

RESOLUTION NO. R-2015- 0693

RESOLUTION APPROVING ZONING APPLICATION DOA-2014-02096
(CONTROL NO. 2001-00064)
a Development Order Amendment
APPLICATION OF Liberty Property Limited Partnership
BY Cotleur & Hearing, Inc., AGENT
(Southern Light 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, 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 DOA-2014-02096 was presented to the Board of County Commissioners at a public hearing conducted on May 28, 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.2.B for a Development Order Amendment; 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 DOA-2014-02096, the petition of Liberty Property Limited Partnership, by Cotleur & Hearing, Inc., Agent, for a Development Order Amendment to modify a Condition of Approval (Use Limitation), on a parcel of land legally described 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 May 28, 2015, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor 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 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 May 28, 2015.

Filed with the Clerk of the Board of County Commissioners on June 1st, 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
BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY
FLORIDA

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A PARCEL OF LAND SITUATE IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

TRACTS 40, 41, 60 AND 61, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE.

LESS AND EXCEPT THE FOLLOWING: (A) THE RIGHT-OF-WAY FOR SOUTHERN BOULEVARD AS CURRENTLY LAID OUT AND IN USE, AND (B) PARCEL NO. 133 CONVEYED TO FLORIDA DEPARTMENT OF TRANSPORTATION BY WARRANTY DEED DATED MAY 7, 2002 AND RECORDED IN OFFICIAL RECORDS BOOK 13718, PAGE 600, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: A PORTION OF TRACT 61, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 61; THENCE SOUTH 01°00'25" EAST ALONG THE WEST LINE OF SAID TRACT 61, A DISTANCE OF 254.577 METERS (835.22 FEET) TO THE POINT OF BEGINNING AND THE BEGINNING OF A CURVE CONCAVE NORTHERLY, HAVING A CHORD BEARING OF SOUTH 87°13'14" EAST; THENCE EASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 1896.400 METERS (6221.77 FEET), THROUGH A CENTRAL ANGLE OF 02°41'49" AN ARC LENGTH OF 89.265 METERS (292.86 FEET) TO THE END OF SAID CURVE; THENCE SOUTH 88°34'09" EAST, A DISTANCE OF 74.652 METERS (244.92 FEET) TO A POINT ON THE EAST LINE OF SAID TRACT 61; THENCE SOUTH 01°28'02" WEST ALONG SAID EAST TRACT LINE, A DISTANCE OF 26.481 METERS (86.88 FEET) TO A POINT ON THE NORTHERLY EXISTING RIGHT-OF-WAY LINE FOR STATE ROAD 80 (SOUTHERN BOULEVARD), ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 93120-2544; THENCE NORTH 88°34'07" WEST ALONG SAID NORTHERLY

EXISTING
RIGHT-OF-WAY LINE, A DISTANCE OF 162.650 METERS (533.63 FEET) TO A
POINT ON
THE WEST LINE OF SAID TRACT 61; THENCE NORTH 01°00'25" WEST ALONG
SAID WEST
TRACT LINE, A DISTANCE OF 28.606 METERS (93.85 FEET) TO THE POINT
OF
BEGINNING.

LESS THAT PARCEL OF LAND CONVEYED TO THE STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION IN OFFICIAL RECORD BOOK 26346, PAGE 1255, PUBLIC
RECORDS OF
PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

A PORTION OF TRACT 61, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO.
3,
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE
45 OF THE
PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 34,
TOWNSHIP
43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING
MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 61; THENCE
SOUTH 01°00'25"
EAST ALONG THE WEST LINE OF SAID TRACT 61, A DISTANCE OF 251.565
METERS
(825.34 FEET) TO THE POINT OF BEGINNING AND THE BEGINNING OF A
CURVE
CONCAVE NORTHERLY, HAVING A CHORD BEARING OF SOUTH 87°12'59"
EAST; THENCE
EASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 1,893.400 METERS
(6,211.93
FEET), THROUGH A CENTRAL ANGLE OF 02°42'18", AN ARC LENGTH OF 89.394
METERS
(293.29 FEET) TO THE END OF SAID CURVE; THENCE SOUTH 88°34'09" EAST,
A
DISTANCE OF 74.654 METERS (244.93 FEET) TO A POINT ON THE EAST LINE OF
SAID
TRACT 61; THENCE SOUTH 01°28'02" WEST ALONG SAID EAST TRACT
LINE, A
DISTANCE OF 3.000 METERS (9.84 FEET); THENCE NORTH 88°34'09" WEST,
A
DISTANCE OF 74.652 METERS (244.92 FEET) TO A POINT ON A CURVE
CONCAVE
NORTHERLY, HAVING A CHORD BEARING OF NORTH 87°13'14" WEST; THENCE
WESTERLY
ALONG SAID CURVE, HAVING A RADIUS OF 1,896.400 METERS (6,221.77
FEET),
THROUGH A CENTRAL ANGLE OF 02°41'49", AN ARC LENGTH OF 89.265
METERS
(292.86 FEET) TO A POINT ON THE WEST LINE OF SAID TRACT 61 AND THE
END OF
SAID CURVE; THENCE NORTH 01°00'25" WEST ALONG SAID WEST TRACT
LINE, A
DISTANCE OF 3.012 METERS (9.88 FEET) TO THE POINT OF BEGINNING.

