

RESOLUTION NO. R-2010- 0001

RESOLUTION APPROVING ZONING APPLICATION DOA/EAC-2009-03937  
(CONTROL NO. 2006-00174)  
Development Order Amendment  
APPLICATION OF Palm Beach County  
BY Palm Beach County, Urban Design Kilday Studios, AGENT  
(West Boca Government Complex)

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 for 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 DOA/EAC-2009-03937 was presented to the Board of County Commissioners at a public hearing conducted on January 7, 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 for a government project is not subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code; 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.2.B for a a Development Order Amendment.

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 DOA/EAC-2009-03937, the petition of Palm Beach County, by Palm Beach County, Urban Design Kilday Studios, agent, for a Development Order Amendment to delete a Voluntary Commitment (Engineering 1) in the Public Ownership (PO) 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 January 7, 2010, subject to the voluntary Commitments 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         | - | Aye |

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 7, 2010.

Filed with the Clerk of the Board of County Commissioners on January 12, 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

A PARCEL OF LAND LYING WITHIN TRACTS 50, 51, 52 AND 53 OF FLORIDA FRUIT LANDS CO. SUBDIVISION NO. 2 RECORDED IN PLAT BOOK 1, PAGE 102, PALM BEACH COUNTY PUBLIC RECORDS, BEING IN SECTION 1, TOWNSHIP 47 SOUTH, RANGE 41 EAST AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACTS 50, 51, 52 AND 53 OF FLORIDA FRUIT LANDS CO. SUBDIVISION NO. 2 RECORDED IN PLAT BOOK 1, PAGE 102, PALM BEACH COUNTY PUBLIC RECORDS, BEING IN SECTION 1, TOWNSHIP 47 SOUTH, RANGE 41 EAST.

LESS THE FOLLOWING DESCRIBED PARCELS:

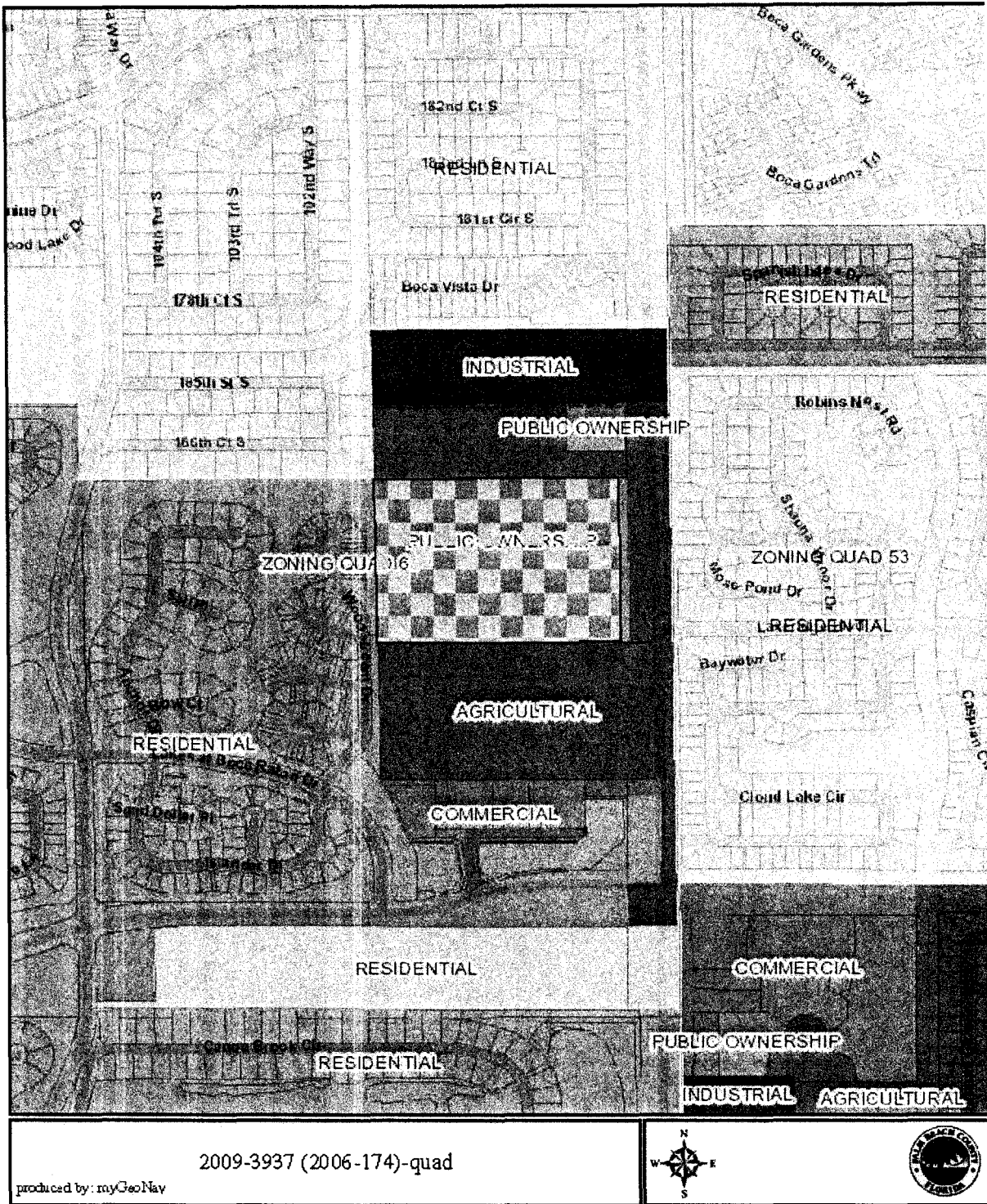
FROM THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 47 SOUTH, RANGE 41 EAST, RUN N.00°37'51" W. 1127.43 FEET ALONG THE EAST LINE OF SAID SECTION (ALL BEARINGS ARE BASED ON RECORDED RIGHT OF WAY MAP OF STATE ROAD 7); THENCE S.89°54'56" W. 69.26 FEET TO THE WEST RIGHT OF WAY LINE OF STATE ROAD 7 AND THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL, CONTINUE S 89°54'56" W. 1252.29 FEET TO A POINT; THENCE N.00°46'56" W. 674.92 FEET; THENCE N. 89°50'10" E. 1,254.20 FEET TO A POINT ON WEST RIGHT OF WAY LINE OF SAID STATE ROAD 7; THENCE S.00°37'07" E. 676.64 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

