

RESOLUTION NO. R-2010-1764

RESOLUTION APPROVING ZONING APPLICATION PDD-2010-00659
(CONTROL NO. 1997-00032)
an Official Zoning Map Amendment to a Planned Development District
APPLICATION OF Boca Raton Commerce Center II, LLC
BY Jon E Schmidt & Associates, AGENT
(Boca Raton 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; 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 PDD-2010-00659 was presented to the Board of County Commissioners at a public hearing conducted on October 28, 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.1.B.

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 PDD-2010-00659, the application of Boca Raton Commerce Center II, LLC, by Jon E Schmidt & Associates, agent, for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Light Industrial (IL) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on a parcel of land legally described 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 October 28, 2010 subject to the conditions 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
District 2	-	
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on October 28, 2010.

Filed with the Clerk of the Board of County Commissioners on October 29th, 2010.

The Chair thereupon declared that this resolution shall not become effective until the Small Scale Land Use Amendment No. SCA2010-016 is effective.

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
Boca Raton Commerce Center
Palm Beach County (PBC) Official Zoning Map Amendment (Rezoning) Submittal
Re-Submittal 1: April 26, 2010

LEGAL DESCRIPTION:

PARCEL 1:

TRACT 3, LESS THE SOUTH 400 FEET THEREOF, BLOCK 79, 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, AND LESS THE NORTH 27.72 FEET OF SAID TRACT 3 FOR LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY FOR THE L-46 CANAL, AS RECORDED IN OFFICIAL RECORDS BOOK 6495, PAGE 761, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

THE SOUTH 400 FEET OF TRACT 3, BLOCK 79, 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.

EASEMENT PARCEL:

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE SOUTH 30 FEET OF THE NORTH 60 FEET OF TRACTS 1 AND 2, BLOCK 79, OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS RECORDED IN O.R. BOOK 2053, PAGE 773 AND O.R. BOOK 3171, PAGE 16, AS PARTIALLY VACATED BY RESOLUTION NO. R-2001-1477 RECORDED IN O.R. BOOK 12915, PAGE 1338, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER SAID TRACTS 1 AND 2, BLOCK 79, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5590, PAGE 1385 AND AS ALSO DESCRIBED IN BOOK 12678, PAGE 1971, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B

VICINITY SKETCH

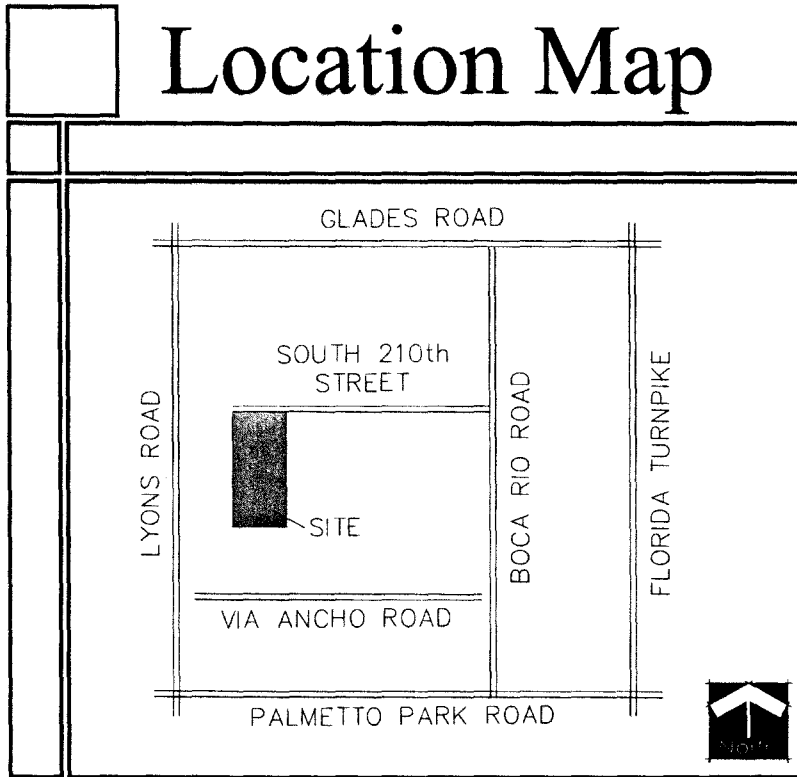


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.The approved Preliminary Site Plan is dated August 16, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2.All previous conditions of approval as contained in Resolutions R-97-2076 (Petition Z/COZ97-32) and R-2005-1788 (Control 1997-032) are hereby revoked. (ONGOING: ZONING - Zoning)

3.Prior to final approval by the Development Review Officer (DRO), the Final Site Plan for the Boca Rio Center, Control 84-30, shall be amended to remove the portion of the subject site deleted via Resolution R-2005-1787. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1.At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all structures shall be submitted simultaneously with the site plan for final architectural review and approval. 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.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, 2018. 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)

2.Prior to final approval of the Site Plan by the DRO, the property owner shall abandon and, if necessary, relocate any and all existing easements in conflict with the proposed building location(s). (DRO: ENGINEERING - Eng)

3.Prior to issuance of the first building permit 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. (BLDG PERMIT: MONITORING-Eng)

4.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-Eng)

b.Any required drainage easements shall be recorded prior to issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

LANDSCAPE – GENERAL

1. Prior to the issuance of the first Certificate of Occupancy (CO), all Phase 1 landscape buffers shall be complete. (CO: BLDG - Landscaping)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to final approval by the Development Review Officer (DRO), the overlapped portion of the 50' Ingress-Egress Easement, recorded in ORB 5590, PG 1385 overlapping LWDD's L-46 Canal Right-of-Way will need to be extinguished. (DRO: ENG-LWDD)

2. Prior to final approval by the Development Review Officer (DRO), the overlapped portion of the 12' Utility Easement, overlapping LWDD's L-46 Canal Right-of-Way will need to be extinguished. (DRO: ENG-LWDD)

SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the Final Site Plan shall be revised to indicate a phase line 15 feet south of the southernmost drive aisle as indicated on the Preliminary Site Plan dated August 16, 2010. The northern portion of the site shall be Phase 1; the southern portion of the site shall be Phase 2. (DRO: ZONING Zoning)

2. Prior to final approval by the Development Review Officer (DRO), the Final Site Plan shall be revised to provide a Type 2 Incompatibility landscape buffer consistent with Art. 7.F.9 Landscape Requirements on the north side of the phase line. (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)