

RESOLUTION NO. R-2016- 0551

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD-2015-02166
(CONTROL NO. 2015-00085)
a Official Zoning Map Amendment to a Planned Development District
APPLICATION OF PBA Holdings Inc
BY Urban Design Kilday Studios, AGENT
(Central Park Commerce Center)

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 pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/PDD-2015-02166 was presented to the Board of County Commissioners at a public hearing conducted on April 28, 2016;

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 ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Official Zoning Map Amendment to a Planned Development District;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC 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 ZV/PDD-2015-02166, the Application of PBA Holdings Inc, by Urban Design Kilday Studios, Agent, for a Official Zoning Map Amendment to a Planned Development District to allow rezoning from the Special Agriculture (SA) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District, and allow an Alternative Landscape Buffer., on a parcel of land generally described as shown on the legal description 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 April 28, 2016 subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McKinlay moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on April 28, 2016.

Filed with the Clerk of the Board of County Commissioners on May 6th, 2016.

This resolution shall not become effective unless or until the effective date of the Comprehensive Plan Amendment Central Park Commerce Center LGA-2016-00005.

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

MUPD LEGAL DESCRIPTION

DESCRIPTION: FURNISHED BY FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE COMMITMENT 5011612-1062-3193683. DATED JULY 17, 2015. AND DESCRIPTIONS SENT BY JOSEPH VERDONE, NOVEMBER 12, 2015

THE SUBJECT PARCELS ARE LAYING WITHIN PART OF SECTION 29 AND PART OF SECTION 32, BOTH OF TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, AND ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:
PARCEL 1:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 40 EAST; WHICH IS THE SAME AS THE NORTHEAST CORNER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE NORTH $88^{\circ}20'18''$ WEST 918.66' ALONG THE SOUTH LINE OF SAID SECTION 29 TO THE WEST LINE OF A 400 FEET WIDE WILDLIFE CORRIDOR AS RECORDED IN OFFICIAL RECORD BOOK 21362, PAGE 1076 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING OF PARCEL 1; THENCE NORTH $0^{\circ}57'24''$ EAST 468.66 FEET ALONG SAID WEST LINE OF THE WILDLIFE CORRIDOR; THENCE NORTH $88^{\circ}27'45''$ WEST 933.05 FEET; THENCE NORTH $0^{\circ}57'24''$ EAST 467.02 FEET; THENCE NORTH $88^{\circ}27'45''$ WEST 1376.21 FEET TO THE EAST LINE OF THE PALM BEACH AGGREGATES HAUL ROAD; THENCE ALONG THE EAST LINE OF SAID HAUL ROAD WHICH IS PARALLEL WITH THE WEST LINE OF SAID SECTION 29, TOWNSHIP 43 SOUTH, RANGE 40 EAST, SOUTH $0^{\circ}49'13''$ WEST 930.70 FEET TO THE SOUTH LINE OF SAID SECTION 29; THENCE SOUTH $0^{\circ}56'55''$ WEST 1761.41 FEET INTO SECTION 32 ALONG SAID EAST LINE OF THE HAUL ROAD, WHICH IS PARALLEL WITH THE WEST LINE OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST, THENCE SOUTH $88^{\circ}23'35''$ EAST 2306.83 FEET TO THE WEST LINE OF THE AFOREMENTIONED WILDLIFE CORRIDOR; THENCE NORTH $0^{\circ}57'24''$ EAST 1759.20 FEET ALONG THE WEST LINE OF SAID WILDLIFE CORRIDOR TO THE POINT OF BEGINNING.

CONTAINING: 132.66 ACRES.