ALSO LESS

THE RIGHT OF WAY FOR STATE ROAD 7, AS SHOWN IN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515, AND BY COUNTY DEED TO STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN OFFICIAL RECORD BOOK 10523, PAGE 1295-1296.

PARCEL CONTAINS 929,357 SQUARE FEET OR 21.3351 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



2009-3937 (2006-174)-quad

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## EXHIBIT C

### VOLUNTARY COMMITMENTS

#### ENGINEERING

1. Previous Voluntary Commitment E1 of Zoning Resolution R-2006-2552, Control No. 2006-174, which currently states:

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

No Building Permits for the site may be issued after January 1, 2010. 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)

Is hereby deleted. [Reason: Build out dates do not apply to government projects]

2. Prior to issuance of the first building permit the property owner shall combine the existing parcels into a single lot of record in accordance with the plat or waiver of plat process as applicable with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng) (Previous Voluntary Commitment E2 of Zoning Resolution R-2006-2552, Control No. 2006-174) [NOTE: COMPLETED]

3. The Property owner shall construct a right turn lane north approach on SR 7 at the project entrance road.

a. 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.

b. Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit for the Library or the remaining Government Office Buildings. (BLDG PERMIT: MONITORING-Eng)

c. Construction of the right turn lane shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Voluntary Commitment E3 of Zoning Resolution R-2006-2552, Control No. 2006-174) [NOTE: COMPLETED]

4. The Property owner shall lengthen the existing left turn lane south approach on SR 7 at the Project entrance road. This turn lane shall be lengthened to a minimum 280 feet in length plus 50 foot paved taper.

a. This construction shall be concurrent with the paving and drainage improvements for any or all of the proposed 98,500 square feet of government offices identified in the accompanying traffic impact study. 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.

b. Permits required by the Florida Department of Transportation for this construction shall be obtained prior to Building Permits for any or all of the proposed 98,500 square feet of government offices identified in the accompanying traffic impact study. (BLDG PERMIT: MONITORING-Eng)

c. Construction shall be completed prior to the issuance of any Certificates of Occupancy for all of the proposed 98,500 square feet of government offices identified in the accompanying traffic impact study (CO: MONITORING-Eng) (Previous Voluntary Commitment E4 of Zoning Resolution R-2006-2552, Control No. 2006-174)

## COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the 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 voluntary commitments of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the voluntary commitments 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; 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 voluntary commitments; 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 voluntary commitment of approval. (ONGOING: MONITORING - Zoning)