

RESOLUTION NO. R-2009- 0502

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/DOA/W/R-2008-01369
(CONTROL NO. 1997-00034)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
Application of Moroso Investment Partners LLC
By Gentile, Holloway, O'Mahoney & Assoc, Agent
(Moroso Circle Track)

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, and the Palm Beach County Unified Land Development Code, as amended, 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 ZV/PDD/DOA/W/R-2008-01369 was presented to the Board of County Commissioners at a public hearing conducted on March 30, 2009; 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 recommendations 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 and 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. 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.
5. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern.
6. This official zoning map amendment is consistent with applicable Neighborhood Plans.
7. This official zoning map amendment (rezoning) complies with Article 2.F (Concurrency) of the Palm Beach County Unified Land Development Code.

8. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment.

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 PDDZV/PDD/DOA/W/R-2008-01369, the application of Moroso Investment Partners LLC, by Gentile, Holloway, O'Mahoney & Assoc, agent, for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Light Industrial (IL) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District in the MUPD Zoning District, on a parcel of land legally described 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.

Commissioner Vana moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Abstained
Commissioner Addie L. Greene	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on March 30, 2009.

Filed with the Clerk of the Board of County Commissioners on April 2, 2009.

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

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK




EXHIBIT A

LEGAL DESCRIPTION

PARCEL I

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 A 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 ½) OF THE NORTHEAST QUARTER (NE ¼) 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 A 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 132.65 ACRES, MORE OR LESS.

TOGETHER WITH:

TOGETHER WITH:

PARCEL III

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 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 TO THE POINT OF BEGINNING.

SAID PARCELS CONTAINING 5.01 ACRES

TOGETHER WITH:

PARCEL "A"

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 TO 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 0.74 ACRES, MORE OR LESS.

TOGETHER WITH:

PARCEL "B"

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 TO 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 FEET, 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 4.27 ACRES, MORE OR LESS.

TOGETHER WITH:

PARCEL "C"

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:

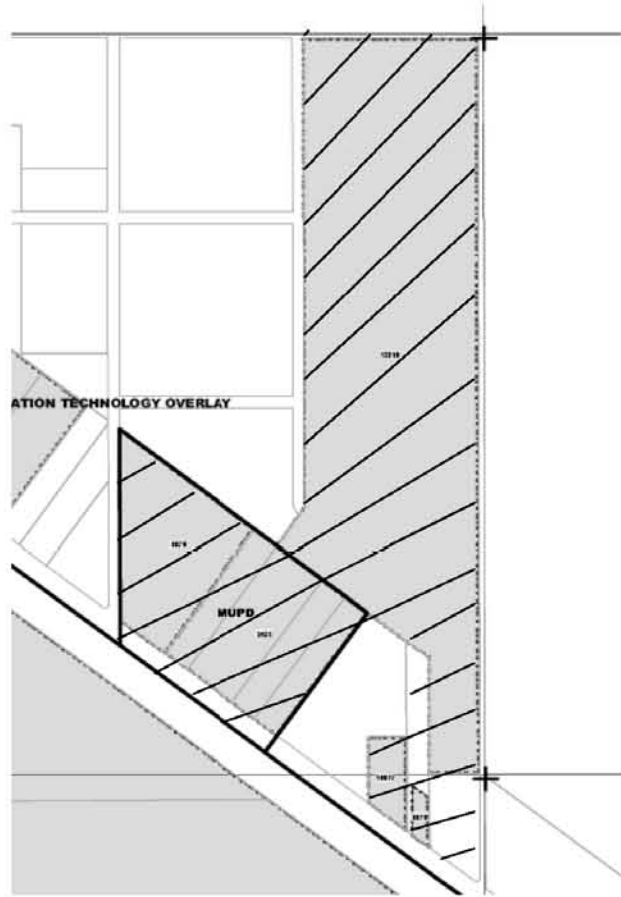
FROM THE INTERSECTION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 710, AS RECORDED IN ROAD PLAT BOOK 2, PAGES 149 THROUGH 153, INCLUSIVE, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS; PROCEED SOUTHEASTERLY, ALONG SAID RIGHT OF WAY 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 3.61 ACRES, MORE OR LESS.

CONTAINING IN ALL, 146 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. 2008-1369
Zoning Quad 86

↑
NORTH