

RESOLUTION NO. R-2022- 1249

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD-2021-01531  
(CONTROL NO. 1994-00038)  
an Official Zoning Map Amendment  
APPLICATION OF 2154 Zip Code Property LLC  
BY Schmidt Nichols, AGENT  
(Okeechobee Commerce 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 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 ZV/PDD-2021-01531, submitted on behalf of 2154 Zip Code Property LLC, by Schmidt Nichols, Agent, for an Official Zoning Map Amendment to allow a rezoning from the General Commercial (GC) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District, was presented to the Board of County Commissioners at a public hearing conducted on October 27, 2022;

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 ZV/PDD-2021-01531, the Application of 2154 Zip Code Property LLC, by Schmidt Nichols, Agent, for an Official Zoning Map Amendment to allow a rezoning from the General Commercial (GC) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 8.12-acres , 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 October 27, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss moved for the approval of the Resolution.

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

Commissioner Robert S. Weinroth, Mayor	- Aye
Commissioner Gregg K. Weiss, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Dave Kerner	- Absent
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 October 27, 2022.

Filed with the Clerk of the Board of County Commissioners on October 28th, 2022

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

LOT 6, LESS THE WEST 20 FEET OF SAID LOT, OF SUBURBAN HOMESITES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 18, PAGE 20, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

TOGETHER WITH:

ALL OF ATLANTIC COMMERCIAL PARK, LYING IN SECTION 24 TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 28, PAGE 89, PALM BEACH COUNTY PUBLIC RECORDS, ALSO TWO (2) PARCELS FOR ACCESS TO MILITARY TRAIL AS FOLLOWS:

PARCEL A:

LOT 10, LESS THE WEST 20 FEET AND LESS THE SOUTH 83 FEET, SUBURBAN HOMESITES, 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 18 PAGE 20.

PARCEL B:

THE SOUTH 60 FEET OF THE WEST 270 FEET OF THE SOUTHWEST QUARTER (S.W. 1/4) OF THE NORTHWEST QUARTER (N.W. 1/4) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, LESS THE WEST 50 FEET THEREOF PALM BEACH COUNTY, FLORIDA.

EXCEPTING THEREFROM THE FOUR (4) PARCELS DESCRIBED AS FOLLOWS:

PARCEL 1:

THE SOUTH 314 FEET OF THE EAST HALF (E 1/2) OF THE EAST HALF (E 1/2) OF THE WEST HALF (W 1/2) OF THE SOUTHWEST QUARTER (S.W. 1/4) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SECTION 24, TOWNSHIP 43 SOUTH- RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS OKEECHOBEE ROAD, RIGHT-OF-WAY.

PARCEL 2:

A PARCEL OF LAND LYING IN ATLANTIC COMMERCIAL PARK, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 28, PAGE 89, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION, OF THE SOUTH LINE OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID ATLANTIC COMMERCIAL PARK; THENCE ON AN ASSUMED BEARING OF NORTH 0°44'21" EAST, ALONG SAID EXTENSION, A DISTANCE OF 75 FEET TO THE NORTH RIGHT-OF-WAY LINE OF OKEECHOBEE ROAD (BLVD) AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 0° 44' 21" EAST, ALONG THE WEST LINE OF SAID ATLANTIC COMMERCIAL PARK, A DISTANCE OF 239 FEET; THEN DUE EAST, A DISTANCE OF 168.58 FEET; THENCE SOUTH 0° 43' 45" WEST, A DISTANCE OF 236.42 FEET TO A POINT IN THE NORTH RIGHT-OF-WAY LINE OF OKEECHOBEE ROAD (BLVD) SAID RIGHT-OF-WAY LINE BEING A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 5654.65 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE AND THROUGH AN ANGLE OF 01°42'32" A DISTANCE OF 168.67 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

THE EAST 2.134 METERS (7.00 FEET) OF THE WEST 8.230 METERS (27.00 FEET) OF LOT 6, SUBURBAN HOMESITES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 18, PAGE 20, OF THE PUBLIC RECORDS OF PALM

BEACH COUNTY, FLORIDA AND LYING IN SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 4:

