

RESOLUTION NO. ZR-2023- 014

RESOLUTION REVOKING RESOLUTIONS ZR-2011-026 and ZR-2013-019
(CONTROL NUMBER 2010-00474)
AFFIRMING THE ABANDONMENT
OF ZONING APPLICATION ABN-2023-00283

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), is authorized and empowered to consider, approve, approve with conditions or deny the request;

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 CB-2011-01740 the application of Floral Path LLC and Not Wet Land, Inc, by Miller Land Planning, Agent, for a Class B Conditional Use to allow an Industrial Research Laboratory in the IL Zoning District, and subject to the Conditions of Approval was approved by the Zoning Commission on November 3, 2011 by Resolution ZR-2011-026; and Zoning Application DOA-2013-01060 the application of Apogee Investments Partners LLC, by Miller Land Planning, Agent, for a Development Order Amendment to reconfigure the Site Plan to add square footage in the Light Industrial (IL) Zoning District, and subject to the Conditions of Approval was approved by the Zoning Commission on August 1, 2013, by Resolution ZR-2013-019;

WHEREAS, Zoning Application ABN-2023-00283, submitted on behalf of Beeline Property Holdco Inc. by Urban Desing Studio, Agent, for a Development Order Abandonment to abandon resolutions for an Industrial Research Laboratory on 44.439 acres was presented to the Zoning Commission at a public hearing on June 1, 2023;

WHEREAS, the Zoning Commission has considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Zoning Commission 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 Abandonment;

WHEREAS, the Zoning Commission pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approved, approve with conditions or deny the request;

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 action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Resolutions ZR-2011-026 and ZR-2013-019, approving Zoning Application CB-2011-1740 for a Class B Conditional Use to allow an Industrial Research Laboratory in the IL Zoning District, and Zoning Application DOA-2013-0106 for Development Order Amendment to reconfigure the Site Plan to add square footage in the Light Industrial (IL) Zoning District, on a parcel of land generally described as shown on the legal description in Exhibit A, are hereby revoked.

Commissioner Scarborough moved for the approval of the Resolution.

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

| | |
|--------------------------|----------|
| Jess Sowards, Chair | - Aye |
| Cheri Pavlik, Vice Chair | - Aye |
| John Kern | - Aye |
| Michael Kelley | - Absent |
| Glen Gromann | - Aye |
| Sheri Scarborough | - Aye |
| Lisa Reves | - Aye |
| Alex Brumfield III | - Aye |
| Mark Beatty | - Absent |

The Chair thereupon declared that the resolution was duly passed and adopted on June 1, 2023.

This resolution is effective when filed with the Palm Beach County Zoning Division on June 1, 2023.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

A tract of land in Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows:

From the Northwest corner of Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, run Southerly along the West line of said Section 11, a distance of 854.09 feet, more or less, to a point in a line parallel to and 1090 feet Northeasterly from (measured at right angles to) the Northeasterly right of way line of State Road No. 710, as said right of way line is shown on Map recorded in Road Plat Book 2, Pages 149 to 153, inclusive, Public Records of Palm Beach County, Florida; thence Southeasterly along said parallel line, a distance of 851.51 feet to the Point of Beginning of the tract of land hereinafter described; thence continue Southeasterly along the same course, a distance of 200 feet; thence Southwesterly, at right angles, a distance of 1090 feet to a point in said Northeasterly right of way line of State Road No. 710; thence Northwesterly along said right of way line, a distance of 200 feet; thence Northeasterly at right angles, a distance of 1090 feet to the Point of Beginning; a/k/a Parcel No. 30 of Palm Beach County Industrial Park unrecorded.

Subject to the following: An easement for drainage purposes over the Northeasterly 120 feet of the Southwesterly 710 feet thereof.

AND ALSO:

A tract of land in Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows:

From the Northwest corner of Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, run Southerly along the West line of said Section 11, a distance of 854.09 feet, more or less, to a point in a line parallel to and 1090 feet Northeasterly from (measured at right angles to) the Northeasterly right of way line of State Road No. 710, as said right of way line is shown on Map recorded in Road Plat Book 2, Pages 149 to 153, inclusive, Public Records of Palm Beach County, Florida; thence Southeasterly along said parallel line, a distance of 617.57 feet to the Point of Beginning of the tract of land hereinafter described; thence continue Southeasterly along the same course, a distance of 233.94 feet; thence Southwesterly, at right angles, a distance of 1090 feet to a point of intersection of a line parallel to and 40 feet Easterly from (measured at right angles to) the West line of said Section 11, with said Northeasterly Right-of-Way line of State Road #710; thence Northwesterly along said right of way line, a distance of 49.66 feet, more or less to its intersection with said West line of Section 11, thence Northerly along said Section line, a distance of 365.37 feet; thence Easterly at right angles, a distance of 40 feet; thence Northeasterly along a line, which if produced Southwesterly is at right angles to said Northeasterly Right-of-Way line of State Road No. 710, a distance of 771.99 feet to the Point of Beginning; a/k/a Parcel No. 31 of Palm Beach County Industrial Park unrecorded.

