

RESOLUTION NO. R-2023- 1182

RESOLUTION APPROVING ZONING APPLICATION PDD-2022-01470
(CONTROL NO. 2022-00076)
an Official Zoning Map Amendment
APPLICATION OF EJKJ Development LLC
BY JMorton Planning & Landscape Architecture, AGENT
(EJKJ Industrial)

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 PDD-2022-01470, the Application of EJKJ Development LLC, by JMorton Planning & Landscape Architecture, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 8.11 acres was presented to the Board of County Commissioners at a public hearing conducted on August 24, 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 an Official Zoning Map Amendment;

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 PDD-2022-01470, the Application of EJKJ Development LLC, by JMorton Planning & Landscape Architecture, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 8.11 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 August 24, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on August 24, 2023.

Filed with the Clerk of the Board of County Commissioners on August 24th, 2023 .

This resolution shall not become effective until the Large Scale Land Use Amendment No. LGA-2023-00004 is effective

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

JOSEPH ABRUZZO,
CLERK & COMPTROLLER
BY: 
DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION

THE NORTH 15 FEET OF THAT CERTAIN 30 FOOT WIDE PARCEL OF LAND LYING BETWEEN TRACTS 14 AND 15, BLOCK 67, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 7, BOUNDED ON THE WEST BY THE SOUTHERLY EXTENSION OF WEST LINE OF SAID TRACT 14.

TOGETHER WITH

TRACT 14, BLOCK 67, 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, LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS CAP MARKING THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THENCE SOUTH $88^{\circ} 44' 06''$ WEST ALONG THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 2.063 METERS (6.77 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515; THENCE SOUTH $00^{\circ} 18' 44''$ EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 0.786 METERS (2.58 FEET) THENCE SOUTH $00^{\circ} 39' 54''$ EAST CONTINUING ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 430.823 METERS (1,413.46 FEET); THENCE SOUTH $89^{\circ} 12' 06''$ WEST ALONG A LINE AT A RIGHT ANGLE TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.836 METERS (74.92 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515 AND THE POINT OF BEGINNING; THENCE SOUTH $89^{\circ} 34' 28''$ WEST ALONG THE SOUTH LINE OF SAID TRACT 14, A DISTANCE OF 49.412 METERS (162.11 FEET); THENCE NORTH $00^{\circ} 34' 56''$ WEST, A DISTANCE OF 200.591 METERS (658.11 FEET); THENCE NORTH $89^{\circ} 33' 28''$ EAST, A DISTANCE OF 48.655 METERS (159.63 FEET) TO A POINT ON SAID WESTERLY EXISTING RIGHT OF WAY LINE; THENCE SOUTH $00^{\circ} 47' 54''$ EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 200.609 METERS (658.16 FEET) TO THE POINT OF BEGINNING.

ALSO DESCRIBED AS:

BEING A PORTION OF TRACT 14, BLOCK 67, PALM BEACH FARMS COMPANY PLAT NO. 3, PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, RUN THENCE SOUTH $88^{\circ} 51' 16''$ WEST ALONG THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 6.77 FEET; THENCE SOUTH $01^{\circ} 18' 44''$ EAST, A DISTANCE OF 2.58 FEET; THENCE SOUTH $00^{\circ} 39' 54''$ EAST, A DISTANCE OF 1414.74 FEET; THENCE SOUTH $89^{\circ} 09' 38''$ WEST, A DISTANCE OF 74.92 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 14, BLOCK 67; THENCE SOUTH $89^{\circ} 35' 18''$ WEST ALONG THE SOUTH LINE OF SAID TRACT 14, A DISTANCE OF 162.12 FEET TO THE POINT OF BEGINNING; THENCE SOUTH $89^{\circ} 35' 18''$ WEST, A DISTANCE OF 522.06 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 14; THENCE NORTH $00^{\circ} 49' 56''$ WEST ALONG THE WEST LINE OF SAID TRACT 14, A DISTANCE OF 659.96 FEET TO THE NORTHWEST CORNER OF SAID TRACT 14; THENCE NORTH $89^{\circ} 35' 18''$ EAST ALONG THE NORTH LINE OF SAID TRACT 14, A DISTANCE OF 524.94 FEET TO A POINT OF THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7 (U.S. 441) AS SAME IS DESCRIBED IN

OFFICIAL RECORDS BOOK 10678, PAGE 1621, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°34'56" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 659.95 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 353,310 SQUARE FEET/8.1109 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

