

RESOLUTION NO. R-2014- 0381

RESOLUTION APPROVING ZONING APPLICATION ZV/ABN/DOA-2013-01347
(CONTROL NO. 1980-00108)
a Development Order Amendment
APPLICATION OF Boca Medical Plaza, LLC
BY RKB Architects Planners Inc., AGENT
(Fountains Center aka Camino Real Centre)

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, 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;

WHEREAS, Zoning Application ZV/ABN/DOA-2013-01347 was presented to the Board of County Commissioners at a public hearing conducted on March 27, 2014;

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 (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;

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;

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 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 Development Order Amendment; and,

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 ZV/ABN/DOA-2013-01347, the petition of Boca Medical Plaza, LLC, by RKB Architects Planners Inc., agent, for a Development Order Amendment to modify the Site Plan and add square footage in the General Commercial (CG/SE) 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 March 27, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Priscilla A. Taylor, Mayor	- Aye
Commissioner Paulette Burdick, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Jess R. Santamaria	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on March 27, 2014.

Filed with the Clerk of the Board of County Commissioners on April 1, 2014.

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

LAND DESCRIPTION:

PARCEL 1

All of the Plat of CAMINO REAL CENTRE, according to the Plat thereof, as recorded in Plat Book 33, pages 51 and 52, of the Public Records of Palm Beach County, Florida.

Also Known As:

All of the Plat of CAMINO REAL CENTRE, according to the Plat thereof, as recorded in Plat Book 33, Pages 51 and 52, of the Public Records of Palm Beach County, Florida, being described as follows:

Begin at the northwest corner of said Plat; thence N89°28'02"E along the north line of said Plat, 705.57 feet; thence S01 °03'02"E, 176.12 feet to a point of curvature of a curve, concave to the northeast having a radius of 25.00 feet and a central angle of 89°28'56"; thence southeasterly along said curve an arc distance of 39.04 feet to a point of tangency; thence N89°28'02"E, 193.38 feet; thence S01 °03'02"E along the east line of said Plat, 533.17 feet; thence S89°20'42"W along the south line of said Plat, 924.75 feet; thence N00°57'37"W along the west line of said Plat, 736.57 feet to the Point Of Beginning.

PARCEL II

A parcel of land lying in Section 28, Township 47 South, Range 42 East, Palm Beach County, Florida, being a portion of the 85.00 foot wide right-of-way for the Lake Worth Drainage District Lateral No. 49, bounded as follows:

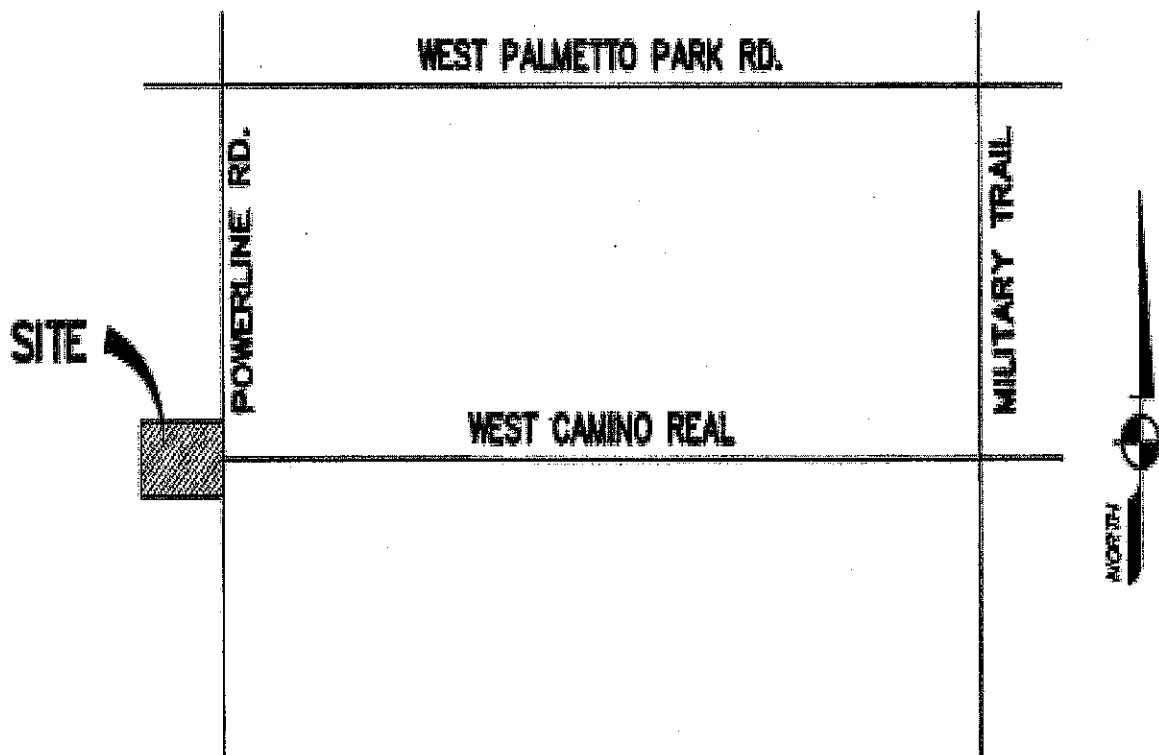
On the North by the South boundary line of CAMINO REAL CENTRE, according to the Plat thereof, recorded in Plat Book 33, pages 51 and 52, of the Public Records of Palm Beach County, Florida; on the South by the South line of said Lake Worth Drainage District Lateral No. 49, as shown on the Plat of BOCA POINTE NO. 1, as recorded in Plat Book 42, pages 141 through 143, of the Public Records of Palm Beach County, Florida; on the West by the southerly projection of the West boundary line of said Plat of CAMINO REAL CENTRE; and on the East by the West right-of-way for Powerline Road, as shown on said Plat of CAMINO REAL CENTRE.