CONTAINING 491.9 SQUARE METERS OR 5,295 SQUARE FEET MORE OR LESS.

PARCEL 1A:

TOGETHER WITH A PORTION OF A PLATTED 30 FOOT ROADWAY LYING BETWEEN TRACTS 60 AND 61, BLOCK 5, PLAT OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

TRACTS 42 AND 59, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE NORTH 48.18 FEET OF SAID TRACT 42. AND LESS AND EXCEPT THAT PORTION OF TRACT 59, BLOCK 5, AS DESCRIBED IN THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 2822, PAGE 1048, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

PARCEL 13:

THE NORTH 30 FEET OF THE SOUTH 57 FEET OF THE WEST 45 FEET OF TRACT 59, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

PARCEL 13A:

THE NORTH 50 FEET OF THE SOUTH 67 FEET OF THE WEST 55 FEET, LESS THE NORTH 30 FEET OF THE SOUTH 57 FEET OF THE WEST 45 FEET OF TRACT 59, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND ALSO LESS AND EXCEPT:

THE WEST 15 FEET OF TRACTS 42 AND 59, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

AND LESS THAT PORTION LYING WITHIN THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 2822, PAGE 1048, PUBLIC RECORDS OF PALM BEACH COUNTY,

FLORIDA,

AND LESS THE NORTH 48.18 FEET OF SAID TRACT 42.

PARCEL 3:

THE 210 FOOT STRIP OF LAND EAST OF BLOCK 5, THE PALM BEACH FARMS CO., PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING THE EAST 210 FEET OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LYING SOUTH OF THE LAKE WORTH DRAINAGE DISTRICT'S L-4 CANAL RIGHT OF WAY AND NORTH OF STATE ROAD 80 RIGHT OF WAY,

ALSO DESCRIBED AS:

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDED ON THE SOUTH BY THE NORTH LINE OF STATE ROAD 80 (SOUTHERN BOULEVARD), PARCEL NO. 164 AS DESCRIBED IN OFFICIAL RECORD BOOK 13737, PAGE 1779; BOUNDED ON THE WEST BY THE EAST LINE OF TRACTS 41, 60, 61, BLOCK 5, AS SHOWN ON THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54; BOUNDED ON THE NORTH BY THE SOUTH LINE OF TRACT "E", AS SHOWN ON THE PLAT OF BOYS AND GIRLS CLUB-HAVERHILL, RECORDED IN PLAT BOOK 113, PAGES 87 THROUGH 89 AND BOUNDED ON THE EAST BY THE EAST LINE OF SAID SECTION 34. SAID OFFICIAL RECORD BOOK AND PLAT BOOKS ARE THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

