

RESOLUTION NO. R-2015- 1349

RESOLUTION APPROVING ZONING APPLICATION DOA/R/ABN-2015-00323  
(CONTROL NO. 1984-00099)  
a Requested Use  
APPLICATION OF Ramco-Gershenson Properties L.P.  
BY Holland & Knight LLP, AGENT  
(Mission Bay )

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/R/ABN-2015-00323 was presented to the Board of County Commissioners at a public hearing conducted on September 24, 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 a Requested Use; 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/R/ABN-2015-00323, the application of Ramco-Gershenson Properties L.P., by Holland & Knight LLP, Agent, for a Requested Use to allow a Fitness Center, 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 24, 2015, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor 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 Shelley Vana, Mayor	- Absent
Commissioner Mary Lou Berger, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Absent
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 September 24, 2015.

Filed with the Clerk of the Board of County Commissioners on September 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

#### LEGAL DESCRIPTION:

##### PARCEL 1:

Tracts A and B, MISSION BAY PLAZA, according to the Plat thereof, recorded in Pat Book 49, Pages 160-162, as amended by Surveyor's Affidavit recorded in Official Records Book 4465, Page 1514, Public Records of Palm Beach County Florida.

ALSO, all of the lands which constitute a portion of the 30 foot right-of-way as shown on the Florida Fruit Lands Company's Subdivision No 2 of Section, 13, Township 47 South Range 41 East, which was abandoned per Resolution No. R-64-1932 adopted by the Board of County Commissioners of Palm Beach County as recorded in Official Records Book 4438, Pages 1770-1773, Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commencing at the most Northerly Northeast corner of Tract A of the Plat of Mission Bay Plaza, as recorded in Plat Book 49, Pages 160-162, Public Records of Palm Beach County Florida; thence South 00 degrees 51 minutes 43 seconds East, a distance of 560.64 feet; thence South 01 degree 06 minutes 06 seconds West, a distance of 36.68 feet to the Point of Beginning, the last two courses being coincident with the East boundary of Tract A of said Mission Bay Plaza; thence continue South 01 degree 06 minutes 06 seconds West, a distance of 30.01 feet; thence South 89 degrees 47 minutes 02 seconds West, a distance of 1062.72 feet to the West boundary of said Mission Bay Plaza; thence along said West boundary North 12 degrees 51 minutes 43 seconds West, a distance of 30.75 feet; thence North 89 degrees 47 minutes 02 seconds East, a distance of 1070.15 feet to the Point of Beginning.

LESS AND EXCEPTING THEREFROM the following described lands:

A parcel of land within the Plat of MISSION BAY PLAZA, as recorded in Plat Book 49, Pages 160 through 162, inclusive, of the Public Records of Palm Beach County, Florida and being more particularly described as follows:

Commence at the most southerly and the most westerly Southwest corner of said Mission Bay Plaza; thence, North 89 degrees 08 minutes 17 seconds East, a distance of 375.00 feet; thence North 37 degrees 08 minutes 16 seconds East, distance of 180.00 feet; thence North 89 degrees 08 minutes 17 seconds East, a distance of 2.55 feet to the Point Of Beginning, the last three described courses being coincident with the Southerly boundary of said Mission Bay Plaza; thence North 00 degrees 51 minutes 43 seconds West, a distance of 142.00 feet; thence North 89 degrees 08 minutes 17 seconds East, a distance of 137.45 feet; thence South 00 degrees 51 minutes 43 seconds East, a distance of 142.00 feet; thence South 89 degrees 08 minutes 17 seconds West, a distance of 137.45 feet to the Point Of Beginning, the last two (2) described courses being coincident with the boundary of said Mission Bay Plaza.