PARCEL III

Non-exclusive easements benefiting Parcel as set forth in that certain Easement Declaration and Agreement dated April 24, 1979, and recorded May 2, 1979, in Official Records Book 3052, Page 1100, of the Public Records of Palm Beach County, Florida.

Said lands situate in Palm Beach County, Florida and containing 636,190 square feet (14.60 acres) more or less.

EXHIBIT B
VICINITY SKETCH



LOCATION SKETCH
(NOT TO SCALE)

EXHIBIT C

CONDITIONS OF APPROVAL

Exhibit C-2 Development Order Amendment

ALL PETITIONS

1. Previous Condition 17 of Resolution R-86-98, Control No. 1980-00108, which currently states:

All commission imposed conditions, approved pursuant to Resolutions numbered 77-1240 and 80-1010 shall apply hereto unless otherwise modified or superseded herein.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-77-1240 (Petition No. 1977-00141) and R-86-98 (Control No. 1980-00108), 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 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 Preliminary Site Plan is dated Decemeber 23, 2013. 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)

3. Prior to Final Approval by the Development Review Officer, all non-permitted structures pursuant to Code Enforcement Case C-2013-08070010 shall be removed. (DRO: ZONING - Code Enforcement)

4. Previous Condition 23 of Resolution R-86-98, Control No. 1980-00108, which currently states:

The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

Is hereby deleted. [REASON: No longer applicable.]

ARCHITECTURAL REVIEW

1. All Mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area. (Previous Condition 7 of Resolution R-86-98, Control No. 1980-00108) (ONGOING: ZONING - Zoning)

2. All facades of the center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon nearby residential development. (Previous Condition 8 of Resolution R-86-98, Control No. 1980-00108) (BLDGPM: ZONING - Zoning)

3. Prior to the issuance of a Building Permit, Architectural Elevations for Building #7500 shall be submitted for review and approval by the Zoning Division. The elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and all ULDC requirements. Development shall be consistent with the approved Architectural Elevations, the Final Site Plan and all applicable Conditions of Approval. (BLDGPM: BLDG - Zoning)

DEPARTMENT OF AIRPORTS (DOA)-PRIVATE HELIPAD

1. Previous Condition of Approval 1 of Resolution R-86-98, Control No. 1980-00108, which currently states:

Prior to the site plan certification, the site plan shall be revised to reflect the following:

- a) Delineation of the individual parking spaces.
- b) Provision of the required landscaping and perimeter and interior locations, and site plan data computations reflecting parking area interior landscaping in a required/proposed format.
- c) Removal of parking and pedestrian area from within forty (40) feet of all edges of the helipad primary surface area.
- d) The nearest edge of the helipad primary surface area from the proposed fifty foot high building shall meet F.A.A. or F.D.O.T. requirements whichever is greater.

Is hereby deleted. [REASON: The Special Exception for the Private Helipad is abandoned with this application.]

2. Previous Condition of Approval 2 of Resolution R-86-98, Control No. 1980-00108, which currently states:

The petitioner shall provide evidence of compliance with all requirements of the F.A.A. and F.D.O.T airspace analysis and airport license requirements prior to site plan certification.

Is hereby deleted. [REASON: The Special Exception for the Private Helipad is abandoned with this application.]

3. Previous Condition of Approval 3 of Resolution R-86-98, Control No. 1980-00108, which currently states:

The petitioner shall provide binding confirmation of agreement(s) with abutting property owners, ensuring that all applicable vegetation and structures shall be maintained, removed, or relocated in order to accommodate minimum F.A.A. and F.D.O.T flight departure and approach ratios.

Is hereby deleted. [REASON: The Special Exception for the Private Helipad is abandoned with this application.]