Location Map

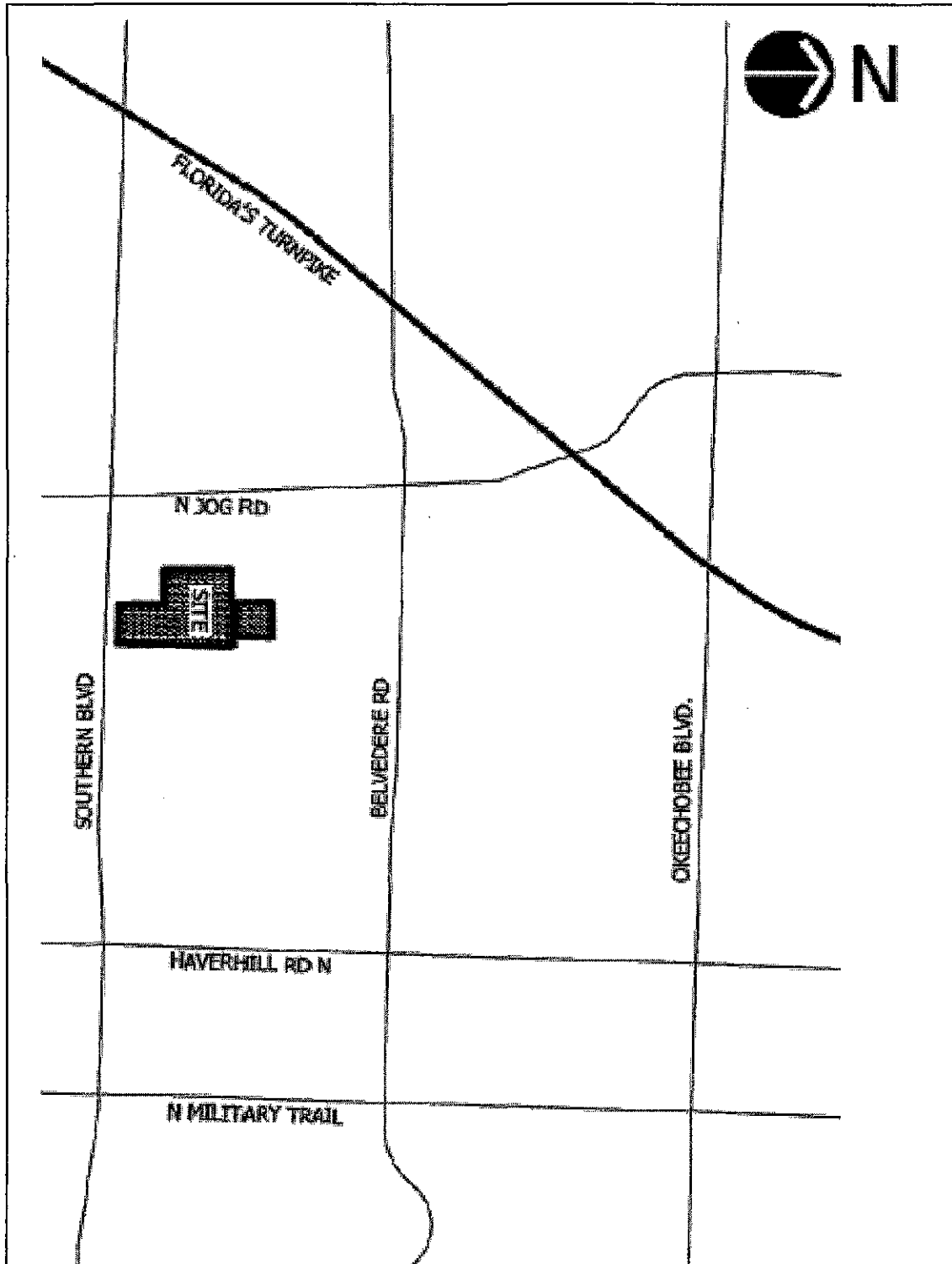


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment (Requested Use)

ALL PETITIONS

1. Previous ALL PETITIONS condition 1 of Resolution R-2014-737, Control No.2001-00064, which currently states:

The approved Preliminary Site Plan is dated March 13, 2014. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Site Plan is dated April 2, 2014. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2014-0737 (Control 2001-00064), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

USE LIMITATIONS

1. Previous USE LIMITATIONS condition 1 of Resolution R-2014-737, Control No.2001-00064, which currently states:

The Manufacturing and Processing use, which is indicated in Buildings A, B, C, and D of the Preliminary Site Plan dated March 13, 2014, may be relocated to Buildings E, F, G, and/or H subject to compliance with MUPD Freestanding Buildings and all applicable provisions of the Unified Land Development Code (ULDC).

Is hereby amended to read:

The Manufacturing and Processing use, which is indicated in Buildings A and B1 of the Preliminary Site Plan dated April 2, may be relocated to any building within the MUPD, subject to compliance with MUPD Freestanding Buildings and all applicable provisions of the Unified Land Development Code (ULDC). (ONGOING: ZONING - 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: ZONING - Zoning) (Previous COMPLIANCE condition 1 of Resolution R-2014-737, Control No.2001-00064)

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) (Previous COMPLIANCE condition 2 of Resolution R-2014-737, Control No.2001-00064)

DISCLOSURE

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