

RESOLUTION NO. R-2010- 1479

RESOLUTION APPROVING ZONING APPLICATION CB/DOA-2010-00404
(CONTROL NO. 1981-00216)
a Development Order Amendment
APPLICATION OF APTEK Communications Products Inc
BY Land Research Management, Inc., AGENT
(Jack Turner/Office Warehouse)

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 CB/DOA-2010-00404 was presented to the Board of County Commissioners at a public hearing conducted on September 30, 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 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; 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 CB/DOA-2010-00404, the petition of APTEK Communications Products Inc, by Land Research Management, Inc., agent, for a Development Order Amendment to reconfigure the site plan and modify uses in the CG 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 September 30, 2010, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

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

Commissioner Burt Aaronson, Chair	- Aye
Commissioner Karen T. Marcus, Vice Chair	- Absent
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Jess R. Santamaria	- Absent
Commissioner Priscilla A. Taylor	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on September 30, 2010.

Filed with the Clerk of the Board of County Commissioners on October 13th, 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

LEGAL DESCRIPTION

LOT 1,2,3,4,5,6,7, THE WEST ½ OF LOT 8, LOTS 31, 32, 33, 34, 35, 36, 37,
AND THE WEST ½ OF LOT 38, WEST GATE ESTATES (NORTHERN
SECTION),
PLAT BOOK 8, PAGE 38, OF THE PUBLIC RECORDS OF PALM BEACH
COUNTY
FLORIDA.

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

EXHIBIT B
VICINITY SKETCH



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.All previous conditions of approval applicable to the subject property, as contained in Resolution R-82-138 (Control 1981-216), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2.Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Site Plan is dated May 17, 2010. All modifications to the development order must be approved by the Board of County Commissioners or Zoning Commission, unless the proposed changes are required to meet conditions of approval. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1.All future development shall be in an manner consistent with Article 5.C. The architectural elevations for all new structures be submitted for review and approval from the Development Review Officer (DRO). Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

ENGINEERING

1.Petitioner shall construct Osceola Drive from Westgate Avenue to the project's south property line, prior to the issuance of a Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Condition 1 of Resolution R-1982-138, Control No. 1981-216) [Note: COMPLETED]

2.Previous Condition 2 of Resolution R-1982-138, Control No. 1981-216, which currently states:

Petitioner shall contribute One Thousand, Five Hundred and Thirty-eight Dollars (\$1,538.00) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid on a pro-rate basis at the time of issuance of the building permit(s). (BLDG PERMIT: MONITORING-Eng)

Is hereby deleted. Reason: Impact Fees are now a code requirement

3.The property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for a 25 foot corner clip at the southeast corner of the intersection of Westgate Avenue and Osceola Drive prior to January 22, 2011. Right of way conveyance shall be free and clear of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the property owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE: MONITORING-Eng)

4.Prior to October 22, 2010, the property owner shall remove the existing fence and any landscaping that does not comply with Engineering Department height standards within the 25 foot corner clip on the northwest corner of the property. (DATE: MONITORING-Eng)

5.Prior to July 22, 2011, the property owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (DATE: MONITORING-Eng)

USE LIMITATIONS

1. Prior to Final DRO approval, the applicant shall amend the site plan to include the information noted in Article 1.E.1.C. (DRO: 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 (CO); 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 conditions; 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)