

1 **ORDINANCE NO. 2021-03**

2
3 AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH
4 PALM BEACH, FLORIDA, CREATING A PLANNED UNIT DEVELOPMENT
5 ON APPROXIMATELY 1.95 ACRES OF REAL PROPERTY LOCATED ON THE
6 NORTHEAST CORNER OF RICHARD ROAD AND ALTERNATE A1A, AS
7 MORE PARTICULARLY DESCRIBED HEREIN; REZONING THE PROPERTY
8 FROM THE C-T TRANSITIONAL COMMERCIAL DISTRICT TO THE C-S
9 SHOPPING COMMERCIAL DISTRICT; PROVIDING FOR DEVELOPMENT OF
10 THE PROPERTY IN ACCORDANCE WITH THE PLANS, SPECIFICATIONS,
11 WAIVERS AND CONDITIONS REFERENCED IN THIS ORDINANCE;
12 PROVIDING PROCEDURES FOR FUTURE MODIFICATIONS; PROVIDING
13 FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR
14 AN EFFECTIVE DATE.

15
16 WHEREAS, Princeton Holdings Group South, LLC (“Applicant” or “Property Owner”), the owner
17 of 1.95 acres of real property located on the northeast corner of Richard Road and Alternate A1A
18 (2895 Richard Road), as more particularly described in Exhibit “A” attached hereto and
19 incorporated herein (“Property”), filed an application for rezoning from the C-T Transitional
20 Commercial District (formerly the CC Transitional Commercial District) to the C-S Shopping
21 District (formerly the C-1 Neighborhood Commercial District) and for approval of a Planned Unit
22 Development; and

23
24 WHEREAS, the Applicant is seeking to construct 7,134 square feet of retail uses consisting of a
25 4,232 square foot retail building with four bays and a 3,109 square foot 7-11 convenience store with
26 eight fueling islands and sixteen fuel pumps; and

27
28 WHEREAS, having considered the recommendation of the Village’s Planning Commission, the
29 Village Council determines that the Planned Unit Development and rezoning applications are
30 consistent with the Village’s Comprehensive Plan and meet each of the applicable requirements of
31 the Village Code of Ordinances; and

32
33 WHEREAS, having conducted all required public hearings, the Village Council wishes to approve
34 the rezoning and the creation of the Planned Unit Development in accordance with the plans and
35 specifications submitted by the Applicant, subject to the approved modifications or “waivers” to the
36 Village’s land development regulations and the conditions of approval imposed by the Village; and

37
38 WHEREAS, the Village Council determines that approval of this Ordinance is in the best interests
39 of the residents and citizens of the Village of North Palm Beach.

40
41 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF
42 NORTH PALM BEACH, FLORIDA as follows:

43
44 Section 1. The foregoing recitals are ratified as true and correct and are incorporated herein.

45
46 Section 2. The Village Council hereby creates a Planned Unit Development (“PUD”) on
47 approximately 1.95 acres of real property located at the northeast corner of Richard Road and

1 Alternate A1A (2895 Richard Road), as more particularly described in Exhibit “A” attached hereto
2 and incorporated herein by this reference (“Property”).

3 Section 3. The Village Council hereby rezones the Property from the C-T Transitional
4 Commercial District (formerly the C-C Transitional Commercial District) to the C-S Shopping
5 Commercial District (formerly the C-1 Neighborhood Commercial District) and hereby directs
6 Village Administration to ensure that the Village’s Zoning Map is amended to reflect the rezoning
7 of the Property.

8
9 Section 4. The Applicant shall develop and operate the PUD in accordance with the following
10 plans on file with the Village’s Community Development Department:

