

RESOLUTION NO. R-2019- 0004

RESOLUTION APPROVING ZONING APPLICATION W-2018-01678  
(CONTROL NO. 1986-00038)  
a Type 2 Waiver  
APPLICATION OF 1501 N. Florida Mango Road, LLC  
BY Schmidt Nichols, AGENT  
(MacDonald Industrial)

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 W-2018-01678 was presented to the Board of County Commissioners at a public hearing conducted on January 8, 2019;

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 a Type 2 Waiver;

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 W-2018-01678, the Application of 1501 N. Florida Mango Road, LLC, by Schmidt Nichols, Agent, for a Type 2 Waiver to allow 24-hour operation within 250 feet of a Residential Future Land Use designation or use, 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 January 8, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

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

Commissioner Mack Bernard, Mayor	-	Aye
Commissioner Dave Kerner, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Robert S. Weinroth	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Melissa McKinlay	-	Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on January 8, 2019.

Filed with the Clerk of the Board of County Commissioners on January 8th, 2019.

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



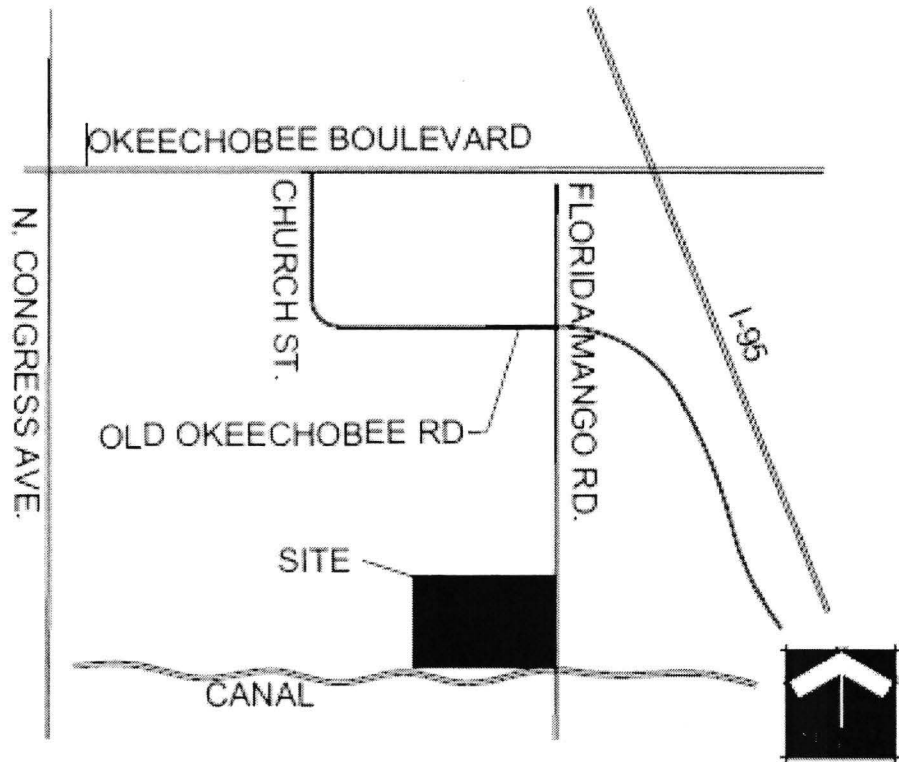
## EXHIBIT A

### LEGAL DESCRIPTION

ALL THAT CERTAIN PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER CORNER IN THE NORTH LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST; THENCE ON AN ASSUMED BEARING OF SOUTH 01 DEGREES, 55 MINUTES, 52 SECONDS WEST ALONG THE NORTH/SOUTH QUARTER SECTION LINE OF SAID SECTION 29 (ALSO BEING THE CENTERLINE OF A 80.00 FOOT RIGHT-OF-WAY FOR FLORIDA MANGO ROAD, AS RECORDED ON ROAD BOOK 5, PAGE 81, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ALSO SHOWN WITHIN THE RIGHT-OF-WAY MAP OF FLORIDA MANGO ROAD, DRAWING 3-64-108, IN THE PALM BEACH COUNTY ENGINEERS OFFICE.) THENCE CONTINUE SOUTH 01 DEGREES, 55 MINUTES, 52 SECONDS WEST, A DISTANCE OF 2683.75 FEET TO THE NORTH RIGHT-OF-WAY LINE OF A PALM BEACH COUNTY DRAINAGE CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 619, PAGE 344, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING ALSO RECORDED AS L-2 CANAL FROM CONGRESS AVENUE TO OLD AUSTRALIAN AVENUE IN ROAD BOOK 5 ON PAGE 81, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88 DEGREES, 32 MINUTES, 46 SECONDS WEST ALONG THE