TOGETHER WITH

PARCEL 2:

LYING IN SECTION 32 TOWNSHIP 43 SOUTH, RANGE 40 EAST AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80, SECTION 23120-2515, WITH THE WEST LINE OF THE WILDLIFE CORRIDOR AS RECORDED IN OFFICIAL RECORD BOOK 21362, PAGE 1076, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH $88^{\circ}28'14''$ WEST 1839.11 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL 2; THENCE NORTH $1^{\circ}31'46''$ EAST 598.83 FEET TO THE BEGINNING OF NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 585.00 FEET; THENCE NORTHEASTERLY 323.00 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $31^{\circ}38'07''$ TO THE END OF SAID CURVE ON A NON-TANGENT LINE; THE SUBTENDED CHORD BEARS NORTH $33^{\circ}34'54''$ EAST FOR A DISTANCE OF 318.91 FEET; THENCE NORTH $0^{\circ}56'55''$ EAST 747.16 FEET ALONG A LINE PARALLEL WITH THE WEST LINE OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST TO THE SOUTH LINE OF PARCEL 1 DESCRIBED ABOVE; THENCE NORTH $88^{\circ}23'35''$ WEST 200.00 FEET ALONG THE SOUTH LINE OF SAID PARCEL 1; THENCE SOUTH $0^{\circ}56'55''$ WEST 742.78 FEET ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID SECTION 32 TO THE

BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 395.00 FEET; THENCE SOUTHWESTERLY 142.67 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°41'41" TO THE END OF SAID CURVE ON A NON-TANGENT LINE; THE SUBTENDED CHORD BEARS SOUTH 35°35'51" WEST FOR A DISTANCE OF 141.90 FEET; THENCE SOUTH 45°55'57" WEST 64.02 FEET ALONG SAID NON-TANGENT LINE; TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 125.00 FEET; THENCE WESTERLY AND SOUTHWESTERLY 224.90 FEET ALONG THE ARC OF SAID CURVE TO A TANGENT LINE THROUGH A CENTRAL ANGLE OF 103°05'12", THE SUBTENDED CHORD BEARS SOUTH 53°04'22" WEST FOR A DISTANCE OF 195.77 FEET; THENCE SOUTH 1°31'46" WEST 588.75 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80, SECTION 23120-2515; THENCE SOUTH 88°28'14" EAST 308.38 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 80 TO THE POINT OF BEGINNING.

CONTAINING: 9.34 ACRES.

THE TOTAL AREA OF PARCELS 1 AND 2 IS: 142.00 ACRES.

**LESS AND NOT INCLUDING:
PARCEL PBA-3 DUMP SITE**

COMMENCING AT THE NORTHWEST CORNER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA: THENCE SOUTH 0°56'55" WEST 1763.40 FEET ALONG THE WEST LINE OF SAID SECTION 32, THENCE SOUTH 88°23'35" EAST 1945.15 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE HAUL ROAD EASEMENT; THENCE CONTINUE SOUTH 88°23'35" EAST 130.01 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE HAUL ROAD EASEMENT AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL, (WHICH IS ALSO THE POINT OF BEGINNING OF THE OFFICE SITE). THENCE CONTINUE SOUTH 88°23'35" EAST 247.05 FEET ALONG A LINE WHICH IS THE SAME AS THE NORTH LINE OF THE OFFICE SITE; THENCE NORTH 0°56'55" EAST 650.00 FEET ALONG A LINE WHICH IS PARALLEL WITH THE WEST LINE OF SAID SECTION 32; THENCE NORTH 88°23'35" WEST 247.05 FEET TO THE EAST LINE OF THE HAUL ROAD EASEMENT; THENCE SOUTH 0°56'55" WEST 650.00 FEET ALONG THE EAST LINE OF THE HAUL ROAD EASEMENT AND SAID LINE ALSO BEING PARALLEL WITH THE WEST LINE OF SAID SECTION 32 TO THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 3.6862 ACRES (160571.4159 SQ. FT.).

TOTAL AREA REVISED:

PARCEL 1 + PARCEL 2 LESS PARCEL PBA-3 = 138.31 ACRES

DATUM AND BASIS OF BEARINGS:

BEARINGS AND DISTANCES SHOWN ON THIS DESCRIPTION ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE AND ARE FURTHER REFERENCED TO THE 1983 NORTH AMERICAN DATUM, 1998 ADJUSTMENT.

THE WEST LINE OF WILDLIFE CORRIDOR BEARS NORTH 0°57'24" EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO...

DISTANCES SHOWN ON THIS SURVEY ARE GRID DISTANCES, UNLESS SHOWN OTHERWISE.

