

RESOLUTION NO. R-2023-0059

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/CAW-2022-00485
(CONTROL NO. 2005-00593)
a Class A Conditional Use
APPLICATION OF Duke Realty Land LLC
BY Schmidt Nichols, AGENT
(Southern Blvd Industrial 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 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/DOA/CAW-2022-00485 submitted on behalf of Duke Realty Land LLC, by Schmidt Nichols, Agent for a Development Order Amendment to reconfigure the Site Plan, to add square footage, add a use, add access points; and to modify/or delete Conditions of Approval on 6.98 acres; and a Class A Conditional Use to allow a single use, exceeding 100,000 square feet for a Warehouse on 6.98 acres was presented to the Board of County Commissioners at a public hearing conducted on January 11, 2023;

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 (Application Processes and 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 Processes) for a Class A Conditional Use;

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.B.6.C (Board Action) 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/DOA/CAW-2022-00485, the Application of Duke Realty Land LLC, by Schmidt Nichols, Agent, for a Class A Conditional Use to allow a single use, exceeding 100,000 square feet for a Warehouse on 6.98-acres, 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 shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 11, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Mayor	- Aye
Commissioner Maria Sachs, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Michael Barnett	- Aye
Commissioner Marci Woodward	- Aye
Commissioner Sara Baxter	- Aye
Commissioner Mack Bernard	- Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on January 11, 2023.

Filed with the Clerk of the Board of County Commissioners on January 11, 2023.

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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

TRACT 68, BLOCK 5, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LESS AND EXCEPT THEREFROM THE WEST 200 FEET OF TRACT 68 AND LESS THAT PROPERTY CONVEYED BY WARRANTY DEED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RECORDED JUNE 14, 2002 IN OFFICIAL RECORDS BOOK 13805, AT PAGE 1832 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

TRACT 73, BLOCK 5, PALM BEACH FARMS COMPANY PLAT NO 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF STATE ROAD 80; LESS AND EXCEPT THEREFROM THAT PART OF THE PROPERTY CONVEYED BY WARRANTY DEED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RECORDED JUNE 14, 2002 IN OFFICIAL RECORDS BOOK 13805, AT PAGE 1832 AND THAT PART OF THE PROPERTY LYING WITHIN THE RIGHT OF WAY OF STATE ROAD 80.

ALSO DESCRIBED AS FOLLOWS:

A PORTION OF TRACTS 68 AND 73, BLOCK 5, THE PALM BEACH FARMS COMPANY 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, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 68, RUN THEN SOUTH 01 DEGREES 06 MINUTES 49 SECONDS EAST ALONG THE WEST LINE OF SAID TRACT 68 A DISTANCE OF 659.68 FEET TO THE NORTHWEST CORNER OF SAID TRACT 73; THENCE NORTH 89 DEGREES 01 MINUTES 39 SECONDS EAST ALONG THE NORTH LINE OF SAID TRACT 73 A DISTANCE OF 200.00 FEET; THENCE NORTH 01 DEGREES 06 MINUTES 49 SECONDS WEST A DISTANCE OF 8.32 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. RUN THENCE SOUTH 88 DEGREES 29 MINUTES 03 SECONDS EAST A DISTANCE OF 391.65 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 8,682.40 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00 DEGREES 27 MINUTES 25 SECONDS A DISTANCE OF 69.24 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 73; THENCE NORTH 01 DEGREES 11 MINUTES 14 SECONDS WEST ALONG SAID EAST LINE A DISTANCE OF 11.41 FEET TO THE NORTHEAST CORNER OF SAID TRACT 73; THENCE CONTINUE NORTH 01 DEGREES 11 MINUTES 14 SECONDS WEST ALONG THE EAST LINE OF SAID TRACT 68, A DISTANCE OF 659.68 FEET; THENCE SOUTH 89 DEGREES 01 MINUTES 39 SECONDS WEST ALONG THE NORTH LINE OF SAID TRACT 68 A DISTANCE OF 459.56 FEET; THENCE SOUTH 01 DEGREES 06 MINUTES 49 SECONDS EAST ALONG THE EAST LINE OF WEST 200 FEET OF SAID TRACT 68, A DISTANCE OF 651.36 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 304,207 SQUARE FEET (6.9836 ACRES), MORE OR LESS