- 11
- 12 A. Site Plan prepared by Cotleur & Hearing dated December 11, 2019 and last revised for
13 submittal to the Village on November 23, 2020, consisting of two pages (SP-1 and SP-2).
- 14
- 15 B. Landscape Plan prepared by Cotleur & Hearing dated December 11, 2019 and last revised
16 for submittal to the Village on October 20, 2020, consisting of two pages (LP-1 and LP-2).
- 17
- 18 C. Lighting Plan prepared by Cree Lighting dated August 21, 2020.
- 19
- 20 D. Master Sign Program dated September 11, 2020 (*see conditions of approval*).
- 21
- 22 E. Sign Plans for the retail building monument sign prepared by Harbinger dated July 23, 2020
23 and last revised for submitted to the Village on September 10, 2020 consisting of two pages.
- 24
- 25 F. Sign Plans for the 7-11 monument, wall, canopy and directional signs prepared by Harbinger
26 dated June 20, 2018 and last revised for submittal to the Village on December 6, 2019
27 consisting of eight pages (*see conditions of approval*).
- 28
- 29 G. Renderings prepared by Cotleur & Hearing (undated) consisting of three pages.
- 30
- 31 H. Renderings and architectural plans for the 7-11 prepared by b·u·f Studio dated September
32 25, 2020 consisting of six pages.
- 33
- 34 I. Architectural plans for the retail space prepared by Forum dated November 8, 2019
35 consisting of two pages.
- 36
- 37 J. Undated material and color board.

38
39 Section 5. In approving the PUD, the Village Council hereby grants the following
40 modifications or “waivers” from the requirements of the Village’s land development regulations:

- 41
- 42 A. Waiver from Section 44-33(D) (Building Setback) of the Village Code of Ordinances to
43 reduce the required front setback from fifty (50) feet to twenty (20) feet.
- 44
- 45 B. Waiver from Section 45-89(B)(1) (Shade Trees) of the Village Code of Ordinances to
46 eliminate the requirement for one shade tree within thirty (30) feet of each parking space for
47 two of the parking spaces.
- 48

- 1 C. Waiver from Section 24-43(a)(1) (Concrete Flares) of the Village Code of Ordinances to
2 allow asphalt flares (aprons) in lieu of concrete flares (aprons) at the project entrance in
3 accordance with FDOT requirements.
4
- 5 D. Waiver from Section 6-115(C)(2)c (Multiple Occupancy Signage) of the Village Code of
6 Ordinances to increase the number of wall signs on the retail building from one sign per
7 tenant to two signs per tenant to provide signage for the both the roadway and the parking
8 lot and to allow a wall sign equal to five percent (5%) of the façade notwithstanding that the
9 building setback is twenty (20) feet in lieu of the required twenty-five (25) feet.
10
- 11 E. Waiver from Section 6-115(C)(2)d (Single Occupancy Signage) of the Village Code of
12 Ordinances to increase the number of full-size and half size wall signs for the 7-11 from one
13 to two.
14
- 15 F. Waiver from Section 6-115(B)(6) (Tenants on Monument Signs) to allow the listing of
16 tenants on the monument sign for a site less than five acres in size.
17

18 Section 6. To the extent not modified in Section 5 above, the Applicant shall develop, operate
19 and maintain the Property in accordance with all Village Code requirements. The Village Council's
20 approval of the PUD is subject to the following additional conditions:
21

- 22 A. The Applicant shall receive a permit the from Palm Beach County Environmental Resource
23 Department for construction within a Wellfield Zone prior to issuance of building permit.
24
- 25 B. The Applicant shall receive a permit from the Florida Department of Transportation for
26 driveway access and right-of-way dedication along Alternate A1A prior to approval of plat.
27
- 28 C. Prior to the issuance of the first building permit for vertical construction, the Applicant shall
29 submit covenants and restrictions providing for Unity of Control of the Property, including
30 the maintenance of all common areas and improvements and shared parking, to the Village
31 Attorney for review and shall obtain the Village Attorney's approval prior to the issuance of
32 a certificate of occupancy.
33
- 34 D. Prior to issuance of the first building permit for vertical construction, the Applicant shall
35 shield lighting to reduce spillover into neighboring properties where feasible and attempt to
36 use dark-sky friendly fixtures.
37
- 38 E. All infrastructure, including but not limited to fire hydrants, street lights, water meters, etc.,
39 proposed on the approved site plan shall be maintained by the Applicant.
40
- 41 F. The Applicant shall reserve water and sewer capacity with Seacoast Utility Authority and
42 provide the Village with the Developer's Agreement prior to the issuance of the first
43 infrastructure permit.
44
- 45 G. Prior to issuance of the first building permit for vertical construction, the Applicant shall
46 have underground water mains and fire hydrants installed, completed and in service.
47

