

RESOLUTION APPROVING ZONING APPLICATION Z-2010-00657  
(CONTROL NO. 2008-00238)  
an Official Zoning Map Amendment  
APPLICATION OF Pioneer Growers Cooperative  
BY SK Consortium Inc, Agent  
(Pioneer Growers Cooperative)

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 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 Z-2010-00657 was presented to the Board of County Commissioners at a public hearing conducted on July 22, 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 Z-2010-00657, the application of Pioneer Growers Cooperative, by SK Consortium Inc, agent, for an Official Zoning Map Amendment to allow a rezoning from the Residential High (RH) and the Agricultural Residential (AR) Zoning Districts to the Light Industrial (IL) Zoning District with 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 July 22, 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	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 22, 2010.

Filed with the Clerk of the Board of County Commissioners on August 2, 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

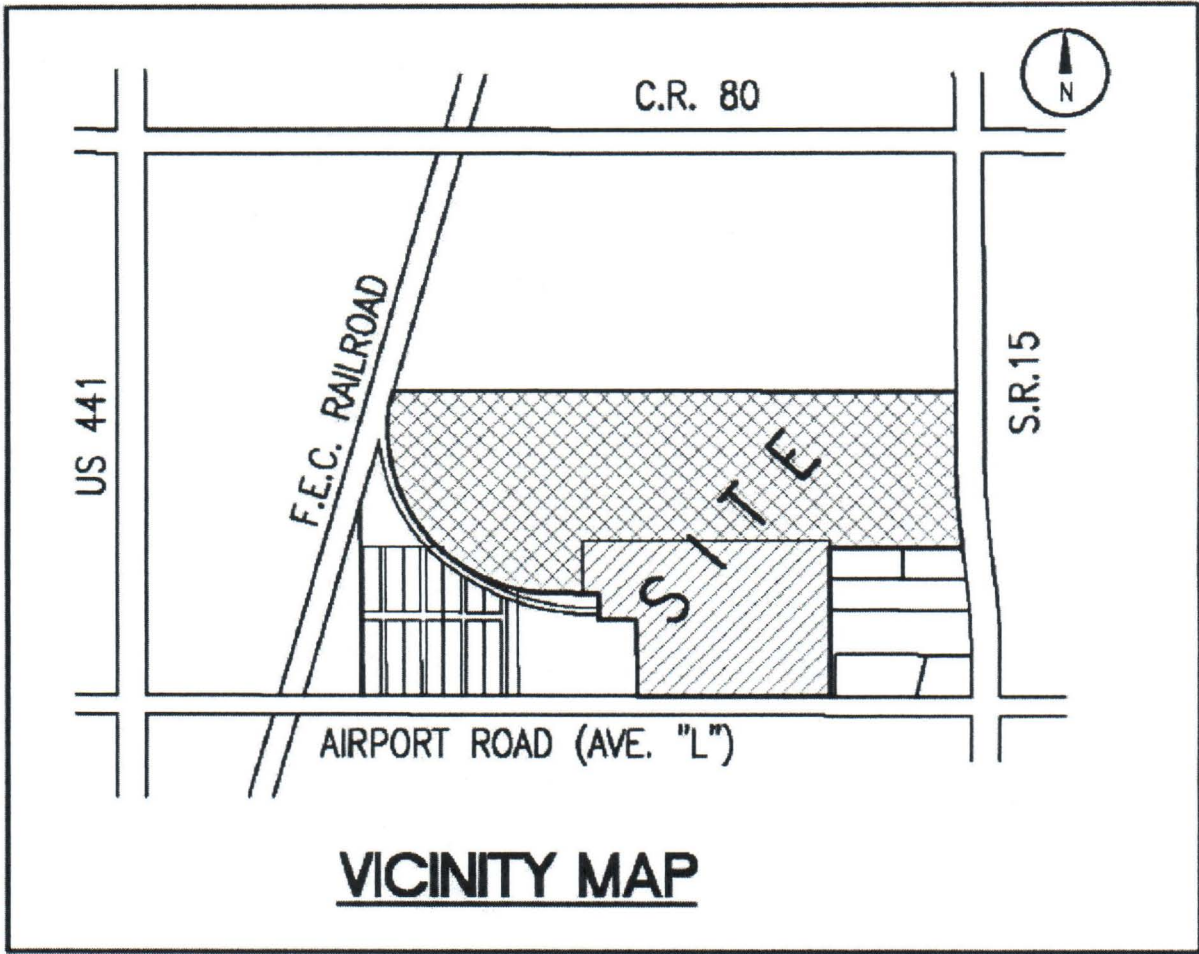
### LEGAL DESCRIPTION

That portion of Block 3, Block 4, Reserved, and vacated Fourth Avenue per Official Record Book 1704, Pages 1373 through 1377 of the Public Records of Palm Beach County, Florida, Hoover Park according to the Plat thereof as recorded in Plat Book 16, Page 20 of the Public Records of Palm Beach County, Florida. Lying Northerly of the Southerly line of the Florida East Coast Railway per Official Record Book 1020, Pages 507 through 512 of the Public Records of Palm Beach County, Florida. And a portion of the South 1/3 of the North 3/4 of the Southeast 1/4 and the South 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 30, Township 43 South, Range 37 East, Palm Beach County, Florida being more particularly described as follows:

Commence at the Southeast corner of said Section 30; thence South 89° 58' 54" West, along the South line of the Southeast 1/4 of said Section 30 a distance of 660.05 feet to the East line of the Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of said Section 30; thence leaving said South line, North 00° 21' 51" West, along said East line 35.00 feet to a point on the Northerly right of way line of Airport Road (Avenue L, Ice Plant Road) per the State of Florida State Road Department right of way map Section 93720-2601 Dated 9-11-63; thence leaving said Northerly right of way line, continue North 00° 21' 51" West, along said East line 625.01 feet to the Point of Beginning also being a point on the South line of the South 1/3 of the North 3/4 of the Southeast 1/4 of said Section 30; thence continue North 00° 21' 51" West, along the Northerly projection of said East line 30.00 feet to a line 30.00 feet North of and parallel with the South line of the South 1/3 of the North 3/4 of the Southeast 1/4 of said Section 30; thence leaving said East line, South 89° 58' 48" West, along said parallel line 1047.26 feet; thence leaving said parallel line, South 00° 17' 12" East, 248.38 feet to a point on the aforesaid Southerly line of the Florida East Coast Railway; thence North 89° 48' 51" West, along said Southerly line 132.50 feet to the point of curvature of a curve to the right, having a radius of 723.00 feet, a central angle of 88° 14' 59" and a chord of 1006.74 feet that bears North 45° 41' 21" West; thence along the arc of said curve and Southerly line a distance of 1113.60 feet to a point on the Southeasterly right of way line of the Florida East Coast Railway, Fort Pierce Junction to Lake Harbor Branch as referenced in the aforementioned Official Record Book 1020, Pages 507 through 512; thence leaving said curve and Southerly line, North 16° 16' 38" East, along said Southeasterly right of way line 181.92 feet to a point on the North line of said South 1/3 of the North 3/4 of the Southeast 1/4 of Section 30; thence North 89° 58' 52" East, along said North line 2383.66 feet to a point on the Westerly right of way line of State Road 15 per the State of Florida State Road Department right of way map Section 93130-2505 Dated 11-07-72; thence leaving said North line, run the following courses and distance along said Westerly right of way line of State Road 15, South 00° 21' 51" East, 311.08 feet to the point of curvature of a curve to the left, having a radius of 1969.86 feet and a central angle of 06° 11' 22"; thence along the arc of said curve a distance of 212.80 feet to the point of tangency; thence South 06° 33' 13" East, 137.69 feet to a point on aforesaid South line of the South 1/3 of the North 3/4 of the Southeast 1/4 of Section 30; thence leaving said Westerly right of way line, South 89° 58' 48" West, along said South line 566.07 feet to the Point of Beginning  
Said parcel contains 37.88 acres, more or less.



EXHIBIT B  
VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2014. 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)

2. Within ninety (90) days notice from the County Engineer, the property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for 60 feet of right of way from centerline of Airport Road (Gator Boulevard). Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. 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, unless otherwise agreed upon. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer additional right of way for Expanded Intersections and corner clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the property owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (ONGOING: ENGINEERING-Eng)

3. Prior to June 24, 2011, the property owner shall combine the property in accordance with provisions of Article 11 of the Unified Land Development Code. (DATE: MONITORING-Eng)

4. Prior to June 24, 2011 or recordation of a plat or plat waiver for the property, which ever shall occur first, the property owner shall abandon the portion of Third Street and platted lots of Hoover Park PB16/PG20 that are within the property boundary for this site. (DATE/PLAT: MONITORING/ENGINEERING - Eng)

5. Prior to final approval of the Site Plan by the DRO, the property owner shall enter into a removal agreement with Palm Beach County for the additional right of way along Airport Road. (DRO:ENGINEERING-Eng)

#### HEALTH

1. Submit the results of an Asbestos Containing Materials (ACM) survey to the Palm Beach County Health Department prior to obtaining a demolition permit. (BLDG PERMIT: MONITORING-Health)

#### 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  
BCC  
Application No. Z-2010-00657  
Control No. 2008-00238  
Project No. 05179-000

July 22, 2010  
BCC District 06

Page



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)