Subject to the following: An easement for drainage purposes over the Southwesterly 120 feet of the Northeasterly 500 feet thereof.

AND ALSO:

A tract of land in Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows:

From the Northwest corner of Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, run Southerly along the West line of said Section 11, a distance of 854.09 feet, more or less, to a point in a line parallel to and 1090 feet Northeasterly from (measured at right angles to) the Northeasterly right of way line of State Road No. 710, as said right of way line is shown on Map recorded in Road Plat Book 2, Pages 149 to 153, inclusive, Public Records of Palm Beach County, Florida, and the Point of Beginning of the tract of land hereinafter described; thence Southeasterly along said parallel line, a distance of 617.57 feet; thence Southerly at right angles, a distance of 771.99 feet, more or less, to a point in a line parallel to and 40 feet Easterly from (measured at right angles to) said West line of Section 11; thence Westerly at right angles to said parallel line, a distance of 40 feet to a point in the West line of

said Section 11; thence Northerly along said West line, a distance of 987.81 feet to the Point of Beginning; a/k/a Parcel No. 32 of Palm Beach County Industrial Park unrecorded.

Subject to the following: An easement for drainage purposes over the Southwesterly 120 feet of the Northeasterly 500 feet thereof.

PARCEL 2:

A tract of land in Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows:

From the Northwest corner of Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, run Southerly along the West line of said Section 11, a distance of 854.09 feet, more or less, to a point in a line parallel to and 1090 feet Northeasterly from (measured at right angles to) the Northeasterly right of way line of State Road No. 710, as said right of way line is shown on Map recorded in Road Plat Book 2, Pages 149 to 153, inclusive, Public Records of Palm Beach County, Florida; thence Southeasterly along said parallel line, a distance of 2051.51 feet to the Point of Beginning of the tract of land hereinafter described; thence continue Southeasterly along the same course, a distance of 200 feet; thence Southwesterly, at right angles, a distance of 1090 feet to a point in said Northeasterly right of way line of State Road No. 710; thence Northwesterly along said right of way line, a distance of 200 feet; thence Northeasterly at right angles, a distance of 1090 feet to the Point of Beginning; a/k/a Parcel No. 24 of Palm Beach County Industrial Park unrecorded.

Subject to the following: An easement for drainage purposes over the Northeasterly 120 feet of the Southwesterly 710 feet thereof.

AND ALSO:

A tract of land in Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows:

From the Northwest corner of Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, run Southerly along the West line of said Section 11, a distance of 854.09 feet, more or less, to a point in a line parallel to and 1090 feet Northeasterly from (measured at right angles to) the Northeasterly right of way line of State Road No. 710, as said right of way line is shown on Map recorded in Road Plat Book 2, Pages 149 to 153, inclusive, Public Records of Palm Beach County, Florida; thence Southeasterly along said parallel line, a distance of 1851.51 feet to the Point of Beginning of the tract of land hereinafter described; thence continue Southeasterly along the same course, a distance of 200 feet; thence Southwesterly, at right angles, a distance of 1090 feet to a point in said Northeasterly right of way line of State Road No. 710; thence Northwesterly along said right of way line, a distance of 200 feet; thence Northeasterly at right angles, a distance of 1090 feet to the Point of Beginning; a/k/a Parcel No. 25 of Palm Beach County Industrial Park unrecorded.

Subject to the following: An easement for drainage purposes over the Northeasterly 120 feet of the Southwesterly 710 feet thereof.

AND ALSO:

A tract of land in Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows:

From the Northwest corner of Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, run Southerly along the West line of said Section 11, a distance of 854.09 feet, more or less, to a point in a line parallel to and 1090 feet Northeasterly from (measured at right angles to) the Northeasterly right of way line of State Road No. 710, as said right of way line is shown on Map recorded in Road Plat Book 2, Pages 149 to 153, inclusive, Public Records of Palm Beach County, Florida; thence Southeasterly along said parallel line, a distance of 1651.51 feet to the Point of Beginning of the tract of land hereinafter described; thence continue Southeasterly along the same course, a distance of 200 feet; thence Southwesterly, at right angles, a distance of 1090 feet to a point in said Northeasterly right of way line of State Road No. 710; thence Northwesterly along said right of way line, a distance of 200 feet; thence Northeasterly at right angles, a distance of 1090 feet to the Point of Beginning; a/k/a Parcel No. 26 of Palm Beach County Industrial Park unrecorded.

Subject to the following: An easement for drainage purposes over the Northeasterly 120 feet of the Southwesterly 710 feet thereof.

AND ALSO:

A tract of land in Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows:

From the Northwest corner of Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, run Southerly along the West line of said Section 11, a distance of 854.09 feet, more or less, to a point in a line parallel to and 1090 feet Northeasterly from (measured at right angles to) the Northeasterly right of way line of State Road No. 710, as said right of way line is shown on Map recorded in Road Plat Book 2, Pages 149 to 153, inclusive, Public Records of Palm Beach County, Florida; thence Southeasterly along said parallel line, a distance of 1451.51 feet to the Point of Beginning of the tract of land hereinafter described; thence continue Southeasterly along the same course, a distance of 200 feet; thence Southwesterly, at right angles, a distance of 1090 feet to a point in said Northeasterly right of way line of State Road No. 710; thence Northwesterly along said right of way line, a distance of 200 feet; thence Northeasterly at right angles, a distance of 1090 feet to the Point of Beginning; a/k/a Parcel No. 27 of Palm Beach County Industrial Park unrecorded.

