

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SITE PLAN AMENDMENT TO THE TROPICAL SHIPPING DEVELOPMENT, LOCATED AT 1489 DOCTOR MARTIN LUTHER KING JUNIOR BOULEVARD, WHICH WAS PREVIOUSLY APPROVED BY CITY RESOLUTION NUMBER 40-15, IN ORDER TO PROVIDE FOR A PHASED DEVELOPMENT APPROACH FOR THE DESIGNATED AUTOMOBILE PARKING AREA, RESULTING IN A FINAL DEVELOPMENT OPTION TO EITHER INSTALL OR NOT INSTALL SOLAR PANEL COVERED PARKING WITHIN THREE YEARS OF THE DATE OF APPROVAL OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on April 15, 2015, the City Council approved a site plan (SP-14-11) from Tropical Shipping USA, LLC, (hereinafter Tropical) by Resolution No. 40-15, which included development of a new two story 30,000 square foot office building, approximately 50,000 square feet of solar panel covered automobile parking and an employee walking trail, located at 1489 Dr. Martin Luther King, Jr. Boulevard; and

WHEREAS, Tropical has requested a site plan amendment (SP-16-06) which would provide a new phased development approach; and

WHEREAS, the site plan amendment has been attached hereto as Exhibit 'A'; and

WHEREAS, the most significant amendment proposed to the previously approved site plan is that Tropical will have a three year time period to either construct the aforementioned solar panel covered automobile parking element (known as Phase 2A) or to not construct the solar panel element and to instead finish the automobile parking lot renovations to existing City code requirements (known as Phase 2B); and

WHEREAS, Tropical has provided correspondence indicating their desire to soon complete the solar panel covered automobile parking element following the approval of this resolution; and

WHEREAS, City staff has determined that Tropical's amended site plan proposal is consistent with the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, on May 26, 2016, the Planning and Zoning Board unanimously approved the amended site plan application from Tropical; and

WHEREAS, the City Council desires to approve the amended Tropical site plan.

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 foregoing recitals are true and correct and are hereby incorporated herein by reference.

SECTION 2. The City Council finds that the site plan amendment application from Tropical Shipping USA, LLC, to phase the construction of solar panel covered parking elements, located at 1489 Dr. Martin Luther King, Jr. Boulevard is consistent with the City's Comprehensive Plan and the City's Land Development Regulations.

SECTION 3. The City Council hereby approves the aforementioned application for site plan amendment from Tropical Shipping USA, LLC, with the following conditions:

1. All previous conditions of approval provided within City Resolution No. 40-15 shall remain valid and have been further specified below (a, b, c, d):
 - a. Construction must be initiated within 18 months of the effective date of this resolution in accordance with City Code of Ordinances Section 31-60, "Automatic termination of site plan approval".
 - b. All future advertising must adhere to City Code of Ordinances Section 31-554, "Advertising within the City of Riviera Beach". Fees and penalties in accordance with this Sec. 31-554 will be levied against the property owner and/or business for violation of this condition.
 - c. A two-year landscaping performance bond for 110% of the value of landscaping and irrigation is required and shall be submitted before a certificate of occupancy is issued.
 - d. As suggested by the Planning and Zoning Board, for the duration of completing this project, all construction occurring on a Saturday must end at 4:00 P.M.
2. A surety / performance bond in the amount of \$68,000.00 shall be provided to the City in association with completion of Phase 2 of the development. This bond shall not have an expiration date and shall only be released by the City upon completion of Phase 2 (either Phase 2A or Phase 2B).
3. Phase 2 of the development (either Phase 2A or Phase 2B) shall be executed within three years of the date of the approval of this resolution.

SECTION 4. The aforementioned site plan is attached hereto as Exhibit 'A' and shall be archived as a part of this Resolution.

RESOLUTION NO. _____
Page 3 of 4

SECTION 5. Should any one or more of the provisions or element of this Resolution be held invalid, such provision or element 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 _____, 2016.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

RESOLUTION NO. _____
Page 4 of 4

APPROVED:

THOMAS A. MASTERS
MAYOR

TERENCE D. DAVIS
CHAIRPERSON

ATTEST:

CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK

KASHAMBA MILLER-ANDERSON
CHAIR PRO TEM

LYNNE L. HUBBARD
COUNCILPERSON

TONYA DAVIS JOHNSON
COUNCILPERSON

DAWN S. PARDO
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

L. HUBBARD _____

K. MILLER-ANDERSON _____

T. DAVIS JOHNSON _____

D. PARDO _____

T. DAVIS _____

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA H. RYAN, B.C.S.
CITY ATTORNEY

DATE: _____