

RESOLUTION NO. R-2015- 0239

RESOLUTION APPROVING ZONING APPLICATION SV/ZV/Z-2014-01624
(CONTROL NO. 2009-02465)
an Official Zoning Map Amendment
APPLICATION OF MPC 3 LLC
BY CPH, Inc, Baker & Hostetler LLP, AGENT
(Florida Public Utilities Regional Operations Center)

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, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied;

WHEREAS, Zoning Application SV/ZV/Z-2014-01624 was presented to the Board of County Commissioners at a public hearing conducted on February 26, 2015;

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 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code 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 BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.1.B; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code 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 SV/ZV/Z-2014-01624, the application of MPC 3 LLC, by CPH, Inc, Baker & Hostetler LLP, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Commercial Recreation (CRE) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch in EXHIBIT B, attached hereto and made a part hereof, was approved on February 26, 2015 subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Mayor	-	Aye
Commissioner Mary Lou Berger, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on February 26, 2015.

Filed with the Clerk of the Board of County Commissioners on February 26th, 2015

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

BEING A PARCEL OF LAND BEING A PORTION OF TRACTS 9, 10 AND 11, BLOCK 5, PALM BEACH FARMS COMPANY PLAT No. 3 AS RECORDED IN PLAT BOOK 2 AT PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT "LW-3", TERRACINA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 101, PAGES 91 THROUGH 105, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE SOUTH 89°02'42" WEST, ALONG THE WESTERLY PROLONGATION OF THE SOUTH LINE OF SAID TRACT "LW-3, A DISTANCE OF 40.80 FEET TO THE INTERSECTION THEREOF WITH THE EASTERLY PROLONGATION OF THE SOUTH LINE OF TRACT 24, BLOCK 6, OF SAID PALM BEACH FARMS COMPANY PLAT No. 3; THENCE SOUTH 89°04'57" WEST, ALONG SAID PROLONGED LINE AND SOUTH LINE OF TRACT 24, A DISTANCE OF 39.20 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THAT 80.00 FOOT RIGHT OF WAY FOR CLEARY ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 18457 AT PAGE 0961, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID WEST RIGHT-OF-WAY OF CLEARY ROAD THE FOLLOWING SEVEN (7) COURSES; THENCE NORTH 00°58'54" WEST, A DISTANCE OF 1.10 FEET; THENCE NORTH 02°59'50" WEST, A DISTANCE OF 97.95 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS 676.00 FEET AND A CENTRAL ANGLE OF 28°17'22"; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 333.77 FEET TO THE POINT OF TANGENCY; THENCE NORTH 31°17'12" WEST, A DISTANCE OF 158.95 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 756.00 FEET AND A CENTRAL ANGLE OF 60°02'35"; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 792.25 FEET TO A POINT OF TANGENCY; THENCE NORTH 28°45'23" EAST, A DISTANCE OF 279.44 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 757.00 FEET AND A CENTRAL ANGLE OF 46°07'23"; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE A DISTANCE OF 609.38 FEET TO A POINT OF TANGENCY; THENCE NORTH 74°52'47" EAST, 114.61 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL:

THENCE NORTH 34°27'35" WEST, DEPARTING SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 310.20 FEET; THENCE NORTH 40°39'09" EAST, A DISTANCE OF 96.54 FEET; THENCE NORTH 49°20'51" WEST, A DISTANCE OF 86.19 FEET TO THE INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA TURNPIKE AS DESCRIBED IN OFFICIAL RECORDS BOOK 23918, PAGE 206 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA;

THENCE NORTH 40°39'09" EAST ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 420.50 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 28.00 FEET OF TRACT 10, BLOCK 5, OF SAID PALM BEACH FARMS COMPANY PLAT No. 3, THENCE NORTH 89°03'22" EAST ALONG SAID SOUTH LINE AND THE SOUTH LINE OF THE NORTH 28.00 FEET OF TRACT 9, BLOCK 5, OF SAID PALM BEACH FARMS COMPANY PLAT No. 3, A DISTANCE OF 645.42 FEET TO A POINT ON THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF CLEARY ROAD, THENCE SOUTH 03°03'19 WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 33.09 FEET (DEED FERERENCE) 32.51 FEET (MEASURED) TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 677.00 FEET; THENCE ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 71°49'28", A DISTANCE OF 848.67 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 74°52'47" WEST, CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 248.70 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 453615.36 SQUARE FEET OR 10.414 ACRES MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