- 1 H. Prior to issuance of a Final Certificate of Occupancy for any building, a sidewalk easement
2 shall be created in coordination with Florida Department of Transportation for the portion
3 extending into the Property.
4
- 5 I. The Applicant shall relocate all existing native trees per the approved tree disposition plan.
6 If the oak trees do not survive relocation, they shall be replaced with ranch grown oaks that
7 are the largest caliper that is reasonably available from local nurseries.
8
- 9 J. If any significant archeological resources are found on site during development and
10 construction, the Applicant shall notify Village staff and following the procedures outlined
11 in Section 21-104 of the Village Code of Ordinances.
12
- 13 K. The Applicant shall submit irrigation plans as part the building permit review.
14
- 15 L. All light poles being relocated along Alternate A1A shall have all wires installed
16 underground.
17
- 18 M. Prior to issuance of a certificate of occupancy, the Applicant shall install “No Truck” signs
19 (R5-2 or R5-2a as specified by the Federal Highway Administration) at the Richard Road
20 access point.
21
- 22 N. When submitting for permits, the Master Sign Program shall be updated for the retail
23 building to limit the façade signage to 5% of storefront measured to the parapet.
24
- 25 O. Prior to issuance of the first vertical building permit, the Applicant shall provide an updated
26 Master Sign Program to show consistency in architecture, colors and materials between the
27 gas station (7-11) signage and the retail building signage.
28
- 29 P. Prior to the issuance of the first building permit, the Applicant shall revise the landscape
30 plan to add additional landscaping at the southwest corner of the Property.
31
- 32 Q. When submitting for permits, the Master Sign Program shall be revised to eliminate Section
33 A.1 and modify Section D.1(a) to remove the phrase “or other color as designated by the
34 landlord.”
35
- 36 R. Prior to or concurrent with the issuance of a final certificate of occupancy for the
37 convenience store (7-11), the Applicant shall obtain a temporary certificate of occupancy for
38 the finished shell of the retail building and complete all site improvements with the
39 exception of the interior of the retail building.
40
- 41 S. The Applicant shall be bound by all oral and written representations made both on the record
42 and as part of the application process irrespective of whether such representations are
43 included as formal conditions.
44

45 Section 7. A violation of any of the requirements or conditions of this Ordinance shall be
46 enforced in the same manner as a violation of a Code provision or ordinance in accordance with
47 Article IV of Chapter 2 of the Village Code of Ordinances.
48

1 Section 8. The Village Council may approve minor modifications to the Planned Unit
2 Development by resolution without the necessity of review by the Planning Commission,
3 advertisement or public hearing. The following modifications shall not be considered minor:

- 4
- 5 A. Any increase in the total square footage or the footprint of any principal structure;
- 6
- 7 B. Any change in access to the Property;
- 8
- 9 C. Any variance to the underlying zoning regulations or additional waiver to the Village's land
10 development regulations;
- 11
- 12 D. Any increase in height to the buildings located on the Property; or
- 13
- 14 E. Any relocation of parking areas resulting in a net reduction in the total number of parking
15 spaces.
- 16

17 Section 9. Each of the conditions and requirements of this Ordinance shall be binding upon the
18 Applicant and its successors in interest or assigns and shall be deemed covenants running with the
19 land. The Unity of Control shall include a statement that the Property shall be developed in
20 accordance with the conditions and requirements of this Ordinance.

21

22 Section 10. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for
23 any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such
24 holding shall not affect the remainder of this Ordinance.

25

26 Section 11. All ordinances, resolutions or prior development permits or approvals relating to the
27 Property in conflict with the provisions of this Ordinance are hereby repealed to the extent of such
28 conflict.

29

30 Section 12. This Ordinance shall become effective immediately upon adoption.

31

32

33 PLACED ON FIRST READING THIS _____ DAY OF _____, 2020.

34

35 PLACED ON SECOND, FINAL READING AND PASSED THIS _____ DAY OF _____,
36 2021.

37

38

39 (Village Seal)

MAYOR

40

41

42

43 ATTEST:

44

45 _____

46 VILLAGE CLERK

47

48 APPROVED AS TO FORM AND
49 LEGAL SUFFICIENCY:

1
2
3

VILLAGE ATTORNEY

Exhibit "A"

Legal Description of the Property

Lots 43, 44, 45 and 46, KELSEY ACRES, PLAT NO. 2 (LESS AND EXCEPT that land taken or conveyed to the Department of Transportation for Highway Purposes as shown on Road Plat Book 4, Page 22 and as appear in instruments recorded in Official Record Book 3538, Page 1834 and Official Record Book 3543, Page 332), according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, as in Plat Book 24, Page 47.