

RESOLUTION NO. R-2021- 0267

RESOLUTION APPROVING ZONING APPLICATION ABN/PDD-2020-01459
(CONTROL NO. 1979-00288)
an Official Zoning Map Amendment
APPLICATION OF 101 Sansburys Way, LLC
BY Urban Design Studio, AGENT
(Ranger Sansburys Way MUPD)

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 as amended, have been satisfied;

WHEREAS, Zoning Application ABN/PDD-2020-01459 was presented to the Board of County Commissioners at a public hearing conducted on February 25, 2021;

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/PDD-2020-01459, the Application of 101 Sansburys Way, LLC, by Urban Design Studio, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Light Industrial (IL) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District, 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 February 25, 2021, 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 Weiss 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 Maria G. Marino	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Maria Sachs	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on February 25, 2021.

Filed with the Clerk of the Board of County Commissioners on March 8th, 2021.

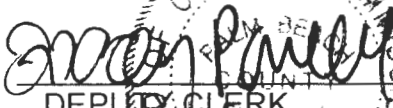
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK




EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

TRACT 29, LESS THE EASTERLY 40 FEET; AND TRACT 32, LESS THE EASTERLY 40 FEET, ALSO LESS THE SOUTHERLY 136.32 FEET OF TRACT 32, BLOCK 7, PALM BEACH FARMS CO. 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.

PARCEL 2:

ALL THAT PART OF TRACT 41 LYING NORTH OF THE RIGHT-OF-WAY OF STATE ROAD 80 AND THE SOUTHERLY 136.32 FEET OF TRACT 32, BLOCK 7, PALM BEACH FARMS CO. 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 EASTERLY 40 FEET THEREOF.

TOGETHER WITH THAT CERTAIN 30 FOOT ROAD RIGHT-OF-WAY LYING BETWEEN SAID TRACTS 32 AND 41, EXCEPT THE EAST 40 FEET THEREOF, SAID 30 FOOT RIGHT-OF-WAY HAVING BEEN ABANDONED BY THE PALM BEACH COUNTY COMMISSION MAY 11, 1953, RECORDED IN DEED BOOK 1022, PAGE 601, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 32; RUN THENCE EASTERLY ALONG THE SOUTH LINE OF SAID TRACT 32, A DISTANCE OF 950.00 FEET, MORE OR LESS, TO A LINE PARALLEL WITH AND 40.00 FEET WEST OF THE EAST LINE OF SAID TRACT 32; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 30.00 FEET TO THE NORTH LINE OF SAID TRACT 41; THENCE WESTERLY ALONG THE NORTH LINE OF SAID TRACT 41, A DISTANCE OF 950.00 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID TRACT 41; THENCE NORTHERLY ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID TRACT 41, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

A PORTION OF TRACT 41, BLOCK 7, THE PALM BEACH FARMS COMPANY 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 SECTIONS 31 AND 32, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 41; THENCE SOUTH 00°59'41" EAST ALONG THE WEST LINE OF SAID TRACT 41, A DISTANCE OF 45.301 METERS (148.63 FEET) TO THE POINT OF BEGINNING; THENCE SOUTH 88°30'32" EAST, A DISTANCE OF 289.655 METERS (950.31 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SANSBURY'S WAY (LYONS ROAD) AS RECORDED IN OFFICIAL RECORD BOOK 1286, PAGE 318 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°59'41" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 26.396 METERS (86.60 FEET) TO A POINT ON THE NORTHERLY EXISTING RIGHT OF WAY LINE FOR STATE ROAD 80 (SOUTHERN BOULEVARD) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93120-2543; THENCE NORTH 88°26'09" WEST ALONG SAID NORTHERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 141.381 METERS (463.85 FEET); THENCE NORTH 88°31'01" WEST ALONG SAID NORTHERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 148.281 METERS (486.49 FEET) TO A POINT ON THE WEST LINE OF SAID TRACT 41; THENCE NORTH 00° 59'41" WEST ALONG SAID WEST LINE, A DISTANCE OF 26.236 METERS (86.08 FEET) TO THE POINT OF BEGINNING.

