

RESOLUTION NO. R-2010- 0152

RESOLUTION APPROVING ZONING APPLICATION ABN/COZ-2009-03649  
(CONTROL NO. 1990-00006)  
a Conditional Overlay Zone  
APPLICATION OF Palm Beach County, Dept. of Airports  
BY Urban Design Kilday Studios, AGENT  
(North Palm Beach County General Aviation Airport)

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

WHEREAS, Zoning Application ABN/COZ-2009-03649 was presented to the Board of County Commissioners at a public hearing conducted on January 28, 2010; 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, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

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

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.1.B.

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 ABN/COZ-2009-03649, the application of Palm Beach County, Dept. of Airports, by Urban Design Kilday Studios, agent, for a Conditional Overlay Zone to allow a Conditional Overlay Zone (COZ) 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 in EXHIBIT B, attached hereto and made a part hereof, was approved on January 28, 2010 subject to the conditions 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 Vana and, upon being put to a vote, the vote was as follows:

Commissioner Burt Aaronson, Chair	-	Aye
Commissioner Karen T. Marcus, Vice Chair	-	Aye
Commissioner Jeff Koons	-	Aye

Commissioner Shelley Vana  
Commissioner Steven L. Abrams  
Commissioner Jess R. Santamaria  
Commissioner Priscilla A. Taylor

- Aye  
- Aye  
- Aye  
- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 28, 2010.

Filed with the Clerk of the Board of County Commissioners on January 28, 2010.

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

NORTH COUNTY AIRPORT PERIMETER  
PER RESOLUTION R-94-355 (PETITION NO. 90-06A)

ALL THAT PORTION OF THE NORTHWEST ONE-QUARTER (NW 1/4 ) OF SECTION 1, TOWNSHIP 42 SOUTH, RANGE 41 EAST, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD AIRLINE RAILROAD;

TOGETHER WITH ALL THAT PORTION OF THE SOUTHWEST ONE-QUARTER (SW 1/4 ) OF SECTION 1, TOWNSHIP 42 SOUTH, RANGE 41 EAST, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD AIRLINE RAILROAD;

TOGETHER WITH ALL THAT PORTION OF THE SOUTHEAST ONE-QUARTER (SE 1/4 ) OF SECTION 1, TOWNSHIP 42 SOUTH, RANGE 41 EAST, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD AIRLINE RAILROAD;

TOGETHER WITH ALL THAT PORTION OF SECTION 2, TOWNSHIP 42 SOUTH, RANGE 41 EAST, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD AIRLINE RAILROAD;

TOGETHER WITH ALL OF SECTION 3, TOWNSHIP 42 SOUTH, RANGE 41 EAST;

TOGETHER WITH ALL THAT PORTION OF THE NORTHEAST ONE-QUARTER (NE 1/4 ) OF SECTION 11, TOWNSHIP 42 SOUTH, RANGE 41 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THIS NORTHEAST CORNER OF THE SAID NORTHEAST ONE-QUARTER (NE 1/4 );

THENCE ON A GRID BEARING OF N 89° 35'37" W ALONG THE NORTH LINE OF THE SAID NORTHEAST ONE-QUARTER (NE 1/4 ) A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING;

THENCE S 45° 24'23" W A DISTANCE OF 1350.00 FEET;

THENCE N 44° 35'37" A DISTANCE OF 1350.00 FEET TO A POINT ON THE NORTH LINE OF THE SAID NORTHEAST ONE-QUARTER (NE 1/4 );

