

RESOLUTION NO. R-2018- 1479

RESOLUTION APPROVING ZONING APPLICATION ZV/Z/W-2018-00380
(CONTROL NO. 2005-00231)
an Official Zoning Map Amendment
APPLICATION OF Jimenez Family Limited Partnership, Skees Industrial Park, LLC
BY Schmidt Nichols, AGENT
(A1 Industrial Park)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/Z/W-2018-00380 was presented to the Board of County Commissioners at a public hearing conducted on September 24, 2018;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for an Official Zoning Map Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/Z/W-2018-00380, the Application of Jimenez Family Limited Partnership, Skees Industrial Park, LLC, by Schmidt Nichols, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Light Industrial (IL) Zoning District and Single Family Residential (RS) Zoning District to the General Industrial (IG) Zoning District with a Conditional Overlay Zone (COZ), on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on September 24, 2018, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

The motion was seconded by Commissioner Abrams and, upon being put to a vote, the vote was as follows:

Commissioner Melissa McKinlay, Mayor	-	Aye
Commissioner Mack Bernard, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Dave Kerner	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on September 24, 2018.

Filed with the Clerk of the Board of County Commissioners on October 1st, 2018.

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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1: THE WEST 330 FEET OF THE SOUTH 132 FEET OF THE WEST HALF (W 1/2) OF TRACT 16, BLOCK 4, OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. EXCEPTING THE NORTH 10 FEET THEREOF FOR ROAD PURPOSES. LESS AND EXCEPT THE WEST 15 FEET OF THE SOUTH 132 FEET OF TRACT 16, BLOCK 4, OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 45, LESS THE WEST 8 FEET THEREOF AS DESCRIBED IN RIGHT-OF-WAY DEED RECORDED IN DEED BOOK 964, PAGES 488 TO 491, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2: BEGINNING AT THE SOUTHEAST CORNER OF THE FOLLOWING DESCRIBED PARCEL OF LAND LOCATED IN PALM BEACH COUNTY, FLORIDA, WHICH IS HEREINAFTER REFERRED TO AS PARCEL D: THE SOUTH 122 FEET OF THE WEST 330 FEET OF THE WEST ONE-HALF OF TRACT 16, BLOCK 4, OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE WEST 8 FEET FOR RIGHT-OF-WAY OF SKEES ROAD. FROM SAID POINT OF BEGINNING, RUN 122 FEET ALONG THE EASTERLY BOUNDARY OF SAID PARCEL D TO THE NORTHEASTERLY CORNER OF SAID PARCEL D; THENCE RUN EASTERLY ALONG THE LINE WHICH IS THE EASTERLY EXTENSION OF THE NORTHERLY BOUNDARY LINE OF SAID PARCEL D 165 FEET TO A POINT; FROM SAID POINT RUN THENCE SOUTHERLY ALONG THE LINE WHICH IS PARALLEL TO THE EASTERLY BOUNDARY LINE OF SAID PARCEL D, 122 FEET TO THE SOUTHERLY BOUNDARY LINE OF SAID TRACT 16 OF BLOCK 4, TO A POINT, RUN WESTERLY ALONG THE SOUTHERLY BOUNDARY LINE OF SAID TRACT 16, BLOCK 4 TO THE POINT OF BEGINNING. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS FOR ROAD FOR THE USE OF THE PARTY OF THE FIRST PART, THE PARTIES OF THE SECOND PART, AND ALL OTHER PERSONS NOW OR HEREAFTER OWNING LAND IN SAID TRACT 16, SAID EASEMENT NOT BEING EXCLUSIVE BUT IN COMMON WITH ALL OTHER SUCH PERSONS, OVER AND ACROSS THE NORTH 10 FEET OF THE FOLLOWING DESCRIBED TRACT OF LAND: THE WEST 495 FEET OF THE SOUTH 132 FEET OF THE WEST ONE-HALF (W 1/2) OF TRACT 16, BLOCK 4, OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE WEST 8 FEET FOR RIGHT-OF-WAY FOR SKEES ROAD.

PARCEL 3: A PARCEL OF LAND IN TRACT 16 BLOCK 4, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE WEST HALF OF TRACT 16, BLOCK 4, PALM BEACH FARMS COMPANY PLAT NO. 3, LESS THE SOUTH 132 FEET OF THE WEST 330 FEET, AND LESS THE SOUTH 122 FEET OF THE EAST 165 FEET OF THE WEST 495 FEET OF TRACT 16. LESS AND EXCEPT ROAD RIGHT-OF-WAY OVER THE WEST 8 FEET OF TRACT 16. TOGETHER WITH A 10 FOOT EASEMENT OVER THE NORTH 10 FEET OF THE SOUTH 132 FEET OF THE EAST 322 FEET OF THE WEST 330 FEET AS RESERVED IN DEED RECORDED IN DEED BOOK 997, PAGE 19, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING: 9.854+/- ACRES, 429,224+/- SQ. FT.

EXHIBIT B
VICINITY SKETCH



EXHIBIT C

CONDITIONS OF APPROVAL

Official Zoning Map Amendment with a Conditional Overlay Zone (COZ)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2022. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMPT: MONITORING - Engineering)

3. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for the expanded intersection of Skees Road on an alignment approved by the County Engineer

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant 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 Property Owner, the Property Owner agrees to hold the County 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, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector s Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMPT/ONGOING: MONITORING - Engineering)

4. Prior to issuance of the first Certificate of Occupancy, the Property Owner shall construct a drainage system for Skees Road from the property south approximately 300 feet to the existing inlet in Skees Road. The drainage system shall be designed to provide for legal positive outfall for this project as well as to accept discharge from all other properties both adjacent to the road right of way and those currently discharging to the right of way. (BLDGPMPT/ONGOING: MONITORING - Engineering)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH PROPERTY LINE

1. In addition to Code requirements, landscaping and buffering along the western 100 feet of the north property line shall be upgraded to include:

- a. expanded to a minimum width of 10 feet;
- b. a six foot high concrete panel wall installed on the inside edge of the buffer to allow 10

feet of planting width on the exterior of the wall; and,
c. a row of six foot high areca palms planted six feet on-center. (BLDG/PMT/ONGOING:
BUILDING DIVISION - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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 Commissioners 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; the 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 Unified Land Development Code 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 of Approval; 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 the 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 Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.