

RESOLUTION NO. R-2024-⁵0123

RESOLUTION APPROVING ZONING APPLICATION PDD/DOA-2024-00309
(CONTROL NO. 2015-00085)

a Development Order Amendment
APPLICATION OF PBA Holdings, Inc.
BY Urban Design Studio, AGENT
(Central Park Commerce Center 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, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application PDD/DOA-2024-00309 was presented to the Board of County Commissioners at a public hearing conducted on January 30, 2025;

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 a Development Order 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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application PDD/DOA-2024-00309, the Application of PBA Holdings, Inc., by Urban Design Studio, Agent, for a Development Order Amendment to modify the overall MUPD Master Plan to add land area (64.46 acres) and to modify the Conditions of Approval on 202.67 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 January 30, 2025, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Baxter moved for the approval of the Resolution.

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

Commissioner Maria G. Marino, Mayor	- Aye
Commissioner Sara Baxter, Vice Mayor	- Aye
Commissioner Gregg K. Weiss	- Absent
Commissioner Joel G. Flores	- Aye
Commissioner Marci Woodward	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Bobby Powell Jr	- Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on January 30, 2025.

Filed with the Clerk of the Board of County Commissioners on January 31, 2025.

This resolution shall not become effective unless or until the effective date of the Large Scale Land Use Amendment No. LGA-2024-006.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF SECTIONS 29 AND 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, AND ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 40 EAST; WHICH IS THE SAME AS THE NORTHEAST CORNER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE NORTH 88°20'18" WEST 918.66' ALONG THE SOUTH LINE OF SAID SECTION 29 TO A POINT ON THE EAST LINE OF CENTRAL PARK COMMERCE CENTER MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 135, PAGE 101, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE SOUTH 00°57'24" WEST, ALONG SAID EAST LINE AND THE SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 3374.06 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROUTE 80, BEING 203.00 FEET WIDE, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93120-2515; THENCE NORTH 88°28'42" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1839.11 FEET TO THE SOUTHEAST CORNER OF TRACT R/W OF THE AFOREMENTIONED CENTRAL PARK COMMERCE CENTER MUPD PLAT; THENCE NORTH 01°31'46" EAST ALONG THE EAST LINE OF SAID TRACT R/W, A DISTANCE OF 17.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT R/W; THENCE NORTH 88°28'42" WEST, ALONG THE NORTH LINE OF SAID TRACT R/W, A DISTANCE OF 308.38 FEET TO A POINT ON THE WEST LINE OF THE AFOREMENTIONED CENTRAL PARK COMMERCE CENTER MUPD PLAT; THE FOLLOWING FOURTEEN (14) CALLS BEING ALONG THE BOUNDARY OF SAID PLAT; THENCE NORTH 01°31'46" EAST, A DISTANCE OF 572.82 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 125.00 FEET, AND A CENTRAL ANGLE OF 103°05'12"; THENCE NORTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 224.90 FEET; THENCE NORTH 45°55'57" EAST, A DISTANCE OF 64.02 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, SAID CURVE HAVING A RADIAL BEARING OF NORTH 44°03'19" WEST, A RADIUS OF 395.00 FEET AND A CENTRAL ANGLE OF 20°41'41"; THENCE NORTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 142.67 FEET; THENCE NORTH 00°56'55" EAST, A DISTANCE OF 742.78 FEET; THENCE NORTH 88°23'35" WEST, A DISTANCE OF 198.48 FEET; THENCE NORTH 00°56'55" EAST, A DISTANCE OF 650.00 FEET; THENCE NORTH 88°23'35" WEST, A DISTANCE OF 247.05 FEET; THENCE NORTH 00°56'55" EAST, A DISTANCE OF 1111.41 FEET; THENCE NORTH 00°49'13" EAST, A DISTANCE OF 930.70 FEET; THENCE SOUTH 88°27'45" EAST, A DISTANCE OF 1376.21 FEET; THENCE SOUTH 00°57'24" WEST, A DISTANCE OF 467.02 FEET; THENCE SOUTH 88°27'45" EAST, A DISTANCE OF 933.05 FEET; THENCE SOUTH 00°57'24" WEST, A DISTANCE OF 468.66 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 202.665 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

