

RESOLUTION NO. R-2015- 0957

RESOLUTION APPROVING ZONING APPLICATION DOA-2014-01870
(CONTROL NO. 1980-00108)
a Development Order Amendment
APPLICATION OF Boca Medical Plaza LLC
BY RKB Architects Planners Inc., AGENT
(Fountains at Camino Real)

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 DOA-2014-01870 was presented to the Board of County Commissioners at a public hearing conducted on July 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 DOA-2014-01870, the application of Boca Medical Plaza LLC, by RKB Architects Planners Inc., Agent, for a Development Order Amendment to reconfigure the Site Plan, modify the uses and a Condition of Approval (Use Limitation), 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 July 23, 2015, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

The motion was seconded by Commissioner McKinlay 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	-	Aye

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

Filed with the Clerk of the Board of County Commissioners on July 27th, 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

LEGAL DESCRIPTION:

Parcel 1:

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

Parcel 2:

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, as recorded in Plat Book 33, Page 51, 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, Page 141, 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 3:

Non-exclusive easements benefiting Parcel 1, 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, over the following described parcel:

A parcel of land lying in the NE 1/4 of Section 28, Township 47 South, Range 42 East in Palm Beach County, Florida being more particularly described as follows:

COMMENCE at the southeast corner of the NE 1/4 of said Section 28; thence S89°20'42"W, an assumed bearing along the southerly boundary of the aforesaid NE 1/4, a distance of 70.00 feet to a point of intersection with the west right-of-way line of Powerline Road; thence N01°03'02"W, 338.93 feet to the POINT OF BEGINNING of the herein described parcel; thence run northwest along the arc of a curve to the left, having a radius of 25.00 feet through a central angle of 89°28'56", an arc length of 39.04 feet to the end of said curve; thence S89°28'02"W, 168.15 feet to a point of curve to the left having a radius of 25.0 feet; thence run southwest along said curve, through a central angle of 90°31'04", an arc distance of 39.50 feet to the end of said curve; thence S01°03'02"E, 323.95 feet to a point of intersection with the northerly right-of-way line of canal L-49; thence run S89°20'42"W, along said north line being also parallel with and 15 feet north of the aforesaid southerly boundary of the aforesaid NE 1/4, a distance of 506.78 feet to a point; thence N00°31'58"W, 125.00 feet; thence N89°28'02"E, 40.00 feet; thence S00°31'58"E, 64.87 feet to a point of curve to the left, having a radius of 20.00 feet; thence run southeast along the arc of said curve through a central angle of 90°07'20", 31.46 feet to the end of said curve; thence N89°20'42"E, 386.23 feet to the point of curve to the left having a radius of 20.00 feet; thence run northeast along said curve, through a central angle of 90°23'44", 31.55 feet to the end of said curve; thence N01°03'02"W, 304.62 feet; thence S89°28'02"W, 221.18 feet; thence S0°31'58"E, 65.00 feet to a point; thence S89°28'02"W, 57.50 feet; thence N00°31'58"W, 33.00 feet to a point; thence S89°28'02"W, 45.00 feet; thence S00°31'58"E, 33.00 feet to a point; thence S89°28'02"W, 57.50 feet; thence S00°31'58"E, 135.34 feet to a point; thence S89°20'42"W, 21.00 feet; thence N0°31'58"W, 165.99 feet; thence N89°28'02"E, 6.00 feet to a point; thence N0°31'58"W, 35.00 feet; thence N89°28'02"E, 150.00 feet to a point; thence N44°28'02"E, 35.35 feet to a point; thence N89°28'02"E, 25.00 feet to a point; thence N00°31'58"W, 20.00 feet to a point; thence N89°28'02"E, 195.36 feet to a point; thence N01°03'02"W, 180.19 feet to a point of curve to the left, having a radius of 20.00 feet; thence run northwest along said curve, through a central angle of 89°28'56" an arc distance of 31.23 feet to the end of said curve; thence S89°28'02"W, 366.11 feet to a point of curve to the left having a radius of 20.00 feet; thence run southwest through a central angle of 90°, an arc distance of 31.42 feet to the end of said curve; thence S00°31'58"E, 10.00 feet to a point; thence S89°28'02"W, 40.00 feet; thence N0°31'58"W, 70.00 feet to a point; thence N89°28'02"E, 485.57 feet to a point; thence S01°03'02"E, 176.12 feet to a point of curve to the left having a radius of 25.00 feet; thence run southeast along said curve, through a central angle of 89°28'56", an arc distance of 39.04 feet to the end of said curve, thence N89°28'02"E, 193.38 feet to a point of intersection with the aforementioned west right-of-way line of Powerline Road; thence S01°03'02"E, along said west line, 124.79 feet to the POINT OF BEGINNING.

