

RESOLUTION NO. R-2023-0114

RESOLUTION DENYING ZONING APPLICATION ZV/ABN/DOA-2021-01529
(CONTROL NO. 1997-00034)
a Development Order Amendment
APPLICATION OF Moroso Investment Partners II LLC, and
Palm Beach International Raceway LLC
BY Lewis Longman & Walker PA, Agent
(Palm Beach Industrial MUPD)

WHEREAS, the Board of County Commissioners, as the governing body, 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/ZBN/DOA-2021-01529 submitted on behalf of Moroso Investment Partners LLC and Palm Beach International Raceway LLC by Lewis Longman & Walker PA, Agent for a Development Order Abandonment to abandon Requested Uses (arena, Auditorium or Stadium, Indoor/Outdoor Entertainment, Auto Paint and Body, Convenience Store with Gas Sales, Manufacturing and Processing, and Vehicles Sales and Rental); an Electronic Message Center and the Alternative Sign Plan on 174.38 acres; and, a Development Order Amendment to reconfigure the site plan; delete and modify uses on 186.38 acres was presented to the Board of County Commissioners at a public hearing on January 26, 2023;

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 finds that the Zoning Application does not meet all of the Standards contained in Article 2.B.7.C.2, Standards for a Development Order Amendment, pursuant to Article 2.B Public Hearing Processes, and finds it fails to meet Article 2.B.7.B.2.g Adequate Public Facilities for traffic; Article 2.B.7.B.2.h Changed Conditions or Circumstances; and, safety;

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 Palm Beach Industrial MUPD, the Application of Moroso Investment Partners II LLC and Palm Beach International Raceway LLC, by Lewis Longman & Walker PA, Agent, for a Development Order Amendment to reconfigure the site plan; delete and modify uses; and, modify Conditions of Approval on 186.38 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 denied on January 26, 2023, without prejudice.

Commissioner Baxter moved for approval of the Resolution.

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

- | | |
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| Commissioner Gregg K. Weiss, Mayor | - Absent |
| Commissioner Maria Sachs, Vice Mayor | - Aye |
| Commissioner Maria G. Marino | - Nay |
| Commissioner <u>Michael A. Barnett</u> | - Nay |

Commissioner Marci Woodward
Commissioner Sara Baxter
Commissioner Mack Bernard

- Aye
- Aye
- Aye

The Mayor thereupon declared the resolution was duly passed and adopted on January 26, 2023.

Filed with the Clerk of the Board of County Commissioners on ~~February 1, 2023~~

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

LEGAL DESCRIPTION: MUPD

PARCEL 1

BEING A PARCEL OF LAND LYING OVER LOTS 9-16, AS SHOWN ON THE UNRECORDED PLAT OF "PALM BEACH INDUSTRIAL PARK", AS PREPARED BY BROCKWAY, WEBER & BROCKWAY INC., DATED JUNE 1962, LYING IN SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 11; PROCEED SOUTH 00°04'54" EAST, ALONG THE WEST LINE OF THE EAST HALF OF SAID SECTION 11, A DISTANCE OF 2831.20 FEET; THENCE NORTH 89°55'06" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, BEING THE NORTHWEST CORNER OF LOT 16, OF SAID UNRECORDED PLAT, AND A POINT ON A LINE 1090.00 FEET NORTH OF, AND PARALLEL WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF BEELINE HIGHWAY (STATE ROAD NO. 710) (A 200 FOOT WIDE RIGHT-OF-WAY) (PER ROAD PLAT BOOK 2, PAGES 149-153 & DEED BOOK 1051, PAGE 407) PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE SOUTH 53°39'25" EAST, ALONG SAID PARALLEL LINE AND ALONG THE NORTH LINE OF LOTS 9-16, OF SAID UNRECORDED PLAT, A DISTANCE OF 2004.33 FEET TO THE NORTHEAST CORNER OF SAID LOT 9; THENCE SOUTH 36°20'35" WEST, DEPARTING SAID PARALLEL LINE, AND SAID NORTHLINE AND ALONG THE EAST LINE OF SAID LOT 9, A DISTANCE OF 1090.00 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND THE SOUTHEAST CORNER OF SAID LOT 9; THENCE NORTH 53°39'25" WEST, DEPARTING SAID EAST LINE, AND ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1187.37 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY, DEPARTING SAID NORTHEASTERLY RIGHT-OF-WAY LINE, AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 53°34'31", AN ARC DISTANCE OF 23.38 FEET TO THE POINT OF TANGENCY, BEING A POINT ON A LINE 40.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE EAST HALF OF SAID SECTION 11; THENCE NORTH 00°04'54" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 1342.02 FEET TO THE POINT OF BEGINNING. SAID PARCEL ALSO KNOWN AS THAT CERTAIN PARCEL AS DESCRIBED IN OFFICIAL RECORD BOOK 11394, PAGE 1578, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID PARCEL CONTAINING 1,746,383. 6879 sqft. or 40.09 ACRES, MORE OR LESS. TOGETHER WITH:

A TRACT OF LAND IN SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE POINT OF INTERSECTION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, WITH 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 149-153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1249.70 FEET TO A POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE NORTHEASTERLY AT RIGHT ANGLES, A DISTANCE OF 1090 FEET; THENCE SOUTHEASTERLY AT RIGHT ANGLES, A DISTANCE OF 200 FEET; THENCE SOUTHWESTERLY, AT RIGHT ANGLES, A DISTANCE OF 1090 FEET TO A POINT SAID NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 710; THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING. SAID PARCELS CONTAINING 218,035.706 sqft. of 5.00 ACRES

PARCEL 2

A TRACT OF LAND IN SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 710 (FOR CONVENIENCE THE EAST LINE OF SAID SECTION 14 IS ASSUMED TO BEAR NORTH 0°15'49" EAST, AND ALL OTHER BEARING SHOWN HEREIN ARE RELATIVE THERETO); THENCE NORTH 53°17'12" WEST ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 710 A DISTANCE OF 497.28 FEET TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 14; THENCE NORTH 0°15'49" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 527.15 FEET TO ITS INTERSECTION WITH A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SECTION 11 OF SAID TOWNSHIP AND RANGE; THENCE NORTH 0°13'19" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 828.36 FEET 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 SAID STATE ROAD NO. 710; THENCE NORTH 53°17'12" WEST ALONG SAID PARALLEL LINE A DISTANCE OF 1340.71 FEET; THENCE NORTH 53°55'33" EAST ALONG THE EXTENSION OF A LINE RADIAL TO A CURVE TO BE DESCRIBED, A DISTANCE OF 310.58 FEET TO A POINT IN THE ARC OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS IS 65 FEET; THENCE NORTH WESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE AND THROUGH AN ANGLE OF 54°20'02" A DISTANCE OF 74.12 FEET TO THE END OF SAID CURVE AND TO A POINT IN THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 11; THENCE NORTH 0°15'35" EAST ALONG SAID WEST LINE AND TANGENT TO SAID CURVE, A DISTANCE OF 3357.38 FEET TO A POINT IN THE NORTH LINE OF SAID SECTION 11; THENCE SOUTH 89°37'49" EAST ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1321.47 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 0°13'19" WEST, ALONG THE EAST LINE OF SAID SECTION 11, A DISTANCE OF 5284.86 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 0°15'49" WEST ALONG THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 822.74 FEET TO THE POINT OF BEGINNING. LESS & EXCEPT THOSE CERTAIN PARCELS OF LAND DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 854, PAGE 792, AS MODIFIED BY THAT CERTAIN RESOLUTION RECORDED IN OFFICIAL RECORDS BOOK 1093, PAGE 541. SAID PARCEL CONTAINING 5,779,164.6879 sqft. or 132.65 (132.67 computed) ACRES, MORE OR LESS. TOGETHER WITH:

PARCEL 3

PORTIONS OF LOTS 2, 3, 4 AND 5 OF THE UNRECORDED PLAT OF PALM BEACH COUNTY INDUSTRIAL PARK, MORE PARTICULARLY DESCRIBED AS FOLLOWS: PORTIONS OF SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE INTERSECTION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 710, AS RECORDED IN ROAD PLAT BOOK 2, PAGES 149-153, INCLUSIVE, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS; PROCEED SOUTHEASTERLY, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 2255.21 FEET TO THE POINT OF BEGINNING; THENCE NORTHEASTERLY AT AN ANGLE OF 53°31'16" MEASURED FROM NORTHWESTERLY TO NORTHERLY, A DISTANCE OF 471.68 FEET; THENCE EASTERLY, AT RIGHT ANGLES TO THE PRECEDING COURSE, A DISTANCE OF 274.36 FEET TO A LINE PARALLEL TO AND 560.88 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES, TO THE EAST LINE OF SAID SECTION 11; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, AT AN ANGLE OF 90°00'45" MEASURED FROM WESTERLY TO SOUTHERLY, A DISTANCE OF 266.01 FEET TO A LINE PARALLEL TO AND 560.88 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES, TO THE EAST LINE OF SAID SECTION 14; THENCE SOUTHERLY, ALONG SAID PARALLEL LINE, AT AN ANGLE OF 179°57'30" MEASURED FROM NORTHERLY THROUGH WESTERLY TO SOUTHERLY, A DISTANCE OF 408.41 FEET TO SAID NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 710; THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, AT AN ANGLE TO THE PRECEDING COURSE OF 53°33'01" MEASURED FROM NORTHERLY TO NORTHWESTERLY, A DISTANCE OF 341.02 FEET TO THE POINT OF BEGINNING. CONTAINING 157,219.6272 sqft. of 3.60 ACRES, MORE OF LESS.

PARCEL 4

A TRACT OF LAND IN SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE POINT

OF INTERSECTION OF THE EAST LINE OF SAID SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 710 AS SAID RIGHT OF WAY LINE IS SHOWN ON MAP IN ROAD PLAT BOOK 2, PAGES 149-153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 497.28 FEET TO THE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 200 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL TO THE EAST LINE OF SAID SECTION 14, AND WHICH MAKES AN ANGLE WITH THE PRECEDING COURSE (MEASURED FROM SOUTHEAST THROUGH EAST TO NORTH) OF 126 DEGREES 26'59" A DISTANCE OF 200 FEET; THENCE SOUTHEASTERLY AND PARALLEL TO SAID RIGHT OF WAY LINE, A DISTANCE OF 200 FEET; THENCE SOUTHERLY AND PARALLEL TO SAID EAST LINE OF SECTION 14, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING. CONTAINING 32,175.9999 sqft. or 0.74 ACRES, MORE OR LESS. TOGETHER WITH:

PARCEL 5

A TRACT OF LAND IN SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE POINT OF INTERSECTION OF THE EAST LINE OF SAID SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 710, AS SAID RIGHT OF WAY LINE IS SHOWN ON MAP RECORDED IN ROAD PLAT BOOK 2, PAGES 149-153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 497.28 FEET TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 14; THENCE RUN NORTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE NORTHWESTERLY ALONG A LINE PARALLEL TO THE SAID NORTHEASTERLY RIGHT OF WAY LINE, WHICH MAKES AN ANGLE WITH THE PRECEDING COURSE (MEASURED FROM SOUTH THROUGH WEST TO NORTHWEST) OF 126 DEGREES 26'59", A DISTANCE OF 200 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL TO THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 208.27 FEET; TO A POINT IN A LINE PARALLEL TO AND 560.88 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 11, THENCE NORTHERLY ALONG SAID PARALLEL LINE A DISTANCE OF 947.34, TO A POINT IN A LINE PARALLEL TO AND 1090 FEET NORTHEASTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID NORTHEASTERLY RIGHT OF WAY LINE; THENCE SOUTHEASTERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 200.11 FEET, TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID EAST LINE OF SECTION 11; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 828.39 FEET, TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID EAST LINE OF SECTION 14; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 327.15 FEET TO THE POINT OF BEGINNING. CONTAINING 185,902.0229 sqft. or 4.27 ACRES, MORE OR LESS. TOGETHER WITH:

MUPD CONTAINING IN ALL, 8,118,881.8273 sqft. or 186.36 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

