

RESOLUTION NO. R-2015- 0527

RESOLUTION APPROVING ZONING APPLICATION SV/DOA/CA-2014-02087  
(CONTROL NO. 2012-00646)  
a Development Order Amendment  
APPLICATION OF Atlantic Commons Associates LLLP  
BY Atlantic Commons Associates, LLLP, AGENT  
(Atlantic Commons Commercial)

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 SV/DOA/CA-2014-02087 was presented to the Board of County Commissioners at a public hearing conducted on April 23, 2015;

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 SV/DOA/CA-2014-02087, the petition of Atlantic Commons Associates LLLP, by Atlantic Commons Associates, LLLP, Agent, for a Development Order Amendment to modify Conditions of Approval (Engineering), 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 April 23, 2015, subject to the Conditions of Approval described in EXHIBIT C-2, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on April 23, 2015.

Filed with the Clerk of the Board of County Commissioners on April 29th, 2015.

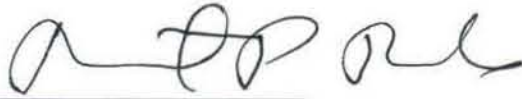
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

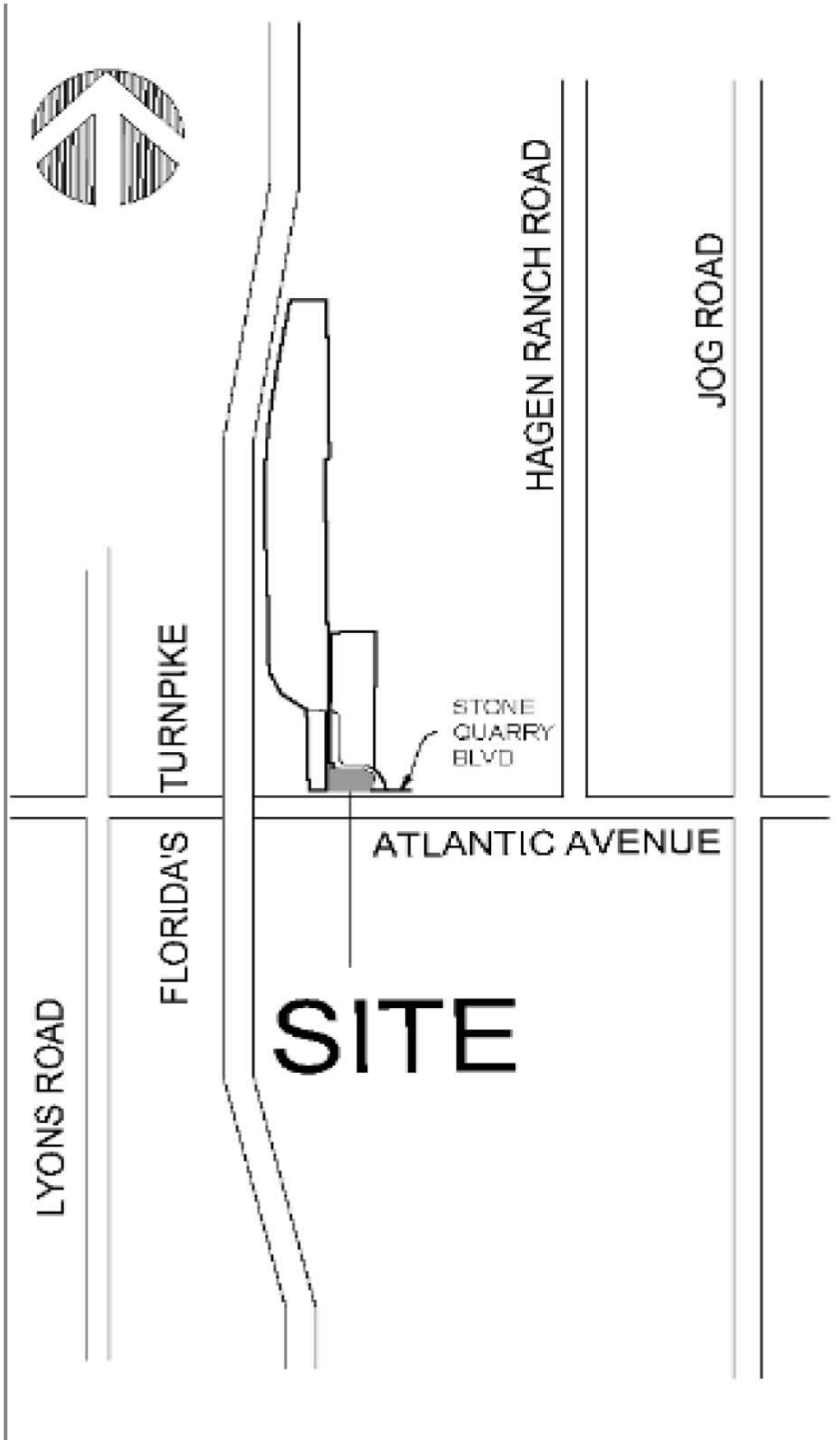
ATLANTIC COMMONS COMMERCIAL PARCEL

LEGAL DESCRIPTION:

TRACT A AND TRACT F, ATLANTIC COMMONS – PLAT ONE, AS RECORDED IN PLAT BOOK 115, PAGES 135-137.