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

EXHIBIT B
VICINITY SKETCH

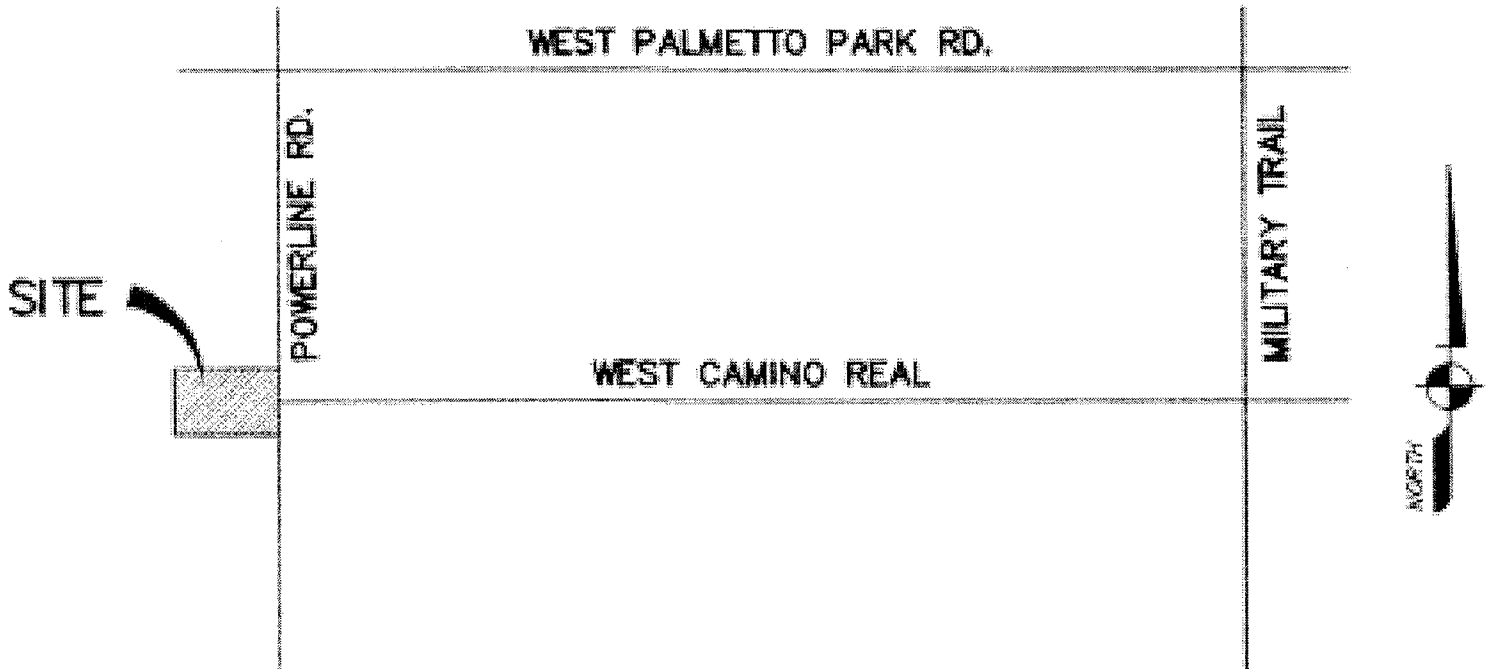


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS condition 1 of Resolution R-2014-381, Control No.1980-00108, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-77-1240 (Petition No. 77-141) and R-86-98 (Control 1980-108), 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.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2014-381 (Control 1980-108), 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. Previous ALL PETITIONS condition 2 of Resolution R-2014-381, Control No.1980-00108, which currently states:

The approved Preliminary Site Plan is dated December 23, 2013. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Site Plan is dated May 14, 2015. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: 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) [Note: COMPLETED] (Previous ALL PETITIONS condition 3 of Resolution R-2014-381, Control No.1980-00108)

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. (ONGOING: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW condition 1 of Resolution R-2014-381, Control No.1980-00108)

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. (BLDGPM: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW condition 2 of Resolution R-2014-381, Control No.1980-00108)

3. Prior to the issuance of a building Permit, the Architectural Elevations for Building #7500

shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (BLDGPM: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW condition 3 of Resolution R-2014-381, Control No.1980-00108)

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) (Previous ENGINEERING condition 1 of Resolution R-2014-381, Control No.1980-00108)

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. (DRO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 2 of Resolution R-2014-381, Control No.1980-00108)

3. Developer shall close the western most entrance on the south property line of the service station site. (DRO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 3 of Resolution R-2014-381, Control No.1980-00108)

4. Developer shall provide signage indicating "Exit Only" at the southern access onto Powerline Road. (DRO/ONGOING: MONITORING - Engineering) (Previous ENGINEERING condition 4 of Resolution R-2014-381, Control No.1980-00108)

5. Previously deleted by Resolution R-2014-0381. (ONGOING: ENGINEERING - Engineering)

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. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 6 of Resolution R-2014-381, Control No.1980-00108)

7. Previously deleted by Resolution R-2014-0381. (ONGOING: ENGINEERING - Engineering)

8. Previously deleted by Resolution R-2014-0381. (ONGOING: ENGINEERING - Engineering)

9. Previously deleted by Resolution R-2014-0381. (ONGOING: ENGINEERING - Engineering)

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. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING condition 10 of Resolution R-2014-381, Control No.1980-00108)

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. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH condition 1 of Resolution R-2014-381, Control No.1980-00108)

2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH condition 2 of Resolution R-2014-381, Control No.1980-00108)

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. (ONGOING: HEALTH DEPARTMENT - Health Department) [Note: COMPLETED] (Previous HEALTH condition 3 of Resolution R-2014-381, Control No.1980-00108)

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. (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL condition 1 of Resolution R-2014-381, Control No.1980-00108)

LIGHTING

1. Security lighting shall be directed away from nearby residences. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING condition 1 of Resolution R-2014-381, Control No.1980-00108)

PALM TRAN

1. Prior to Final Approval by the Development Review Officer, the Site Plan shall be revised to indicate the location of an easement for a Bus Stop Boarding and Alighting Area, and shall be subject to the approval of Palm Tran. The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran) (ONGOING: PALM-TRAN - Palm-Tran)

SITE DESIGN

1. Loading areas shall be separated from any nearby residential areas by ten foot high wing walls. (DRO/ONGOING: ZONING - Zoning) (Previous SITE DESIGN condition 1 of Resolution R-2014-381, Control No.1980-00108)

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. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS condition 1 of Resolution R-2014-381, Control No.1980-00108)

2. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the center. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS condition 2 of Resolution R-2014-381, Control No.1980-00108)

3. No parking of any vehicles shall be permitted along the rear of the center except in designated spaces or unloading areas. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS condition 3 of Resolution R-2014-381, Control No.1980-00108)

4. Previous USE LIMITATIONS condition 4 of Resolution R-2014-381, Control No.1980-00108, which currently states:

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.

Is hereby amended to read:

The total gross floor area shall be limited to a maximum of 205,945 square feet. The uses shall be limited to those approved within the Parking Demand Study dated April 27, 2015.

Modification of the uses may be permitted as long as the Parking Demand does not increase or require additional parking spaces as determined by the Traffic and Zoning Divisions. (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) (Previous COMPLIANCE condition 1 of Resolution R-2014-381, Control No.1980-00108)

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-2014-381, Control No.1980-00108)

DISCLOSURE

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