NORTH RIGHT-OF-WAY OF SAID L-2 CANAL, A DISTANCE OF 40.00 FEET INTERSECTION THE WEST RIGHT-OF-WAY LINE OF FLORIDA MANGO ROAD, SAID DRAWING NUMBER 3-64-108, BEING THE POINT OF BEGINNING; THENCE CONTINUE NORTH 88 DEGREES, 32 MINUTES, 46 SECONDS WEST ALONG SAID NORTH RIGHT-OF-WAY OF A PALM BEACH COUNTY DRAINAGE CANAL A DISTANCE OF 643.67 FEET INTERSECTING THE EAST BOUNDARY (BEING A COMMON LINE WITH THE WEST BOUNDARY OF THIS DESCRIPTION) OF THAT CERTAIN DEED RECORDED IN OFFICIAL RECORD BOOK 4597, PAGE 331, IN FAVOR OF "DONNA ROAD PARTNERSHIP", A FLORIDA GENERAL PARTNERSHIP, RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01 DEGREES, 56 MINUTES, 03 SECONDS EAST ALONG SAID COMMON LINE A DISTANCE OF 278.79 FEET INTERSECTING THE SOUTHWEST BOUNDARY OF THAT PARENT PARCEL CONVEYED TO L.G. 76 PARTNERSHIP, RECORDED IN OFFICIAL RECORD BOOK 2771, PAGE 658, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING A COMMON CORNER IN THE DESCRIPTION; THENCE SOUTH 88 DEGREES, 41 MINUTES, 19 SECONDS EAST ALONG THE SOUTH BOUNDARY OF SAID DEED RECORDED IN OFFICIAL RECORD BOOK 2771, PAGE 658, BEING ALSO THE NORTH BOUNDARY OF THIS DESCRIPTION A DISTANCE OF 643.67 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF FLORIDA MANGO ROAD; THENCE SOUTH 01 DEGREES, 55 MINUTES, 52 SECONDS WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF FLORIDA MANGO ROAD, A DISTANCE OF 280.39 FEET, TO THE POINT OF BEGINNING.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Type 2 Waiver

##### LIGHTING

1. Lighting fixtures between the south property line and Building B shall be a maximum height of 20 feet from the finished grade to the highest point of the light fixture. (BLDGPMT/ONGOING: CODE ENF - Zoning)

##### USE LIMITATIONS

1. This Waiver is limited to the loading or unloading of trucks at the loading bays or docks for Building B only. Any change to the use(s) shall require reconsideration of the Waiver by the Board of County Commissioners. (ONGOING: CODE ENF - 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.

EXHIBIT D

REQUEST

**TYPE 2 WAIVER SUMMARY**

<b>ULDC Article</b>	<b>Required</b>	<b>Proposed</b>	<b>Waiver</b>
Table 5.E, Proximity to Residential [Related to Hours of Operation - Industrial without outdoor activities]	Hours of Operation limited to 6:00 a.m. to 11:00 p.m. (Monday – Saturday)	24-hour operations, Monday-Saturday	+ 7 hours (nighttime)
	Hours of Operation Prohibited on Sunday	7:00 am to 7:00 pm on Sunday	+ 12 hours (daytime)