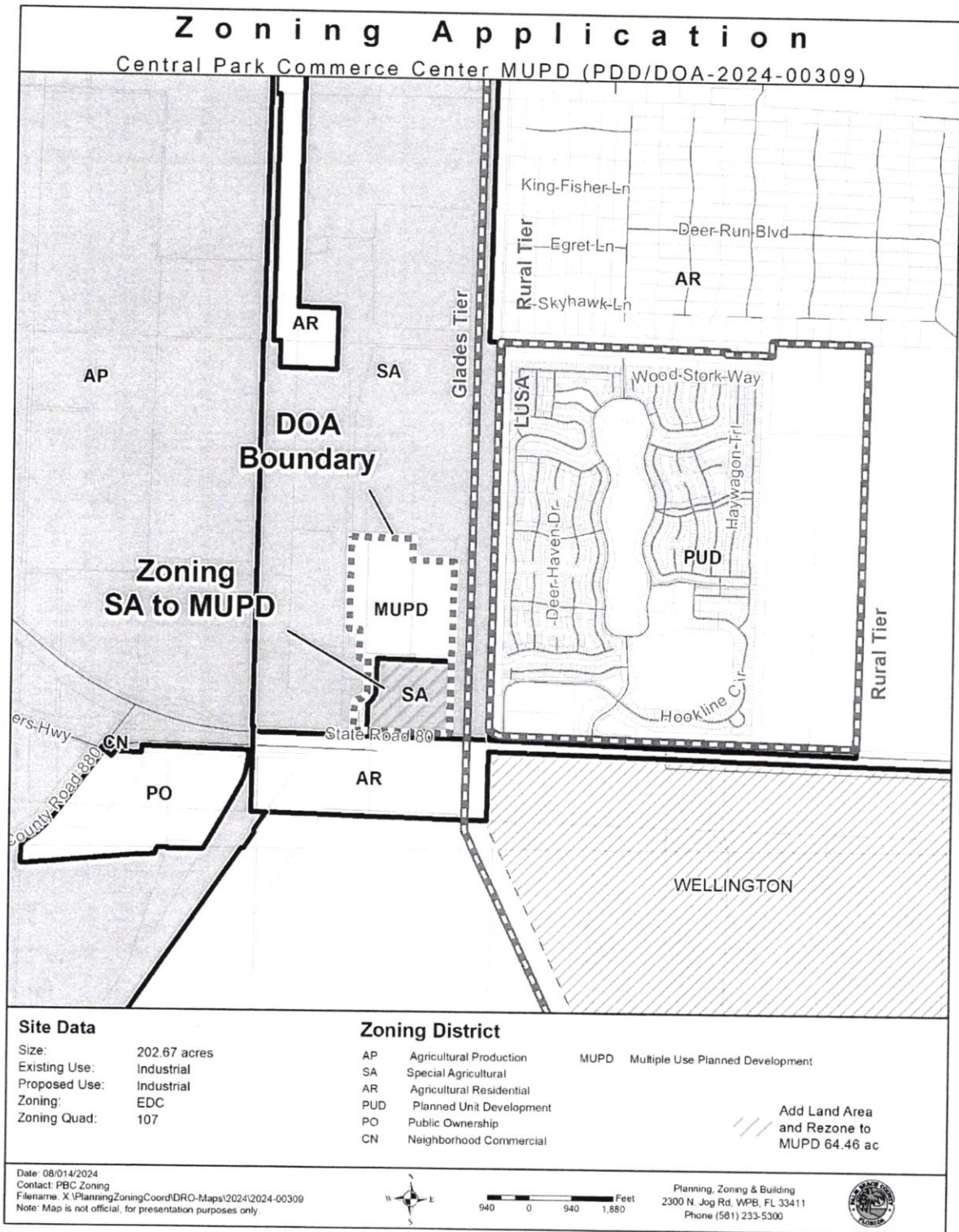


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2016-551, Control No.2015-00085, which currently states:

The approved Preliminary Master Plan and Regulating Plan are dated March 21, 2016. 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 Master Plan and Regulating Plan are dated October 4, 2024. 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)

2. Prior to Final Approval by the Development Review Officer (DRO) for the Final Master Plan, the Regulating Plan(s) shall be revised to include a trip concurrency equivalency table. The format of the table shall be reviewed and approved by the DRO. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 2 of Resolution R-2016-551, Control No.2015-00085)

3. The approved Final Site Plans are dated March 22, 2016, November 6, 2019, and October 13, 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)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2016-551, Control No.2015-00085, which currently states:

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, 2020. 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 Article 2, Section E of the Unified land Development Code. (DATE: MONITORING - Engineering)

b. Building Permits for more than 120,000 sf of Industrial, 180,000 sf of Warehouse, and 20,000 sf of office use or equivalent peak hour directional trips shall not be issued until the contract has been let for the assured construction of Southern Blvd as a 6-lane divided facility from Lion Country Safari Rd to Forest Hill Blvd. (BLDG/PMT/DATE: MONITORING - Engineering)

Is hereby amended to read:

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 6, 2035. 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 Article 2, Section E of the Unified land Development Code. (DATE: MONITORING - Engineering)

b. Building Permits for more than 120,000 sf of Industrial, 180,000 sf of Warehouse, and 20,000 sf of office use or equivalent peak hour directional trips shall not be issued until the contract has been let for the assured construction of Southern Blvd as a 6-lane divided facility from Lion Country Safari Rd to Forest Hill Blvd. (BLDG/PMT: MONITORING - Engineering) [Note: COMPLETED]

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property

and the offsite water management tract into legal lot(s) of record in accordance with the provisions of Article 11 of the Unified Land Development Code. This includes any residual parcels created by this subdivision. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2016-551, Control No.2015-00085)

3. 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 the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination. (PLAT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2016-551, Control No.2015-00085)

4. Prior to recordation of the plat, the Property Owner record all drainage easements necessary to provide legal positive outfall. (PLAT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2016-551, Control No.2015-00085)

5. Previous ENGINEERING Condition 5 of Resolution R-2016-551, Control No.2015-00085, which currently states:

The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer at Project Entrance on Southern Blvd. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. No Building Permits shall be issued until the developer provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPM: MONITORING - Engineering)

b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (BLDGPM: MONITORING - Engineering)

Is hereby amended to read:

The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer at Project Entrance on Southern Blvd. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. No Building Permits shall be issued until the developer provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. However, the Property Owner shall also be obligated to post the above surety within 90 days of the request by the County Engineer. (BLDGPM: MONITORING - Engineering)

b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (BLDGPM: MONITORING - Engineering)

6. The Property Owner shall construct a) right turn lane 590 ft storage and 50 ft taper or as approved by the FDOT, east approach on Southern Blvd at Project Entrance b) left turn lane 415 ft storage and 50 ft taper or as approved by the FDOT, west approach on Southern Blvd at 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) (Previous ENGINEERING Condition 6 of Resolution R-2016-551, Control No.2015-00085)

7. The project's stormwater management system shall be designed to accept all historical onsite flows. (ONGOING: ENGINEERING - Engineering)

8. Prior to the issuance of the first building permit for development within the additional 64.46 acres, 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)

LANDSCAPE - PERIMETER

1. In addition to the Code requirements, landscaping along the entire perimeter of the MUPD shall include:

a. A minimum two (2) foot high continuous berm;

b. The wall requirement for the Type 3 Incompatibility Buffer shall be substituted with a minimum of six (6) foot high vinyl coated chain link fence;

c. A six (6) foot high hedge to be placed on the exterior side of the fence; and,

d. Measurement of berm height may be adjusted subject to the approval by the Zoning Division provided the intent of the berm, fence and hedge combination will achieve an effective screening for the adjacent properties. (ONGOING/TC: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 1 of Resolution R-2016-551, Control No.2015-00085)

2. Prior to Final Approval by the Development Review Officer (DRO), the Regulating Plan shall be amended to provide details for the Alternative Type 3 Incompatibility Buffer consistent with Landscape Condition 1. (DRO: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 2 of Resolution R-2016-551, Control No.2015-00085)

PLANNING

1. Previous PLANNING Condition 1 of Resolution R-2016-551, Control No.2015-00085, which currently states:

Per LGA 2016-005, Central Park Commerce Center, Development of the site under the Economic Development Center future land use designation is limited to a maximum of 491,749 square feet of light industrial uses and 2,786,577 square feet of warehouse uses, or other uses which do not exceed the equivalent traffic generating trips.

Is hereby amended to read:

Per LGA 2024-006, condition 1: Development of the site under the Economic Development Center future land use designation is limited to a maximum of 491,749 square feet of light industrial uses and 2,786,577 square feet of warehouse uses, or other uses which do not exceed the equivalent traffic generating trips. (ONGOING: PLANNING - Planning)

2. Previous PLANNING Condition 2 of Resolution R-2016-551, Control No.2015-00085, which currently states:

Per LGA 2016-005, Central Park Commerce Center, If development of a minimum of 200,000 square feet of uses which make use of the unique attributes of the site, such as adjacency to Florida Power & Light West County Energy Facility, uninterrupted and redundant power source, the site elevation, and/or fiber optic availability, does not commence prior to June 30, 2019, then County staff shall bring back to the Board of County Commissioners for consideration of initiation an amendment to change the designation to an appropriate future land use designation. (DATE: PLANNING - Planning)

Is hereby deleted. [REASON: No longer applicable.]

3. Previous PLANNING Condition 3 of Resolution R-2016-551, Control No.2015-00085, which currently states:

Per LGA 2016-005, Central Park Commerce Center, Residential uses (except security or caretakers' quarters) are prohibited.

Is hereby amended to read:

Per LGA 2024-006, condition 2: Residential uses (except security or caretakers' quarters) are prohibited. (ONGOING: PLANNING - Planning)

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.