

RESOLUTION NO. R-2014- 0737

RESOLUTION APPROVING ZONING APPLICATION PDD/R-2013-00771
(CONTROL NO. 2001-00064)
a Requested Use
APPLICATION OF Southern Investments Partnership, LP
BY Cotleur & Hearing, Inc., AGENT
(Southern Light Industrial Park)

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;

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;

WHEREAS, Zoning Application PDD/R-2013-00771 was presented to the Board of County Commissioners at a public hearing conducted on May 22, 2014;

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 (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;

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;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

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.2.B for a Requested Use; and,

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 PDD/R-2013-00771, the petition of Southern Investments Partnership, LP, by Cotleur & Hearing, Inc., agent, for a Requested Use to allow Manufacturing and Processing in the Multiple Use Planned Development (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, was approved on May 22, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

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

Commissioner Priscilla A. Taylor, Mayor	- Aye
Commissioner Paulette Burdick, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Jess R. Santamaria	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on May 22, 2014.

Filed with the Clerk of the Board of County Commissioners on June 11th, 2014.

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

**Southern Light Industrial Park
LEGAL DESCRIPTION**

A PARCEL OF LAND SITUATE IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

TRACTS 40, 41, 60 AND 61, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE.

LESS AND EXCEPT THE FOLLOWING: (A) THE RIGHT-OF-WAY FOR SOUTHERN BOULEVARD AS CURRENTLY LAID OUT AND IN USE, AND (B) PARCEL NO. 133 CONVEYED TO FLORIDA DEPARTMENT OF TRANSPORTATION BY WARRANTY DEED DATED MAY 7, 2002 AND RECORDED IN OFFICIAL RECORDS BOOK 13718, PAGE 600, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: A PORTION OF TRACT 61, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 61; THENCE SOUTH 01°00'25" EAST ALONG THE WEST LINE OF SAID TRACT 61, A DISTANCE OF 254.577 METERS (835.22 FEET) TO THE POINT OF BEGINNING AND THE BEGINNING OF A CURVE CONCAVE NORTHERLY, HAVING A CHORD BEARING OF SOUTH 87°13'14" EAST; THENCE EASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 1896.400 METERS (6221.77 FEET), THROUGH A CENTRAL ANGLE OF 02°41'49" AN ARC LENGTH OF 89.265 METERS (292.86 FEET) TO THE END OF SAID CURVE; THENCE SOUTH 88°34'09" EAST, A DISTANCE OF 74.652 METERS (244.92 FEET) TO A POINT ON THE EAST LINE OF SAID TRACT 61; THENCE SOUTH 01°28'02" WEST ALONG SAID EAST TRACT LINE, A DISTANCE OF 26.481 METERS (86.88 FEET) TO A POINT ON THE NORTHERLY EXISTING RIGHT-OF-WAY LINE FOR STATE ROAD 80 (SOUTHERN BOULEVARD), ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 93120-2544; THENCE NORTH 88°34'07" WEST ALONG SAID NORTHERLY EXISTING RIGHT-OF-WAY LINE, A DISTANCE OF 162.650 METERS (533.63 FEET) TO A POINT ON THE WEST LINE OF SAID TRACT 61; THENCE NORTH 01°00'25" WEST ALONG SAID WEST TRACT LINE, A DISTANCE OF 28.606 METERS (93.85 FEET) TO THE POINT OF BEGINNING.

LESS THAT PARCEL OF LAND CONVEYED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN OFFICIAL RECORD BOOK 26346, PAGE 1255, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 1A:

TOGETHER WITH A PORTION OF A PLATTED 30 FOOT ROADWAY LYING BETWEEN TRACTS 60 AND 61, BLOCK 5, PLAT OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

TRACTS 42 AND 59, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE NORTH 48.18 FEET OF SAID TRACT 42. AND LESS AND EXCEPT THAT PORTION OF TRACT 59, BLOCK 5, AS DESCRIBED IN THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 2822, PAGE 1048, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

PARCEL 13:

THE NORTH 30 FEET OF THE SOUTH 57 FEET OF THE WEST 45 FEET OF TRACT 59, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, RECORDED IN PLAT

BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
AND

PARCEL 13A:

THE NORTH 50 FEET OF THE SOUTH 67 FEET OF THE WEST 55 FEET, LESS THE NORTH 30 FEET OF THE SOUTH 57 FEET OF THE WEST 45 FEET OF TRACT 59, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND ALSO LESS AND EXCEPT:

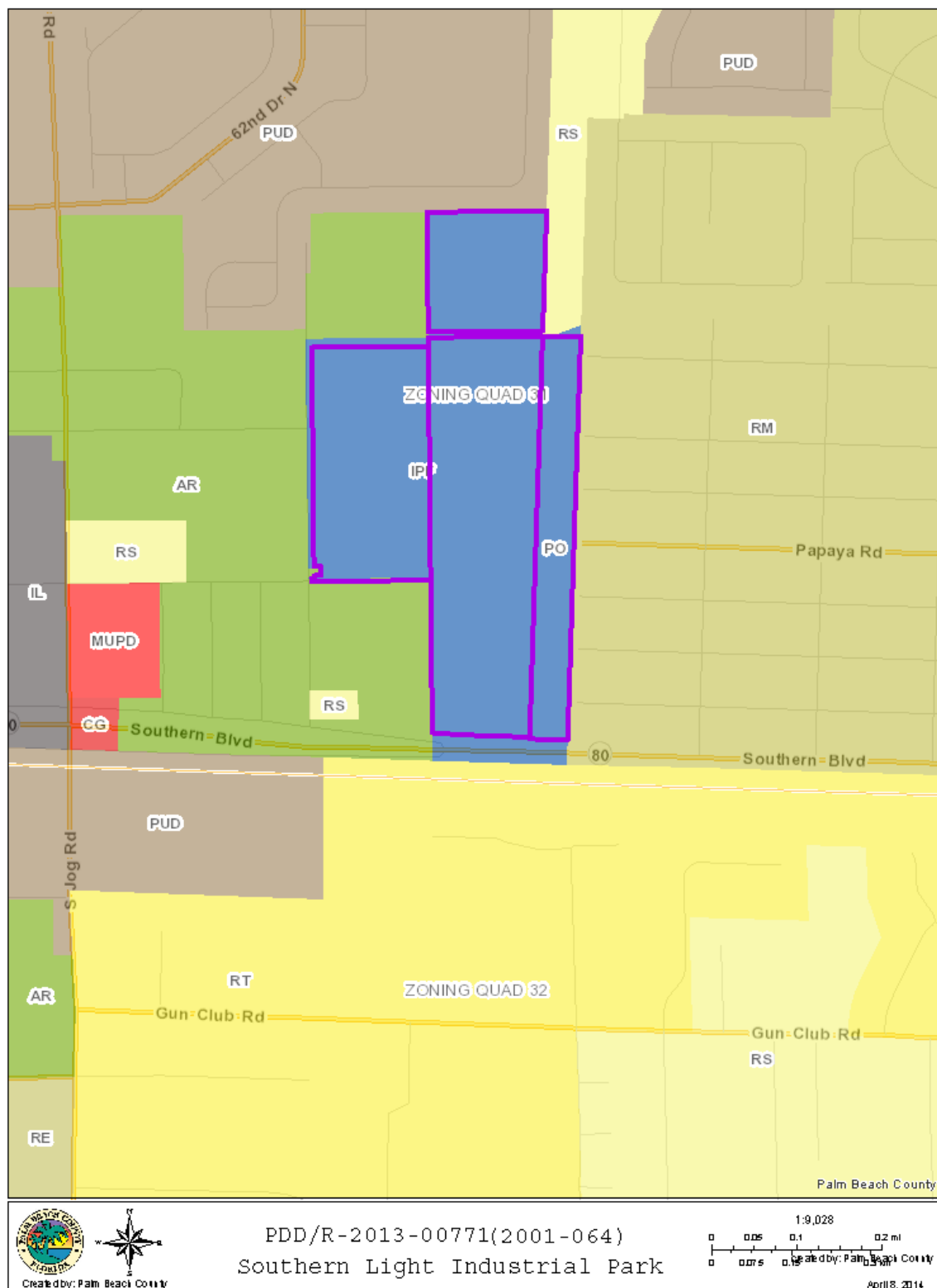
THE WEST 15 FEET OF TRACTS 42 AND 59, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THAT PORTION LYING WITHIN THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 2822, PAGE 1048, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND LESS THE NORTH 48.18 FEET OF SAID TRACT 42.

TOGETHER WITH:

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDED ON THE SOUTH BY THE NORTH LINE OF STATE ROAD 80 (SOUTHERN BOULEVARD), PARCEL NO. 164 AS DESCRIBED IN OFFICIAL RECORD BOOK 13737, PAGE 1779; BOUNDED ON THE WEST BY THE EAST LINE OF TRACTS 41, 60, 61, BLOCK 5, AS SHOWN ON THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54; BOUNDED ON THE NORTH BY THE SOUTH LINE OF TRACT "E", AS SHOWN ON THE PLAT OF BOYS AND GIRLS CLUB-HAVERHILL, RECORDED IN PLAT BOOK 113, PAGES 87 THROUGH 89 AND BOUNDED ON THE EAST BY THE EAST LINE OF SAID SECTION 34. SAID OFFICIAL RECORD BOOK AND PLAT BOOKS ARE THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH



PDD/R-2013-00771(2001-064)
Southern Light Industrial Park

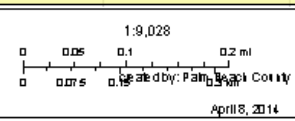


EXHIBIT C

CONDITIONS OF APPROVAL

Requested Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated March 13, 2014. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

USE LIMITATIONS

1. The Manufacturing and Processing use, which is indicated in Buildings A, B, C, and D of the Preliminary Site Plan dated March 13, 2014, may be relocated to Buildings E, F, G, and/or H subject to compliance with MUPD Freestanding Buildings and all applicable provisions of the Unified Land Development Code (ULDC). (ONGOING: ZONING - Zoning)

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: ZONING - 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; 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; the 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 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 of Approval; 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: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.