LESS AND EXCEPT ADDITIONAL RIGHT-OF-WAY CONVEYED TO PALM BEACH COUNTY IN A WARRANTY DEED DATED MAY 27, 2008, RECORDED SEPTEMBER 3, 2008, IN OFFICIAL RECORDS BOOK 22839, PAGE 797, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF TRACTS 32 AND 41, BLOCK 7, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC

RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF THAT CERTAIN 30 FOOT WIDE ROAD RESERVATION LYING BETWEEN SAID TRACTS 32 AND 41, SAID RESERVATION BEING VACATED BY DEED BOOK 1022, PAGE 601 OF SAID PUBLIC RECORDS, LYING IN SECTION 31, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SANSBURY WAY, AS RECORDED IN OFFICIAL RECORD BOOK 1286, PAGE 381 OF SAID PUBLIC RECORDS, AND THE NORTH RIGHT-OF-WAY LINE OF SOUTHERN BOULEVARD (STATE ROAD 80), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 93120-2543, DATED 1-19-01; THENCE N.88°30'33"W. ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 77.78 FEET; THENCE N.45°15'58"E., A DISTANCE OF 57.76 FEET; THENCE N.00°57'31"W. ALONG A LINE 36.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST RIGHT-OF-WAY LINE OF SAID SANSBURY WAY, A DISTANCE OF 270.86 FEET; THENCE N.89°03'50"E., A DISTANCE OF 36.00 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID SANSBURY WAY; THENCE S.00°57'31"E. ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 314.14 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 1,428,899 SQUARE FEET OR 32.803 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

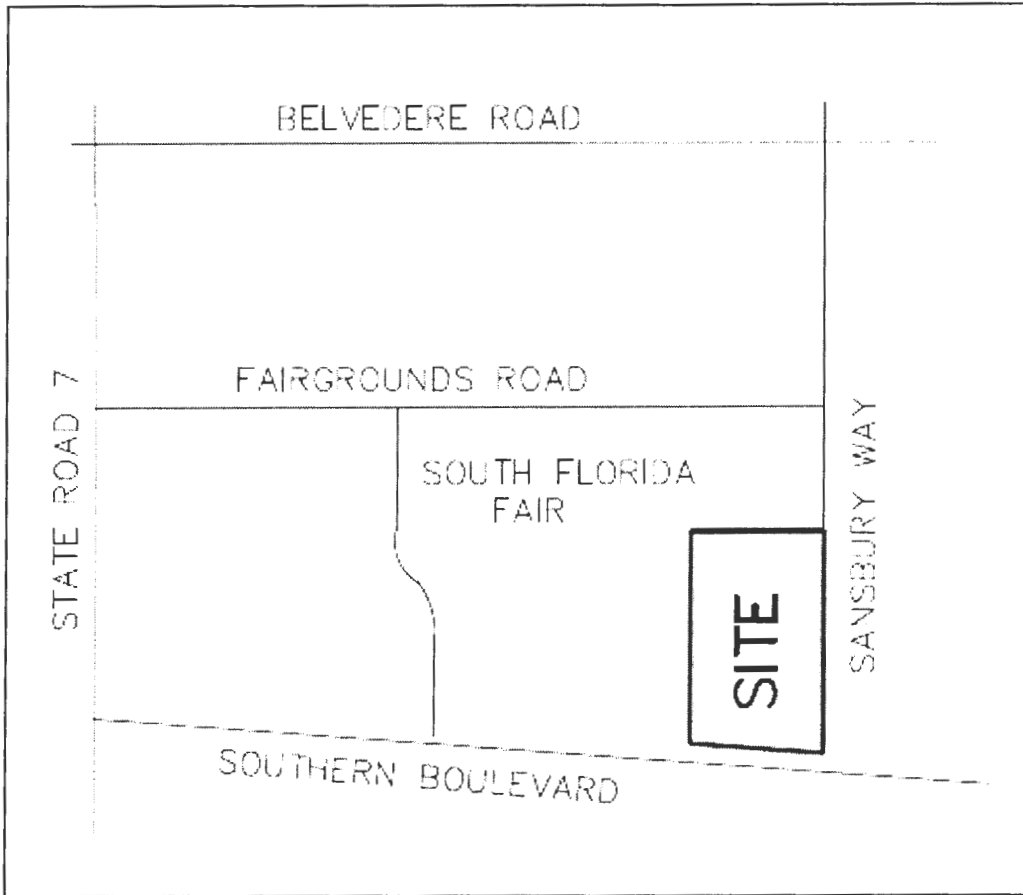


EXHIBIT C

CONDITIONS OF APPROVAL

Official Zoning Map Amendment - Non Residential Planned Development

ALL PETITIONS

1. The approved Preliminary Site Plan is dated December 28, 2020. 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)

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, 2024, or as amended. 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. The Property Owner shall construct right turn lane east approach on Southern Blvd at the project entrance.