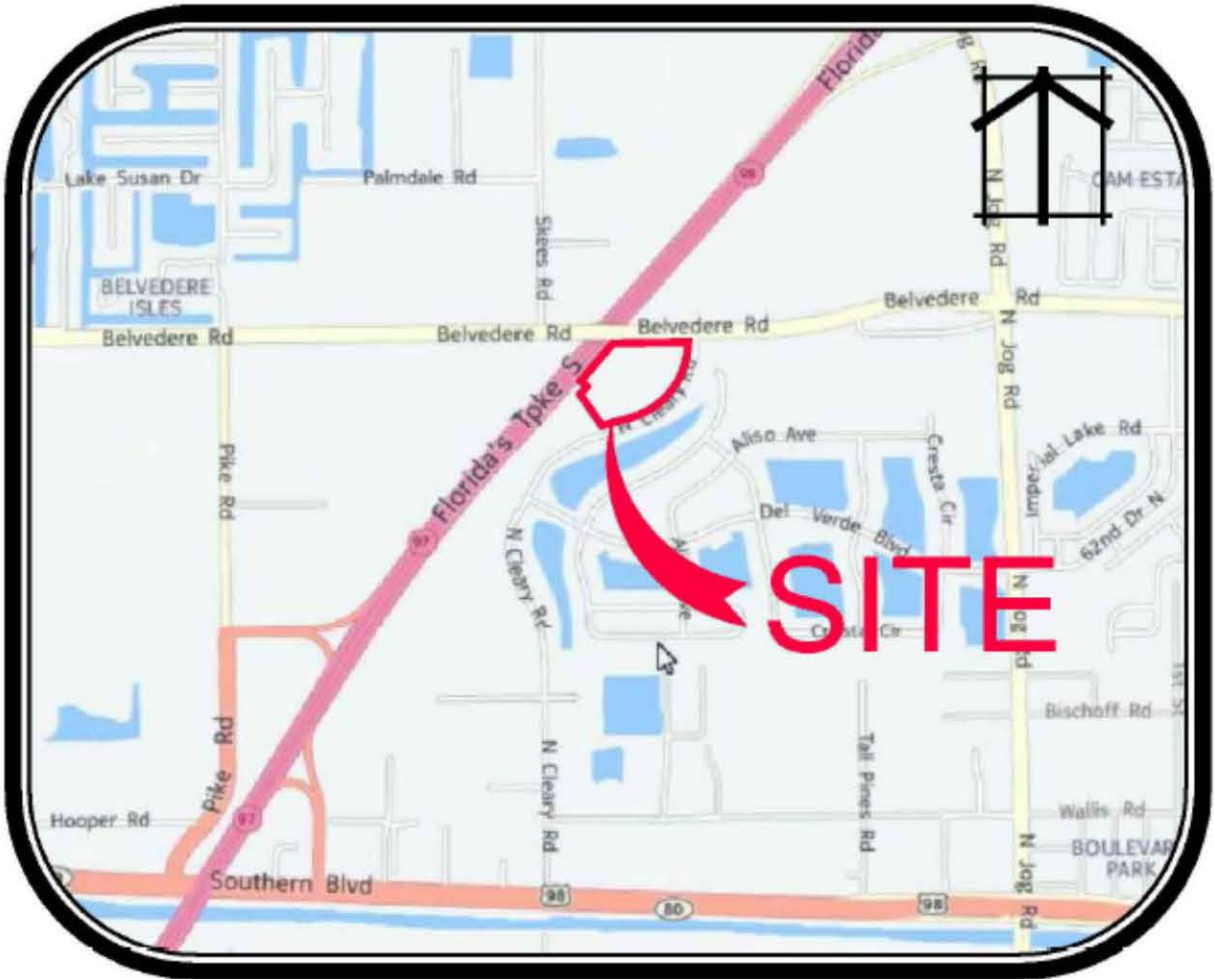


EXHIBIT C

CONDITIONS OF APPROVAL

Official Zoning Map Amendment

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, 2019. 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 shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE/ONGOING: MONITORING - Engineering)

b. No Certificates of Occupancy for the site may be issued until the Property Owner lengthen the existing west approach left-turn lane at the intersection of Southern Boulevard & Cleary Road to a minimum 615 feet in length including paved taper. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. (CO/ONGOING: MONITORING - Engineering)

c. No Certificates of Occupancy for the site may be issued until the Property Owner lengthen the existing north approach right-turn lane at the intersection of Southern Boulevard & Cleary Road to a minimum 420 feet in length including paved taper. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. (CO/ONGOING: MONITORING - Engineering)

2. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Engineering)

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: ZONING - 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: ZONING - Zoning)

DISCLOSURE

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