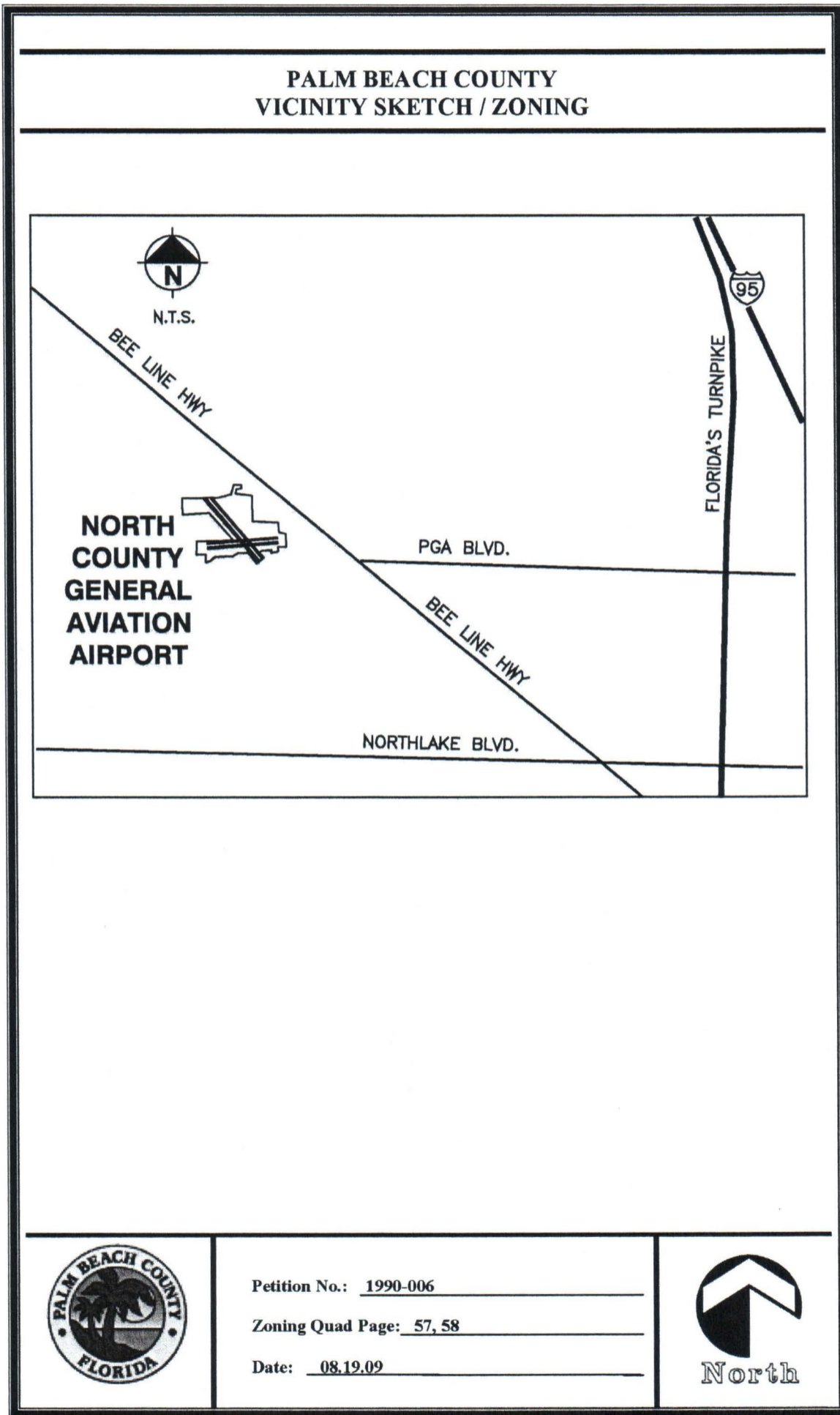
THENCE S 89° 35'37' E ALONG SAID NORTH LINE A DISTANCE OF 1909.19 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH ALL THAT PORTION OF SECTION 34, TOWNSHIP 41 SOUTH, RANGE 41 EAST, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD AIRLINE RAILROAD;

TOGETHER WITH ALL THAT PORTION OF THE SOUTHWEST ONE-QUARTER (SW 1/4 ) OF SECTION 35, TOWNSHIP 41 SOUTH, RANGE 41 EAST, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD AIRLINE RAILROAD;

SAID LAND SITUATE WITHIN PALM BEACH COUNTY, FLORIDA, CONTAINING 1832.31 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Development of the Subsidiary Development Area(s) shall be generally consistent with the Preliminary Master Plan dated November 13, 2009 and approved by the Board of County Commissioners. Modification of the site design may be allowed pursuant to conditions of approval or in accordance with Article 2 of the ULDC. Replacement of a use by another use listed as permitted by right or permitted subject to approval by the DRO may be allowed subject to approval by the DRO. All other modifications exceeding those thresholds established by conditions of approval or the ULDC must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning )

#### ENGINEERING

1. The Property Owner shall fund the cost of signal installation and the construction of dual left turn lanes south approach on Beeline Hwy at the Project Entrance if warranted as determined by the County Engineer and FDOT. Signalization shall be a mast arm structure installation. The cost of signalization and turn lane construction shall include, but are not limited to, design costs and required utility relocation and right of way or easement acquisition.

a. Building Permits for more than 300,000 sf of Industrial Development shall not be issued until the developer provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING-Eng).

b. In order to request release of the surety for the above improvements, 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, or the Property Owner shall provide written documentation to the Traffic Division that the property has been sold and that a replacement surety has been provided to the Traffic Division by the new Property Owner. 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. (ONGOING: ENGINEERING-Eng)

2. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule: a. If any portion of the site is sold and/or transferred to an entity that is not a concurrency provider or provider of customary government services and operations, no Building Permits for that portion of 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-Eng)

#### 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 (CO); 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

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 (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 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)