This construction shall be concurrent with the paving and drainage improvements for the site. 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.

a. Permits required from FDOT for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

3. Prior to Final approval by the DRO, the Property Owner shall show appropriate channelization on the Site Plan, along with other appropriate design, for the southern driveway on Sansbury's Way to make it a right-in and right-out only driveway, as approved by the County Engineer. (DRO: MONITORING - Engineering)

4. 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. (BLDGPM: MONITORING - Engineering)

5. 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 Sansbury's Way 50 feet, measured from centerline of the proposed right of way 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. (BLDGPMT/ONGOING: MONITORING - Engineering)

6. The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for Southern Boulevard 220 feet measured from the existing south right-of-way of Southern Boulevard.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit. Right of way conveyance shall be along the project s entire frontage and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed, and one of the following: title report, attorney s opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT 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 and FDOT 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 coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPMT: MONITORING - Engineering)

7. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Sansbury's Way along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one through lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property

Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering)

8. Prior to the approval of the Final Site Plan by the Development Review Officer, the Property Owner may shift the southern driveway connection to Sansbury's Way approximately 100 feet north to align with the internal drive aisle, or as approved by the County Engineer. (DRO: ENGINEERING - Engineering)

LANDSCAPE - INTERIOR

1. The Property Owner shall provide one (1) canopy tree, located on the east side of the proposed dumpster enclosures, within the terminal islands located on the northeast corner of Buildings 1 and 3, and the southeast corner of Building 2. (BLDGPMT/ONGOING: ZONING - Zoning)

LANDSCAPE - PERIMETER-SOUTH PROPERTY LINE ABUTTING SOUTHERN BOULEVARD

1. The Landscape Buffer along the south property line abutting Southern Boulevard shall be upgraded to include:

- a. One (1) palm or pine tree for each twenty (20) linear feet of the property line; and,
- b. One (1) specimen Canary or Date Palm, or equivalent Royal, Bismark, Phoenix, or similar palm species, shall be provided on each side of the access point from Southern Boulevard. (BLDGPMT/ONGOING: ZONING - Zoning)

LANDSCAPE - PERIMETER-EAST PROPERTY LINE ABUTTING SANSBURY'S WAY

2. The Landscape Buffer along the north 260 feet of the east property line abutting Sansbury's Way, extending from the south line of the LWDD L-4 Canal Reservation to the north side of the northernmost access way from Sansbury's Way (or sight corner setback, if applicable), shall be upgraded to include:

- a. A two (2) to two-and one-half (2.5) foot undulating berm;
- b. A six (6) foot opaque hedge placed atop the berm;
- c. Clusters of three (3) Sabal Palms or similar palm species spaced between the canopy trees twenty-five (25) feet on center; and,
- d. One (1) palm or pine for each twenty (20) feet of the property line. (BLDGPMT/ONGOING: ZONING - Zoning)

3. The Landscape Buffer along the south 1,120 feet of the east property line abutting Sansbury's Way, excluding access ways and sight corner setbacks (if applicable), shall be upgraded to include:

- a. A two (2) to two-and one-half (2.5) foot undulating berm);
- b. One (1) palm or pine for each twenty (20) feet of the property line; and,
- c. One (1) specimen Canary or Date Palm, or equivalent Royal, Bismark, Phoenix, or similar palm species shall be provided on each side of the access points from Sansbury's Way. (BLDGPMT/ONGOING: ZONING - Zoning)

PLANNING

1. Per FLUA Amendment Ordinance 2004-029 condition 1, development under the Commercial High Future Land Use, on the southern portion with the CH/IND FLUA, shall be limited to a maximum .22 Floor Area Ratio (FAR). (ONGOING: PLANNING - Planning)

SITE DESIGN

1. Prior to Final Approval by the Development Review Officer (DRO), the Uses shown on the building graphics and in the Concurrency Table shall be revised to correspond with Uses identified in Article 4 of the ULDC. (DRO: ZONING - Zoning)

USE LIMITATIONS

1. Accessory Office space shall be limited to 15 percent, unless the minimum parking requirements are satisfied. (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.