

RESOLUTION NO. R-2008 -0689

RESOLUTION APPROVING ZONING APPLICATION Z-2007-1809  
(CONTROL NO. 1973-008)  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
APPLICATION OF LATHAM ROAD COMMERCE CTR INC  
BY DAVID L. CARPENTER & ASSOC., AGENT  
(OLD OKEECHOBEE INDUSTRIAL)

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; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application Z-2007-01809 was presented to the Board of County Commissioners at a public hearing conducted on April 24, 2008; and

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; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the stated purpose, intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations;
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment;
5. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
6. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern; and,
7. This official zoning map amendment is consistent with applicable Neighborhood Plans.

8. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY - Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code 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 Z-2007-1809 the application of Latham Road Commerce Center Inc by David L. Carpenter & Assoc., agent, for an Official Zoning Map Amendment from the General Commercial (CG) Zoning District to the Light Industrial (IL) Zoning District with a CONDITIONAL OVERLAY ZONE on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 24, 2008, subject to the conditions of the CONDITIONAL OVERLAY ZONE described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	-	Absent
Jeff Koons, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Robert J. Kanjian	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Jess R. Santamaria	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 24, 2008.

Filed with the Clerk of the Board of County Commissioners on 24 day of April, 2008.

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

BY:

  
COUNTY ATTORNEY

BY:

SHARON R. BOCK,  
CLERK & COMPTROLLER

  
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

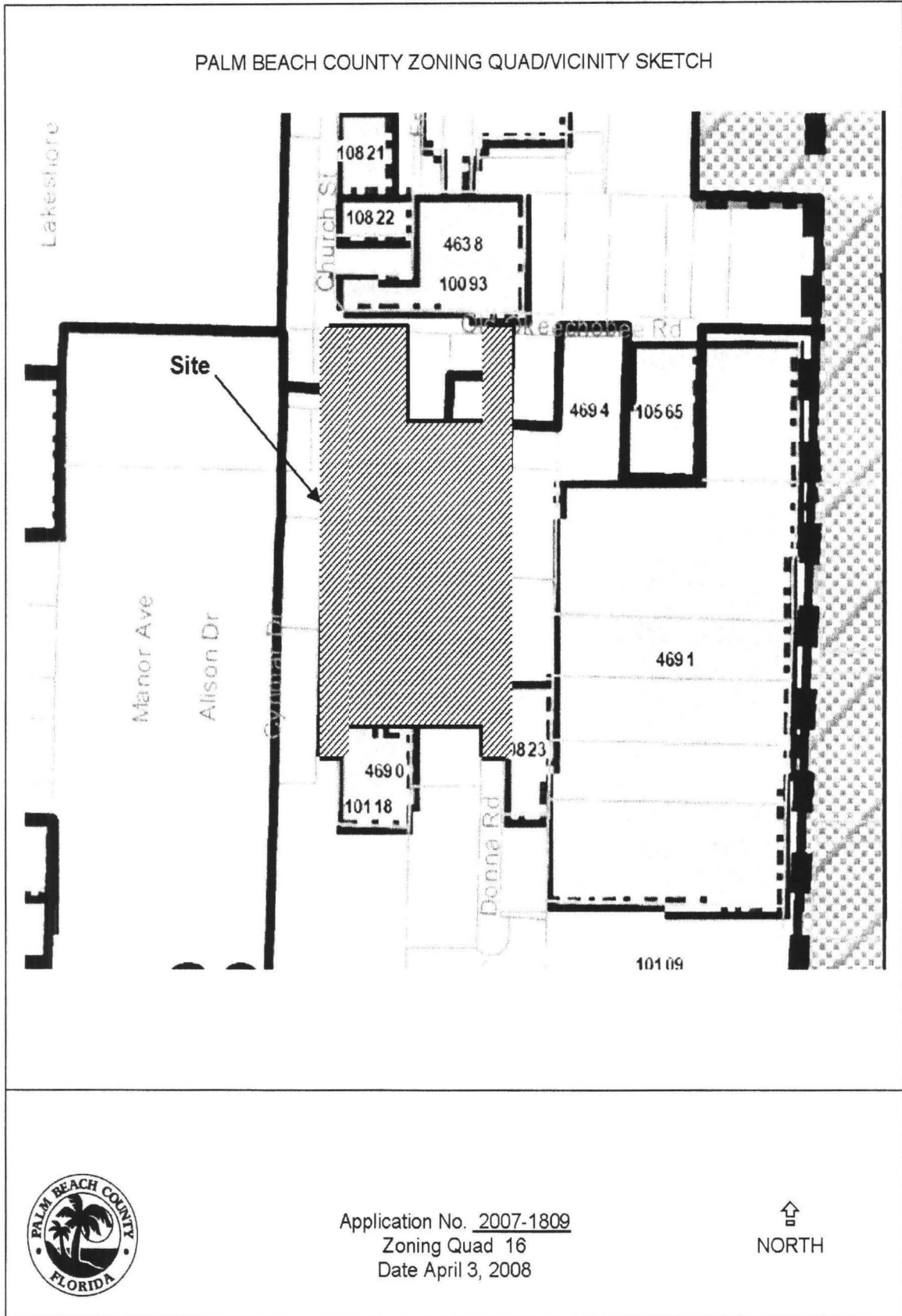
#### LEGAL DESCRIPTION: OVERALL PARCEL

A PARCELOF LAND IN SECTION29, TOWNSHIP 43SOUTH, RANGE 43 EAST, PALM BEACHCOUNTY, FLORIDA, BEING A PORTION OF LATHAM FARMS UNRECORDED SUBDIVISION, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION29, ALSO BEING THE CENTER LINE OF FLA-MANGO ROAD, WITH THE SOUTH RIGHT-OF-WAY LINE OF OLD OKEECHOBEE ROAD, A RIGHT-OF-WAY SO.00 FEET IN WIDTH, THENCE NORTH 66°42'20" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 808.39 FEET, TO THE EAST RIGHT-OF-WAY LINE OF DONNA ROAD, A RIGHT-OF-WAY 60.00 FEET IN WIDTH, AND THE POINT OF BEGINNING; THENCE SOUTH 01°56'20" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1028.47 FEET; THENCE NORTH 66°36'04" WEST, A DISTANCE OF 60.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID DONNA ROAD; THENCE NORTH 01°S6'20" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 66.13 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF ROCKEY DRIVE A RIGHT-OF-WAY 60.00 FEET IN WIDTH; THENCE NORTH 66°42'10" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 360.1S FEET TOTHE EAST RIGHT-OF-WAY LINE OF LATHAM ROAD, A RIGHT-OF-WAY 80.00 FEET IN WIDTH; THENCE SOUTH 01°32'3S" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 67.4S FEET; THENCE NORTH 66°36'04" WEST, A DISTANCE OF 60.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID LATHAM ROAD; THENCE NORTH 01°32'35" EAST, ALONG SAIDWESTRIGHT-OF-WAY LINE A DISTANCE OF 667.S2 FEET; THENCE, CONTINUE ALONG SAID WEST RIGHT-OF-WAY LINE, NORTH 01°44'0S" EAST, A DISTANCE OF 139.99 FEET, TO SAID SOUTH RIGHT-OF-WAY LINE OF OLD OKEECHOBEE ROAD; THENCE SOUTH 66°42'20" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 210.00 FEET; THENCE SOUTH 01°39'S5" WEST, A DISTANCE OF 220.16 FEET, TO THE NORTH LINE OF LOTS 36 THROUGH 38 Of SAID LATHAM FARMS; THENCE SOUTH 66°42'10" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 235.12 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID DONNA ROAD; THENCE NORTH01°56'20" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 22020 FEET, TO THE AFORESAID SOUTH RIGHT-OF-WAY LINE OF OLD OKEECHOBEE BOULEVARD; THENCE SOLITH 66°42'20" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 431,697 SQUARE FEET OR 9.91496 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ENGINEERING

1. CORRIDOR CONVEYANCE OF ROAD RIGHT OF WAY

The property owner shall convey to Palm Beach County the existing private road right of way sufficient to provide for 40 feet from the centerline of Old Okeechobee Road for both Latham Road and Donna Road. This property shall then be used as road right of way for Old Okeechobee Road. All road right of way deed(s) and associated documents shall be provided and approved prior to November 3, 2008 or prior to the issuance of any further Building Permits, whichever shall first occur.

Right of way conveyance shall be free of all encroachments and encumbrances. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants 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 Grantor, the Grantor agrees to hold the Grantee 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. Conveyances shall include "Corner Clips." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE/BLDG. PERMIT: MONITORING-Eng)

2. Prior to November 3, 2008 or prior to the issuance of any further Building Permits, the property owner shall provide a temporary roadway construction easement along the converted road right of way of both Latham Road and Donna Road to Palm Beach County. Construction within this easement shall conform to Palm Beach County Standards. 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. (BLDG PERMIT:MONITORING-Eng)

#### COMPLIANCE

1. In granting this approval, the Zoning Commission relied upon the oral and written representations of the petitioner 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 Zoning Commission 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:
- 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; revocation of any concurrency; and/or
  - The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
  - A requirement of the development to conform with the standards of the ULDC 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; 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 a 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING - Zoning)