of the residents of the City and the general public.

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

SECTION 1. The City Council finds that the Site Plan Application (SP-21-03) along with corresponding documents are consistent with the City's Comprehensive Plan and the City's Code of Ordinances..

SECTION 2. The City Council finds that this project will contribute to the economy of the City.

SECTION 3. The City Council hereby approves this Site Plan Application (SP-21-03) subject to 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 is issued for this site.
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. 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.
4. This development must receive final Certificate of Occupancy from the City for all buildings and/or 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.
5. 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.
6. 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.
7. No parking is allowed in the Right of Way.
8. This project is subject to submittal of the Notice of Intent to Use Generic Permit for Small Construction activities and all related regulation.
9. If during peak periods additional drivers in private vehicles are utilized to supplement the fleet those vehicles are required to be marked with a placard or magnet which clearly shows that it is functioning as a commercial vehicle.
10. Applicant shall add drive aisle dimensions and typical parking space dimensions to the site plan submitted with the construction permit set to demonstrate the they meet the code, exclusive of the van queuing area.

11. Within 6 months of the approval of this Site Plan Application, the petitioner and/or property owner or their designee shall convey to Palm Tran an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of the City of Riviera Beach. The location sketch, legal description, bus shelter design and dedication documents of this easement shall be approved by the City (Public Works Director and Director of Development Services) prior to the recordation of the documents.
12. Within 8 months of the approval of this Resolution, the petitioner and/or property owner or their designee shall construct a Palm Tran approved mass transit shelter with appropriate access, lighting, two (2) trash receptacles and bicycle storage 5005. The approved color for the bus shelter must be consistent with RAL Color Chart No. RAL 5005. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner and or future property owner.
13. Upon approval all conditions of approval shall be listed on the cover sheet of the site plans before they are stamped.
14. The applicant shall actively advertise employment opportunities for temporary and permanent positions within the City of Riviera Beach, including participation at community job fairs or hosting specialized recruitment events. The developer shall provide a report to the Development Services Department, at 6 months post Certificate of Occupancy, documenting the outreach efforts to acquire local employees; the number of local employees hired; the number of local businesses contracted with, subject to employment and privacy laws; and the percentage of construction costs expended with local vendors.

SECTION 4. The recitals referenced above are hereby incorporated into this Resolution.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and approval by the City Council.

PASSED and APPROVED this TH day of _____, 2021.

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APPROVED:

RONNIE L. FELDER
MAYOR

SHIRLEY D. LANIER
CHAIRPERSON

ATTEST:

CLAUDENE L. ANTHONY,
CERTIFIED MUNICIPAL CLERK
CITY CLERK

KASHAMBA MILLER-ANDERSON
CHAIR PRO TEM

TRADRICK MCCOY
COUNCILPERSON

JULIA A. BOTEL, Ed.D
COUNCILPERSON

DOUGLAS A. LAWSON
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY: _____

K. MILLER-ANDERSON: _____

S. LANIER: _____

J. BOTEL: _____

D. LAWSON: _____

REVIEWED AS TO LEGAL SUFFICIENCY

DAWN S. WYNN, CITY ATTORNEY

DATE: _____