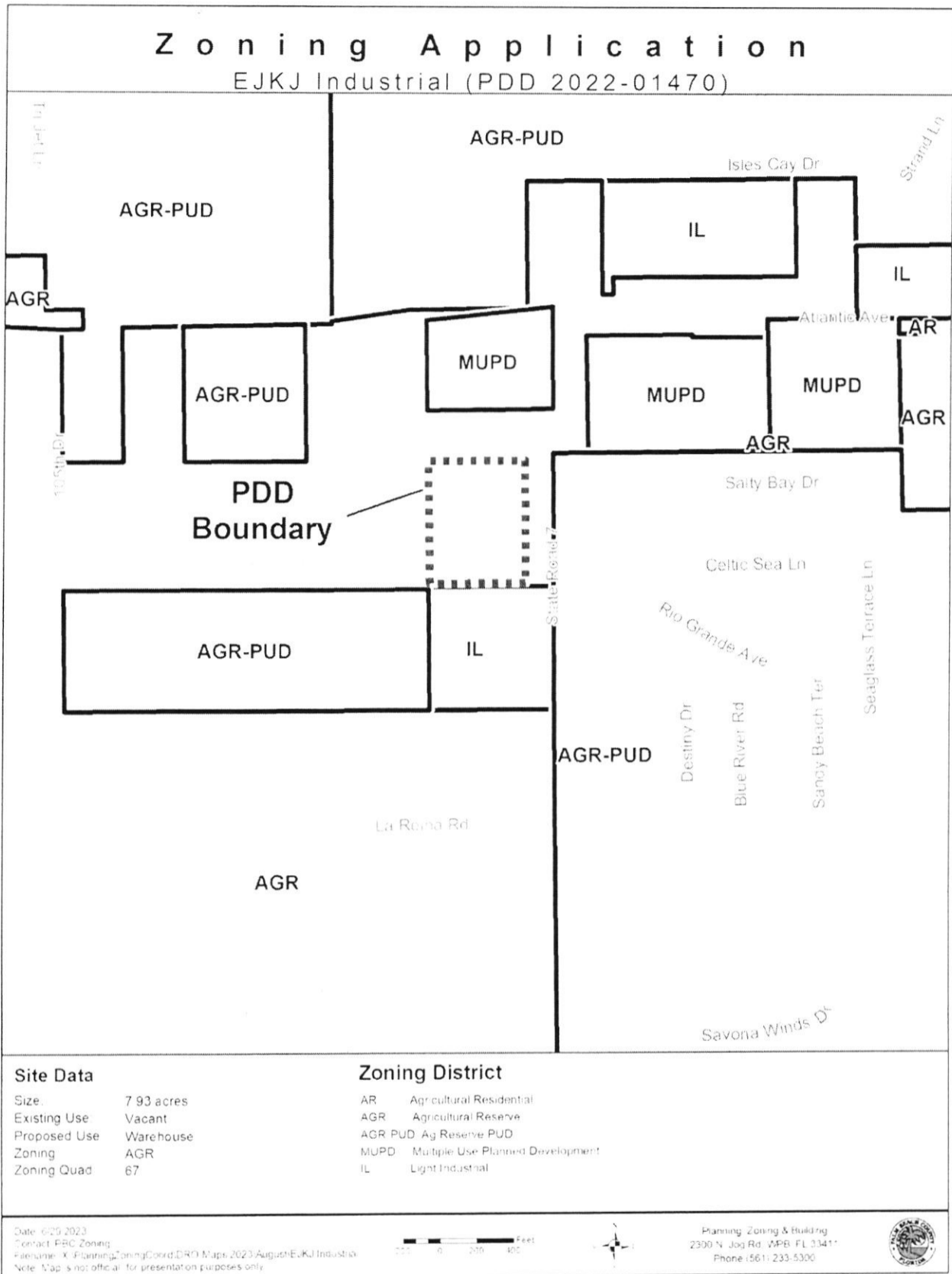


EXHIBIT C

CONDITIONS OF APPROVAL

PDD- Multiple Use Planned Development

ALL PETITIONS

1. The approved Preliminary Site Plan is dated July 7 2023. 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)

ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2026, or as amended. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPMT: MONITORING - Engineering)

3. Prior to the recordation of the plat, a minimum 55 foot public access easement shall be recorded over 105th Drive South, 40 feet on the subject property and a minimum 15 feet on the property to the south or as approved by the County Engineer. The access easement shall be recorded by the Property Owner and approved by the County Engineer prior to plat recordation. (PLAT: ENGINEERING - Engineering)

4. The Property Owner shall reconstruct 105th Drive South from State Road 7 to the western-most driveway connection, plus tapers and a turnaround, to be consistent with Palm Beach County standards for a non-plan collector roadway. 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 or easement.

a. Permits required for Improvements identified above shall be obtained from the Florida Department of Transportation prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering)

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

5. 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 to 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 plat or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/PLAT: MONITORING - Engineering)

ENVIRONMENTAL

1. Prior to the final approval by the Development Review Officer, a Phase II Environmental Site Assessment shall be provided to ERM for review. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Provide a copy of a formal wetland jurisdictional determination from the Department of Environmental Protection, South Florida Water Management District and/or the Army Corps of Engineers. CERTIFICATION ISSUE (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. All vegetation species to be planted and maintained on the parcel shall be native to South Florida or as approved by ERM in writing. (BLDGPMT/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

PLANNING

1. Per Condition 1 of LGA-2023-004, development of the site under the Commerce future land use designation shall be subject to a maximum of 1,068 net daily trips, 275 net AM peak hour trips, and 165 net PM peak hour trips. (ONGOING: PLANNING - Planning)

2. Per Condition 2 of LGA 2023-004, the site is limited to 155,444 square feet (0.45 FAR) of uses allowed within the CMR future land use designation. (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.