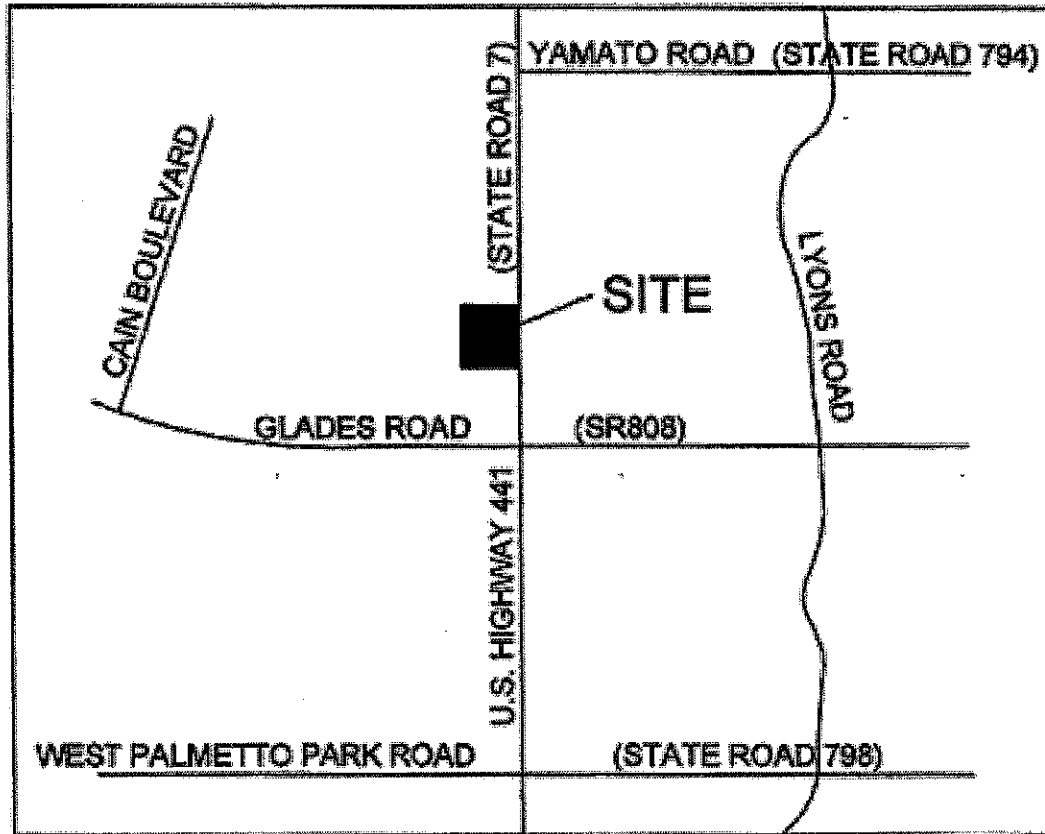
##### PARCEL 2:

Non-exclusive ingress/egress and utility easement for the benefit of Parcel 1 as contained in that certain Easement Deed granted by Mission Bay Development Co., Inc., and Mission Bay Community Association, Inc. to Mission Bay Plaza Associates recorded in Official Records Book 5014, Page 866 over the following described property:

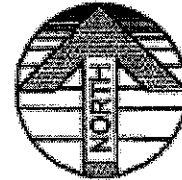
A portion of the Plat of Mission Bay, a P.U.D., as recorded in Plat Book 53, Pages 112-120, inclusive, Public Records of Palm Beach County Florida, being more particularly described as follows:

Commence at the Southwest corner of Mission Bay Plaza, as recorded in Plat Book 49, Pages 160-162, inclusive. Public Records of Palm Beach County, Florida; thence North 89 degrees 08 minutes 17 seconds East along a South line of said Mission Bay Plaza, a distance of 270.00 feet to the Point of Beginning; thence continued North 89 degrees 08 minutes 17 seconds East a distance of 105.00 feet; thence North 37 degrees 08 minutes 16 seconds East, a distance of 24.36 feet; thence South 00 degrees 51 minutes 43 seconds East a distance of 142.20 feet; thence South 83 degrees 25 minutes 39 seconds West, a distance of 120.60 feet; thence North 00 degrees 51 minutes 43 seconds West, a distance of 135.00 feet to the Point of Beginning.

EXHIBIT B  
VICINITY SKETCH



**VICINITY MAP**  
SCALE: N.T.S.



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Requested Use

##### ALL PETITIONS

1. The approved Preliminary Site Plan is dated July 9, 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: MONITORING - Zoning)

2. Prior to Final Site Plan approval by the Development Review Officer, the Site Plan shall be updated to remove the Fitness Center use from the nonconformities chart. (DRO: ZONING - Zoning)

##### ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations shall be submitted for final 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) and shall be generally consistent with the Architectural Elevations dated June 11, 2015. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Site Plan, all applicable Conditions of Approval, and all ULDC requirements. (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: ZONING - 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. (ONGOING: MONITORING - Zoning)

## DISCLOSURE

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