TO CONVERT GRID DISTANCES TO GROUND DISTANCES THE SCALE FACTOR IS: 0.999990714; AND GRID DISTANCE DIVIDED BY SCALE FACTOR=GROUND DISTANCE.

THE DIFFERENCE BETWEEN GRID AND GROUND DISTANCES IS 0.05' IN 5280' OR 1 FOOT IN 107,688 FEET.

ACCURACY: THE PRESENT USE OF THE SUBJECT LANDS IS RURAL.
THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF

PROFESSIONAL SURVEYORS AND MAPPERS, (5J-17.051 FAC) REQUIRE A MINIMUM RELATIVE DISTANCE ACCURACY FOR THIS TYPE OF SURVEY OF 1 FOOT IN 5,000 FEET. THIS SURVEY MEETS SAID REQUIREMENTS.

CERTIFICATION:

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER WHOSE NAME APPEARS BELOW, THIS REPORT AND MAP OF BOUNDARY SURVEY ARE FOR INFORMATIONAL PURPOSES ONLY AND ARE NOT VALID.

I HEREBY CERTIFY THAT THE PROPERTY SHOWN AND DESCRIBED HEREON WAS SURVEYED UNDER MY DIRECTION ON AUGUST 6, 2015 AS INDICATED ON THIS PLAT.

I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 472.027 FLORIDA STATUTES AND CHAPTER 5J-17.051 FLORIDA ADMINISTRATIVE CODE.

FERNANDO GONZALEZ, P.S.M.
FLORIDA LICENSE NO.4994

EXHIBIT B

VICINITY SKETCH

**PALM BEACH COUNTY
VICINITY SKETCH / ZONING**

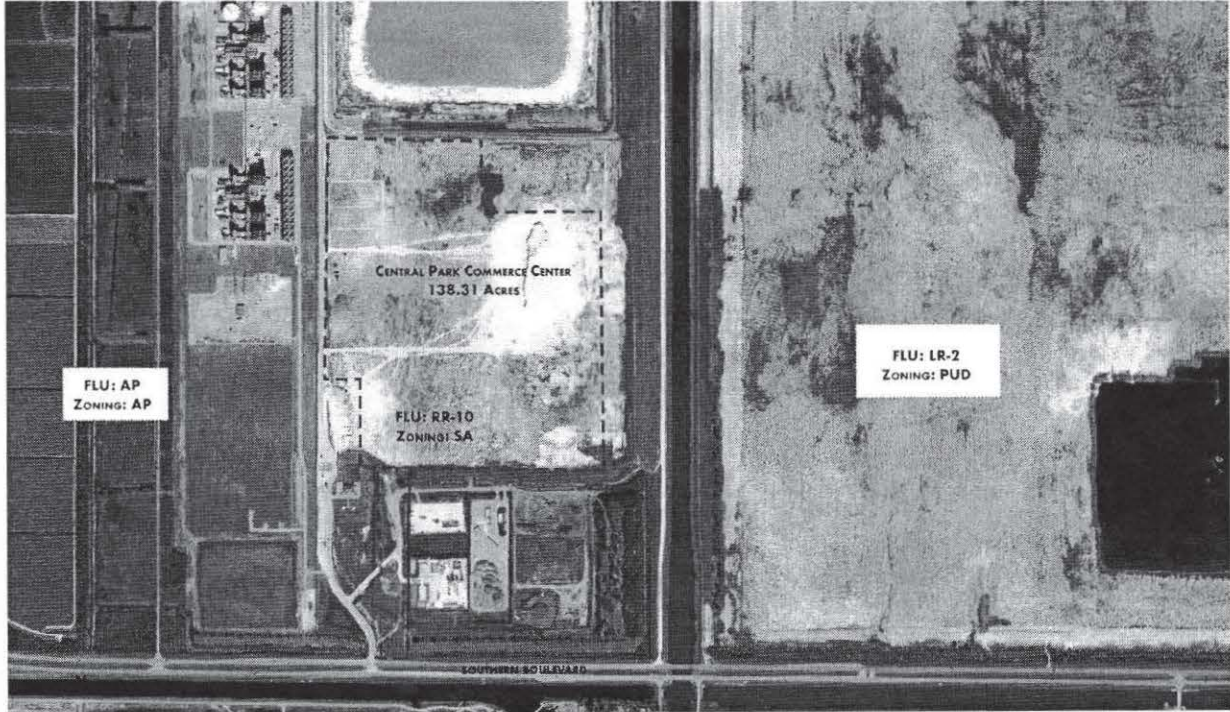


EXHIBIT C

CONDITIONS OF APPROVAL

Non Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Master Plan Plan and Regulating Plan are dated March 21, 2016. 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)