EXHIBIT B
VICINITY SKETCH

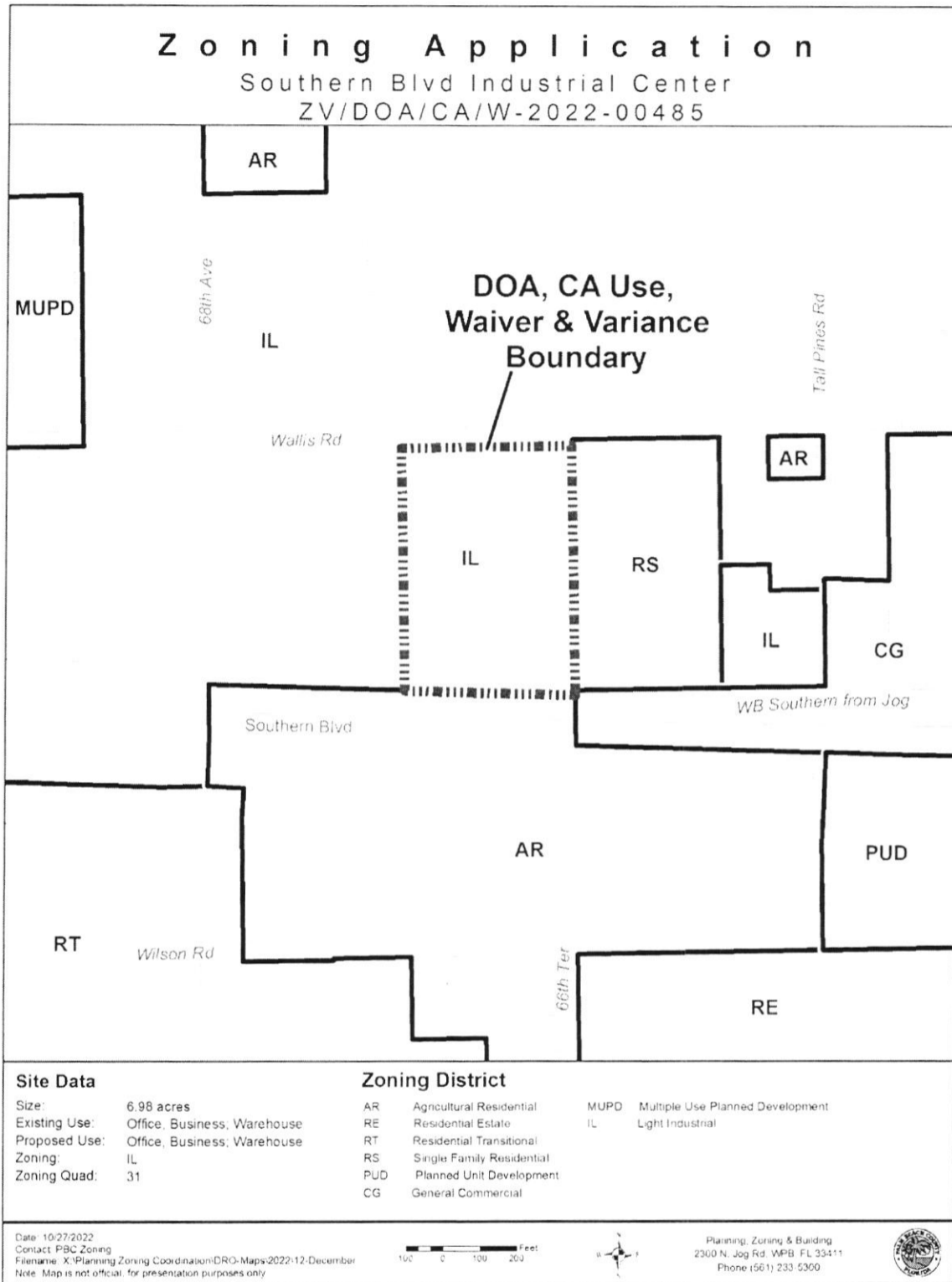


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated October 13, 2022. 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. (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: 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; 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: MONITORING - Zoning)

DISCLOSURE

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