

RESOLUTION NO. R-2020-0940

RESOLUTION APPROVING ZONING APPLICATION ABN/Z-2019-01611
(CONTROL NO. 1976-00133)
an Official Zoning Map Amendment
APPLICATION OF Southeast Investments of Palm Beach County Inc.
BY JMorton Planning & Landscape Architecture, AGENT
(Young Property North)

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 (ULDC), Ordinance 2003-067, Supplement 26, have been satisfied;

WHEREAS, Zoning Application ABN/Z-2019-01611 was presented to the Board of County Commissioners at a public hearing conducted on July 30, 2020;

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 ABN/Z-2019-01611, the Application of Southeast Investments of Palm Beach County Inc., by JMorton Planning & Landscape Architecture, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone, 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 July 30, 2020, 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 Berger and, upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared that the resolution was duly passed and adopted on July 30, 2020.

Filed with the Clerk of the Board of County Commissioners on July 30th, 2020

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

THE LAND IS DESCRIBED AS FOLLOWS:

TRACTS 113, 114 AND 115, SECTION 18, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE RIGHT-OF-WAY FOR DELRAY WEST ROAD AS SHOWN IN INSTRUMENTS RECORDED IN DEED BOOK 811, PAGE 412; DEED BOOK 811, PAGE 414; O.R. BOOK 9904, PAGE 1675; O.R. BOOK 10154, PAGE 1367 AND O.R. BOOK 10195, PAGE 606, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

ALL THAT LAND LYING WEST OF THE PALM BEACH FARMS CO. PLAT NO. 1 IN SECTION 18, TOWNSHIP 46 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 26, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND EAST OF THE WEST SECTION LINE OF SECTION 18, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BOUNDED ON THE NORTH BY THE WESTERLY EXTENSION OF THE NORTH LINE OF TRACT 113 OF SAID PLAT, LESS AND EXCEPTING THEREFROM THE WEST 183 FEET AND THE SOUTH 140 FEET.

MORE PARTICULARLY DESCRIBED AS:

A PORTION OF LAND LYING IN SECTION 18, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY WEST CORNER OF TIVOLI ISLES P.U.D., AS RECORDED IN PLAT BOOK 107, PAGE 92 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID POINT OF BEGINNING BEING ON THE EAST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-1, AS RECORDED IN DEED BOOK 987, PAGE 233 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.89°09'51"E. ALONG THE SOUTH LINE OF TRACTS 109 THROUGH 112 OF PALM BEACH FARMS CO. PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 1045.65 FEET; THENCE S.01°12'49"E., A DISTANCE OF 528.91 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL 119 AS RECORDED IN OFFICIAL RECORD BOOK 10195, PAGE 606 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S.89°32'38"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 986.99 FEET TO A POINT ON THE WEST LINE OF TRACT 113 OF SAID PALM BEACH FARMS CO. PLAT NO. 1; THENCE S.01°17'43"E. ALONG SAID WEST LINE OF TRACT 113, A DISTANCE OF 90.00 FEET; THENCE S.89°32'38"W., A DISTANCE OF 63.68 FEET; THENCE N.00°45'40"W. ALONG SAID EAST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-1, A DISTANCE OF 611.95 FEET TO A POINT OF BEGINNING.

SAID LANDS CONTAINING 556,192 SQUARE FEET (~12.77 ACRES) MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