2. Prior to Final Approval by the Development Review Officer (DRO) for the Final Master Plan, the Regulating Plan(s) shall be revised to include a trip concurrency equivalency table. The format of the table shall be reviewed and approved by the DRO. (ONGOING: ZONING - Zoning)

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, 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 - Engineering)

b. Building Permits for more than 120,000 sf of Industrial, 180,000 sf of Warehouse, and 20,000 sf of office use or equivalent peak hour directional trips shall not be issued until the contract has been let for the assured construction of Southern Blvd as a 6-lane divided facility from Lion Country Safari Rd to Forest Hill Blvd. (BLDGPMT/DATE: MONITORING - Engineering)

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property and the offsite water management tract into legal lot(s) of record in accordance with the provisions of Article 11 of the Unified Land Development Code. This includes any residual parcels created by this subdivision. (BLDGPMT: MONITORING - Engineering)

3. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination. (PLAT: MONITORING - Engineering)

4. Prior to recordation of the plat, the Property Owner record all drainage easements necessary to provide legal positive outfall. (PLAT: MONITORING - Engineering)

5. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer at Project Entrance on Southern Blvd. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. No Building Permits shall be issued until the developer provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPMT: MONITORING - Engineering)

b. In order to request release of the surety for the traffic signal at the above intersection,

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. 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. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (BLDGPMPT: MONITORING - Engineering)

6. The Property Owner shall construct a) right turn lane 590 ft storage and 50 ft taper or as approved by the FDOT, east approach on Southern Blvd at Project Entrance b) left turn lane 415 ft storage and 50 ft taper or as approved by the FDOT, west approach on Southern Blvd at Project Entrance.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from FDOT for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMPT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering)

LANDSCAPE - PERIMETER

1. In addition to the Code requirements, landscaping along the entire perimeter of the MUPD shall include:

a. A minimum two (2) foot high continuous berm;

b. The wall requirement for the Type III Incompatibility Buffer shall be substituted with a minimum of six (6) foot high vinyl coated chain link fence;

c. A six (6) foot high hedge to be placed on the exterior side of the fence; and,

d. Measurement of berm height may be adjusted subject to the approval by the Zoning Division provided the intent of the berm, fence and hedge combination will achieve an effective screening for the adjacent properties. (BLDGPMPT/ONGOING: ZONING - Zoning)

2. Prior to Final Approval by the Development Review Officer (DRO), the Regulating Plan shall be amended to provide a detail for the Alternative Type III Incompatibility Buffer consistent with Landscape Condition 1 (DRO: ZONING - Zoning)

PLANNING

1. Per LGA 2016-005, Central Park Commerce Center, Development of the site under the Economic Development Center future land use designation is limited to a maximum of 491,749 square feet of light industrial uses and 2,786,577 square feet of warehouse uses, or other uses which do not exceed the equivalent traffic generating trips. (ONGOING: PLANNING - Planning)

2. Per LGA 2016-005, Central Park Commerce Center, If development of a minimum of 200,000 square feet of uses which make use of the unique attributes of the site, such as adjacency to Florida Power & Light West County Energy Facility, uninterrupted and redundant power source, the site elevation, and/or fiber optic availability, does not commence prior to June 30, 2019, then County staff shall bring back to the Board of County Commissioners for consideration of initiation an amendment to change the designation to an appropriate future land use designation. (DATE: PLANNING - Planning)

3. Per LGA 2016-005, Central Park Commerce Center, Residential uses (except security or caretakers' quarters) are prohibited. (ONGOING: PLANNING - Planning)

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.