4. Previous Condition of Approval 4 of Resolution R-86-98, Control No. 1980-00108, which currently states:

Any resultant reduction in the number of required parking spaces, shall result in a reduction of the total square footage of building floor area.

Is hereby deleted. [REASON: The Special Exception for the Private Helipad is abandoned with this application.]

5. Previous Condition of Approval 24 of Resolution R-86-98, Control No. 1980-00108, which currently states:

There shall be no storage of aviation fuel or aviation fueling operations on this site.

Is hereby deleted. [REASON: The Special Exception for the Private Helipad is abandoned with this application.]

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, 2017. 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. Developer shall redesign the Site plan to provide a minimum of one hundred (100) feet of entry storage at the bank drive-in window. (Previous condition 1 of Resolution R-77-1240, Control No. 1977-00141) (DRO: MONITORING - Engineering) [NOTE: COMPLETED]

3. Developer shall close the western most entrance on the south property line of the service station site. (Previous condition 2 of Resolution R-77-1240, Control No. 1977-00141) (DRO: MONITORING - Engineering) [NOTE: COMPLETED]

4. Developer shall provide signage indicating "Exit Only" at the southern access onto Powerline Road. (Previous condition 3 of Resolution R-77-1240, Control No. 1977-00141) (ONGOING: MONITORING - Engineering)

5. Condition 18 of Resolution R-86-98, Control No. 1980-00108, which currently states:

The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-24 hour storm per requirements of the Permit Section, Land Development Division.

Is hereby deleted. [REASON: CODE REQUIREMENT]

6. The Property Owner shall convey for the ultimate right of way of Powerline Road, 60 feet from centerline within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to the issuance of the first Building Permit. (Previous condition 19 of Resolution R-86-98, Control No. 1980-00108) (BLDGPM: MONITORING - Engineering) [NOTE: COMPLETED]

7. Condition 20 of Resolution R-86-98, Control No. 1980-00108, which currently states:

The Property Owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$19,288.00 (720 trips X \$26.79 per trip).

Is hereby deleted. [REASON: CODE REQUIREMENT]

8. Previous Condition 21 of Resolution R-86-98, Control No. 1980-00108, which currently states:

Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$4,822.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$24,100.00) to be paid prior to October 1, 1986.

Is hereby deleted. [REASON: CODE REQUIREMENT]

9. Previous Condition 22 of Resolution R-86-98, Control No. 1980-00108, which currently states:

The Property Owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, permit Section prior to the application of a Building Permit. (BLDG PERMIT: MONITORING-Eng)

Is hereby deleted. [REASON: CODE REQUIREMENT]

10. 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) (BLDGPM: MONITORING - Engineering)

HEALTH

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

(Previous condition 13 of Resolution R-86-98, Control No. 1980-00108)
(ONGOING:HEALTH-Health)

2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (Previous condition 14 of Resolution R-86-98, Control No. 1980-00108) (ONGOING:HEALTH-Health)

3. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation. (Previous condition 15 of Resolution R-86-98, Control No. 1980-00108)

[NOTE: COMPLETED]

4. Previous Condition 16 of Resolution R-86-98, Control No. 1980-00108, which currently states:

Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C.

Is hereby deleted. [REASON: Code Requirement]

LANDSCAPE - GENERAL

1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (Previous condition 5 of Resolution R-86-98, Control No. 1980-00108) (BLDGPMT: ZONING - Zoning)

LIGHTING

1. Security lighting shall be directed away from nearby residences. (Previous condition 12 of Resolution R-86-98, Control No. 1980-00108) (ONGOING: CODE ENF - Zoning)

SITE DESIGN

1. Loading areas shall be separated from any nearby residential areas by ten foot high wing walls. (Previous condition 6 of Resolution R-86-98, Control No. 1980-00108) (DRO: ZONING - Zoning)

USE LIMITATIONS

1. No stock loading or dumpster pickup will be permitted between the hours of 8:00 P.M. and 8:00 A.M. (Previous condition 9 of Resolution R-86-98, Control No. 1980-00108) (ONGOING: CODE ENF - Zoning)

2. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the center. (Previous condition 10 of Resolution R-86-98, Control No. 1980-00108) (ONGOING: CODE ENF - Zoning)

3. No parking of any vehicles shall be permitted along the rear of the center except in designated spaces or unloading areas. (Previous condition 11 of Resolution R-86-98, Control No. 1980-00108) (ONGOING: CODE ENF - Zoning)

4. Total gross floor area shall be limited to a maximum of 205,945 square feet consisting of: 9,839 square feet of Type II Restaurant use; 5,320 square feet of Financial Institution use; 190,786 square feet of Office (Medical, Business or Professional) use pursuant to the Parking Demand Study dated November 7, 2013. (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.

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit. (ONGOING: MONITORING - Zoning)