Subject to the following: An easement for drainage purposes over the Northeasterly 120 feet of the Southwesterly 710 feet thereof.

AND ALSO:

A tract of land in Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows:

From the Northwest corner of Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, run Southerly along the West line of said Section 11, a distance of 854.09 feet, more or less, to a point in a line parallel to and 1090 feet Northeasterly from (measured at right angles to) the Northeasterly right of way line of State Road No. 710, as said right of way line is shown on Map recorded in Road Plat Book 2, Pages 149 to 153, inclusive, Public Records of Palm Beach County, Florida; thence Southeasterly along said parallel line, a distance of 1251.51 feet to the Point of Beginning of the tract of land hereinafter described; thence continue Southeasterly along the same course, a distance of 200 feet; thence Southwesterly, at right angles, a distance of 1090 feet to a point in said Northeasterly right of way line of State Road No. 710; thence Northwesterly along said right of way line, a distance of 200 feet; thence Northeasterly at right angles, a distance of 1090 feet to the Point of Beginning; a/k/a Parcel No. 28 of Palm Beach County Industrial Park unrecorded.

Subject to the following: An easement for drainage purposes over the Northeasterly 120 feet of the Southwesterly 710 feet thereof.

AND ALSO:

A tract of land in Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows:

From the Northwest corner of Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, run Southerly along the West line of said Section 11, a distance of 854.09 feet, more or less, to a point in a line parallel to and 1090 feet Northeasterly from (measured at right angles to) the Northeasterly right of way line of State Road No. 710, as said right of way line is shown on Map recorded in Road Plat Book 2, Pages 149 to 153, inclusive, Public Records of Palm Beach County, Florida; thence Southeasterly along said parallel line, a distance of 1051.51 feet to the Point of Beginning of the tract of land hereinafter described; thence continue Southeasterly along the same course, a distance of 200 feet; thence Southwesterly, at right angles, a distance of 1090 feet to a point in said Northeasterly right of way line of State Road No. 710; thence Northwesterly along said right of way line, a distance of 200 feet; thence Northeasterly at right angles, a distance of 1090 feet to the Point of Beginning; a/k/a Parcel No. 29 of Palm Beach County Industrial Park unrecorded.

Subject to the following: An easement for drainage purposes over the Northeasterly 120 feet of the Southwesterly 710 feet thereof.

LESS AND EXCEPT the following described property as conveyed to the State of Florida Department of Transportation by Warranty Deed recorded in Official Records Book 25365, Page 583, Public Records of Palm Beach County, Florida:

A strip of land, 20 feet in width, lying in Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, being more particularly described as follows:

COMMENCE at the Northwest corner of Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida; thence South 00°01'04" East, along the West line of said Section 11, a distance of 2207.54 feet, more or less, to a point on the Northeasterly right-of-way line of State Road No. 710, as said right-of-way line is shown on map recorded in Road Plat Book 2, Pages 149 to 153, inclusive, Public Records of Palm Beach County, Florida; thence South 53°38'43" East, along said Northeasterly right-of-way line, a distance of 62.31 feet to a point on the East line of an 80 foot wide public right-of-way as recorded LESS and EXCEPT the following described property as conveyed to the State of Florida in Official Records Book 854, Page 792, Public Records of Palm Beach County, Florida, said point being the point of cusp on a curve, concave to the Northeast, having a radius of 25.00 feet, a central angle of 53°37'39" and a chord bearing of North 26°49'53" West, and also being the POINT OF BEGINNING of the following described 20 foot wide strip of land; thence Northerly, along the arc of said curve and said East line, a distance of 23.40 feet to a point of tangency; thence North 00°01'04" West, along a line 40 feet East of and parallel with, as measured at right angles to, the West line of said Section 11, a distance of 12.20 feet; thence departing said East line, South 53°38'43" East, along a line 20 feet Northeasterly of and parallel with, as measured at right angles to, the Northeasterly right-of-way line of said State Road No. 710, a distance of 1415.09 feet, more or less, to the Southeasterly line of Lot 24, as shown on the Palm Beach County Industrial Park Unrecorded Subdivision; thence South 36°21'17" West, along said Southeasterly line, a distance of 20 feet to the Southeasterly corner of said Lot 24, said corner coinciding with the Northeasterly right-of-way line of said State Road No. 710; thence North 53°38'43" West, along said right-of-way line, (said Northeasterly right-of-way line is assumed to bear North 53°38'43" West and all other bearings are relative thereto) a distance of 1387.72 feet, more or less, to said point of cusp of a curve being the East right-of-way line of said 80 foot public right-of-way as recorded in Official Records Book 854, Page 792, and the POINT OF BEGINNING.

Containing in all, 44.439 acres, more or less.