SAID LANDS ALL SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 4.988 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## CONDITIONS OF APPROVAL

### **Exhibit C-2 Development Order Amendment**

#### **ACCESS**

1. Pursuant to Section 6 (a) (ii) Obligations of Atlantic Commons with respect to the Atlantic Commons Civic Site Property of Resolution R-2013-0396 Civic Site Dedication Agreement, the Property Owner shall grant an easement in favor of the County between Stone Quarry Boulevard and the east boundary of the LWDD E-2-E Canal right-of-way in width and in location mutually agreed upon by Atlantic Commons Associates, LLLP and the County for: (A) vehicular and pedestrian ingress and egress to the Atlantic Commons Civic Site Property; and (B) water, sewer and reclaim utilities to the Atlantic Commons Civic Site Property. (ONGOING: ENGINEERING - Zoning ) (Previous ACCESS condition 1 of Resolution R-2013-803, Control No.2012-00646)

#### **ENGINEERING**

1. Previous ENGINEERING condition 1 of Resolution R-2013-803, Control No.2012-00646, which currently states:

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)
- b. Development of the site is limited to no more than 24,000 sf of Retail unless 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 for additional development. (ONGOING: ENGINEERING - Engineering)
- c. No Building Permits shall be issued until either:
  - i) the contract has been awarded for the construction of a shared east approach through/right turn lane on Atlantic Avenue at the east Turpike intersection, including an appropriate receiving lane and the appropriate paved tapers, OR
  - ii) the property owner makes a proportionate share payment in the amount of 2.7% of the total cost to construct the above improvement. (BLDG PERMIT: MONITORING-Eng) (BLDGPMT: MONITORING - Engineering)

#### **Is hereby amended to read:**

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/ONGOING: MONITORING - Engineering)
- b. No Building Permits for the site shall be issued until the Property Owner makes a proportionate share payment in the amount of \$303,854 for the widening of Atlantic Avenue between the Florida's Turnpike and Jog Road to a six-lane-divided cross-section. This proportionate share amount may be applied towards construction of this improvement or one or more other improvements that will benefit the mobility in the area impacted by the project, as determined by the County Engineer.

In recognition that construction prices may change over the life of the project, the above

noted proportionate share payments made after April 2016, shall be subject to the following escalator calculation:

Adjusted payment = Original Payment Amount x (BONSpayment month / BONSJanuary 2015)

Original Payment Amount = proportionate share payment amount specified

BONSpayment month = latest published value (including preliminary values) at time of payment

BONSJanuary 2015 = 104.7

The cost adjustment for the total amount of each payment shall be based on the Bureau of Labor and Statistics Producer Price Index (PPI) for Other Non-Residential Construction (Series Id: WPUIP23122301). There shall be no negative cost adjustment.

Reference the following link for PPI index information:  
<http://data.bls.gov/timeseries/WPUIP2312301> (BLDGPMTO/ONGOING: MONITORING - Engineering)

2. Prior to issuance of the first building permit, the property owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Atlantic Avenue along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT: MONITORING-Eng) (BLDGPMTO: MONITORING - Engineering) (Previous ENGINEERING condition 2 of Resolution R-2013-803, Control No.2012-00646)

3. Prior to the issuance of the first building permit, the property owner shall provide a roadway construction easement to Palm Beach County along Atlantic Avenue. The property owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMTO: MONITORING - Engineering) (Previous ENGINEERING condition 3 of Resolution R-2013-803, Control No.2012-00646)

4. Prior to issuance of the first Certificate of Occupancy, the Property Owner shall have construction completed for dual left turn lanes north approach on Stone Quarry Blvd at Atlantic Avenue. The turn lanes shall be a minimum of 450 feet in length with a 100 foot taper, or as approved by the County Engineer. 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. (CO:

## MONITORING - Engineering)

### **SIGNS**

1. Subject to approval of the Subdivision Variance (Application Number SV/DOA/CA-2014-02087), the Property Owner shall submit an application to modify any affected Conditions of Approval granted under Resolution Number ZR-2004-031 (Control No. 2004-00525) and amend the Final Master Sign and Regulating Plans, prior to Final Approval by the Development Review Officer or by June 26th, 2015, whichever comes first, to:
  - a. Reduce the allowed sign face area of the Entrance Sign to sixty (60) square feet; and,
  - b. Add a note to the Entrance Sign detail that it shall be limited to residential use and civic uses only. There shall be no commercial signage on this sign. (DATE/DRO: ZONING - Zoning)

### **SITE DESIGN**

1. The Property Owner shall provide a minimum nine (9)-foot wide meandering path along the frontage of Stone Quarry Boulevard connecting to the nine (9)-foot wide meandering path provided on the adjacent property. Permit(s) for the construction of the path shall be complete no later than sixty (60) days following the completion of the adjacent path from Atlantic Avenue to the southern Stone Quarry Boulevard round-a-bout. (ONGOING: CODE ENF - Zoning ) [Note: COMPLETED] (Previous SITE DESIGN condition 1 of Resolution R-2013-803, Control No.2012-00646)

### **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) (Previous COMPLIANCE condition 1 of Resolution R-2013-803, Control No.2012-00646)
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: MONITORING - Zoning) (Previous COMPLIANCE condition 2 of Resolution R-2013-803, Control No.2012-00646)

### **DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.