A PORTION OF LOT 10, SUBURBAN HOMESITES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 18, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND A PORTION OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OR SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY DISC IN CONCRETE STAMPED "24/25" MARKING THE SOUTH 1/4 CORNER OF SAID SECTION 24, SAID POINT BEING ON THE BASELINE OF SURVEY FOR STATE ROAD 809 (MILITARY TRAIL) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 93150-2505; THENCE NORTH  $01^{\circ}23'20''$  EAST ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 24 AND SAID BASELINE OF SURVEY, A DISTANCE OR 421.545 METERS (1,383.02 FEET); THENCE SOUTH  $88^{\circ}36'40''$  EAST ALONG A LINE AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 15.240 METERS (50.00 FEET) TO A POINT ON THE EASTERLY EXISTING RIGHT-OF-WAY LINE FOR SAID STATE ROAD 809 (MILITARY TRAIL), AND THE NORTHERLY BOUNDARY LINE OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 7831, PAGE 879 AND THE POINT OF BEGINNING; THENCE SOUTH  $89^{\circ}08'19''$  EAST ALONG SAID NORTHERLY BOUNDARY LINE, A DISTANCE OF 3.048 METERS (10.00 FEET); THENCE SOUTH  $01^{\circ}23'20''$  WEST ALONG A LINE 18.288 METERS (60.00 FEET) EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 24 AND SAID BASELINE OF SURVEY, A DISTANCE OF 32.318 METERS (106.03 FEET) TO A POINT ON A LINE 25.299 METERS (83.00 FEET) NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 10; THENCE NORTH  $89^{\circ}08'19''$  WEST ALONG SAID SOUTH LINE, A DISTANCE OF 2.134 METERS (7.00 FEET) TO A POINT ON THE EASTERLY EXISTING RIGHT-OF-WAY LINE FOR SAID STATE ROAD 809 (MILITARY TRAIL); THENCE NORTH  $01^{\circ}23'20''$  EAST ALONG SAID EASTERLY EXISTING RIGHT-OF-WAY LINE AND A LINE 16.154 METERS (53.00 FEET) EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 24 AND SAID BASELINE OF SURVEY A DISTANCE OF 14.023 METERS (46.01 FEET) TO A POINT ON THE NORTH LINE OF SAID LOT 10; THENCE NORTH  $89^{\circ}08'19''$  WEST ALONG THE NORTH LINE OF SAID LOT 10, A DISTANCE OF 0.914 METERS, (3.00 FEET); THENCE NORTH  $01^{\circ}23'20''$  EAST ALONG SAID EASTERLY EXISTING RIGHT-OF-WAY LINE AND A LINE 15.240 METERS (50.00 FEET) EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 24 AND SAID BASELINE OF SURVEY, A DISTANCE OF 18.295 METERS (60.02 FEET) TO THE POINT OF BEGINNING.

MORE PARTICULARLY DESCRIBED AS:

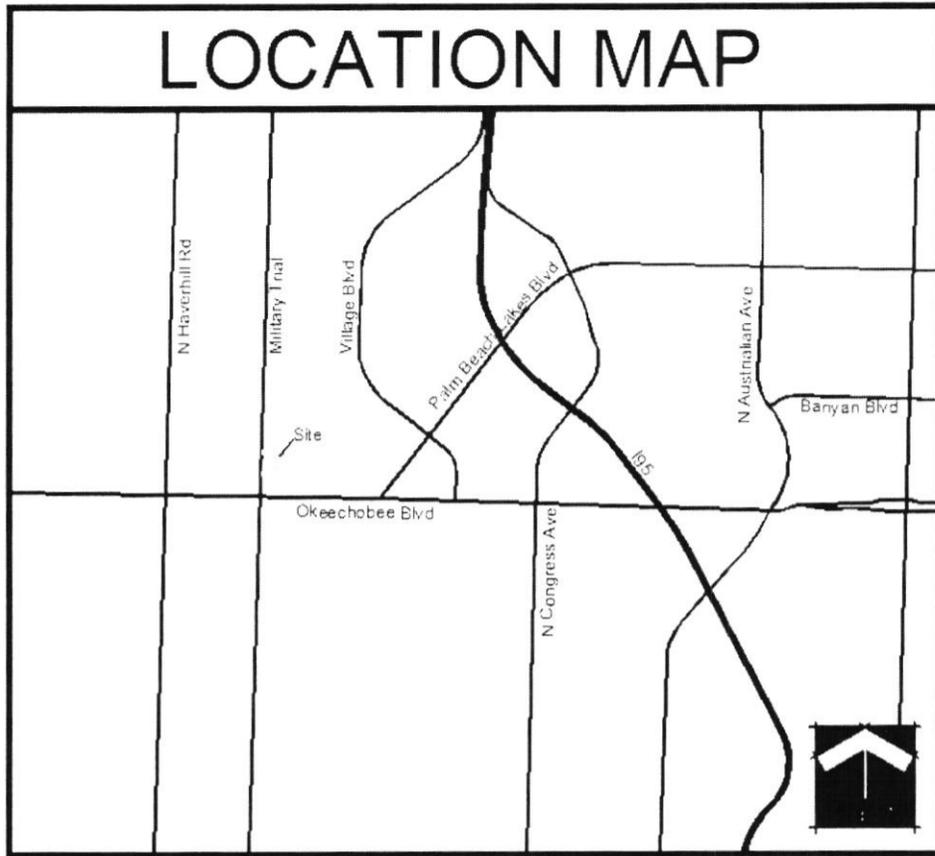
A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER (1/4) OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE S.  $0^{\circ}30'40''$  W., A DISTANCE OF 3912.01 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL (STATE ROAD 809) AS RECORDED IN OFFICIAL RECORD BOOK 11871, PAGE 260, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ALSO BEING THE POINT OF BEGINNING; THENCE S.  $89^{\circ}08'36''$  E., A DISTANCE OF 209.19 FEET; THENCE S.  $01^{\circ}24'05''$  W., A DISTANCE OF 60.41 FEET; THENCE S.  $89^{\circ}08'36''$  E., A DISTANCE OF 404.11 FEET; THENCE S.  $01^{\circ}20'08''$  W., A DISTANCE OF 1006.00 FEET; THENCE N.  $89^{\circ}22'11''$  W., A DISTANCE OF 168.58 FEET; THENCE N.  $01^{\circ}21'49''$  E., A DISTANCE OF 270.51 FEET; THENCE N.  $89^{\circ}22'11''$  W., A DISTANCE OF 168.50 FEET; THENCE N.  $01^{\circ}22'19''$  E., A DISTANCE OF 93.48 FEET; THENCE N.  $89^{\circ}22'11''$  W., A DISTANCE OF 277.03 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL (STATE ROAD 809) AS RECORDED IN OFFICIAL RECORD BOOK 11871, PAGE 256, OF THE PUBLIC RECORDS OF PALM BEACH

COUNTY, FLORIDA; THENCE N.01°23'23"E ALONG SAID EAST RIGHT-OF-WAY LINE., A DISTANCE OF 128.74 FEET; THENCE S.89°25'24"E., A DISTANCE OF 276.99 FEET; THENCE N.01°22'19"E., A DISTANCE OF 469.99 FEET; THENCE N.89°22'11"W., A DISTANCE OF 276.84 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL (STATE ROAD 809) AS RECORDED IN OFFICIAL RECORD BOOK 11871, PAGE 260, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.01°23'20"E ALONG SAID EAST RIGHT-OF-WAY LINE., A DISTANCE OF 105.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 354,232 SQUARE FEET OR 8.123 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Non Residential Planned Development District

##### ALL PETITIONS

1. The approved Preliminary Site Plan is dated August 11, 2022. 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. (ONGOING: ZONING - Zoning)

##### ARCHITECTURAL REVIEW

1. At the time of re-development of the site, all new structures shall comply with Article 5.C.1 - Architectural Guidelines in effect at that time. (ONGOING: ZONING - Zoning)

##### ENGINEERING

1. Prior to the issuance of the first building permit or December, 1, 2023, whichever shall occur first, 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/DATE: MONITORING - Engineering)

2. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/PLAT: MONITORING - Engineering)

3. Prior to the approval of the Final Site Plan by the Development Review Officer, the Property Owner shall amend the driveways to meet Section 300 of the Design Standards Manual, or as approved by the County Engineer. (DRO: ENGINEERING - Engineering)

##### LANDSCAPE - GENERAL

1. Prior to October 27, 2023, the Property Owner shall replace all dead and missing plant materials on the entire subject property. (DATE: ZONING - Zoning)

##### PLANNING

1. Prior to final approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, the Property Owner shall submit a recorded cross access easement agreement for the location depicted on the site plans. (DRO: PLANNING - Planning)

2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site Plan to add the Official records book and page number for the recorded cross access easement. (DRO: PLANNING - Planning)

3. Prior to the release of the Certificate of Occupancy, the Property Owner shall construct, and pave to the property line, the cross access as shown on the Site Plan. (CO: MONITORING - Planning)

##### SIGNS

1. Replacement or relocation of the existing freestanding signs; the Property Owner shall comply with Article 8 - Signage, in effect at the time of permitting. (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.