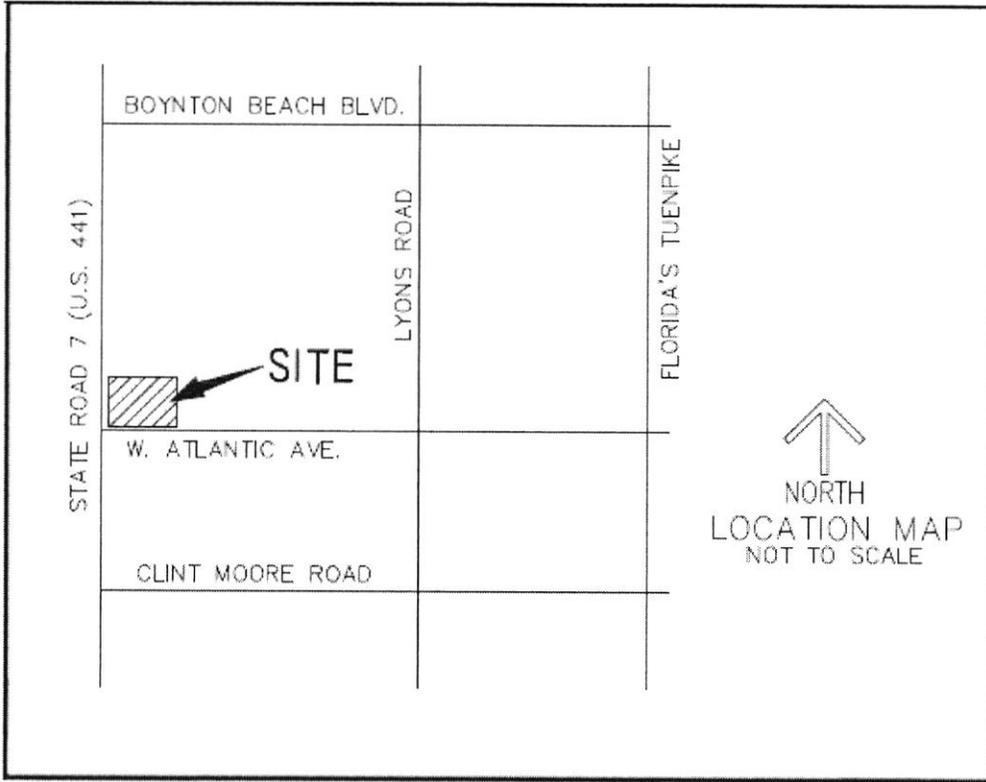


EXHIBIT C

CONDITIONS OF APPROVAL

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

ENGINEERING

1. 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 or as otherwise approved by the County Engineer. (BLDGPMT: MONITORING - Engineering)

LANDSCAPE - GENERAL- PERIMETER BUFFER ALONG NORTH PROPERTY LINE ABUTTING RESIDENTIAL

1. In addition to Code requirements, the Landscape Buffer along the north property line shall be upgraded as indicated below, where any of the following uses are located within 200 feet of the north property line: Contractor Storage Yard, Heavy Repair and Maintenance, Machine or Welding Shop, Manufacturing and Processing, or Towing Service and Storage.

- a. a minimum of fifty (50) foot in width;
- b. a six (6) foot high concrete panel wall to be located in the middle of the buffer width;
- c. one (1) Canopy tree for each ten (10) lineal feet of the length of the buffer. Trees shall be planted on both sides of the wall;
- d. one (1) palm for each fifteen (15) lineal feet of the length of the buffer;
- e. one (1) medium shrub per two (2) lineal feet of the buffer length;
- f. one (1) small shrub per one lineal foot of the buffer length; and,
- g. shrubs shall be planted on both sides of the wall. (ONGOING: ZONING - Zoning)

SITE DESIGN- NORTH PROPERTY LINE OF PROJECT ABUTTING RESIDENTIAL

1. The following uses shall be setback a minimum of 150 feet from the north property line: Composting Facility, Contractor Storage Yard, Heavy Repair and Maintenance, Towing Service and Storage, Machine or Welding Shop and Manufacturing and Processing. (BLDGPMT/ONGOING: ZONING - Zoning)

2. Any building or structure within 150 feet of the north property line shall be limited to a maximum of 35 feet in height, measured from finished grade to the highest point of the building or structure. (BLDGPMT/ONGOING: ZONING - Zoning)

3. Dumpster enclosures shall not be located within 100 feet of the north property line. (BLDGPMT/ONGOING: ZONING - Zoning)

USE LIMITATIONS

1. Solid Waste Transfer Stations or Electric Power Plants shall be prohibited. (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: 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.