

RESOLUTION NO. R-2021- 0151

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2020-00786  
(CONTROL NO. 1975-00156)  
a Development Order Amendment  
APPLICATION OF West Palm Realty Associates, LLC  
BY Urban Design Studio, AGENT  
(Crosstown Plaza)

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 pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code Ordinance 2003-067 (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/DOA-2020-00786 was presented to the Board of County Commissioners at a public hearing conducted on January 28, 2021;

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 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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/DOA-2020-00786, the Application of West Palm Realty Associates, LLC, by Urban Design Studio, Agent, for a Development Order Amendment to add square footage and reconfigure the Site Plan, on a parcel of land generally described as shown on the legal description 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 January 28, 2021, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	-	Aye
Commissioner Robert S. Weinroth, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Maria Sachs	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 28, 2021.

Filed with the Clerk of the Board of County Commissioners on February 17th, 2021

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

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH ONE QUARTER CORNER OF SAID SECTION 24, THENCE SOUTH  $00^{\circ} 00' 23''$  WEST ALONG THE NORTH-SOUTH QUARTER SECTION LINE A DISTANCE OF 95.04 FEET; THENCE NORTH  $89^{\circ} 59' 37''$  WEST A DISTANCE OF 59.64 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF MILITARY TRAIL, SAID POINT ALSO BEING A POINT ON A CURVE, THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 57,355.78 FEET, SUBTENDED BY A CENTRAL ANGLE OF  $0^{\circ} 01' 19''$  FOR AN ARC DISTANCE OF 22.06 AND A CHORD BEARING OF SOUTH  $01^{\circ} 34' 48''$  WEST TO THE POINT OF BEGINNING.

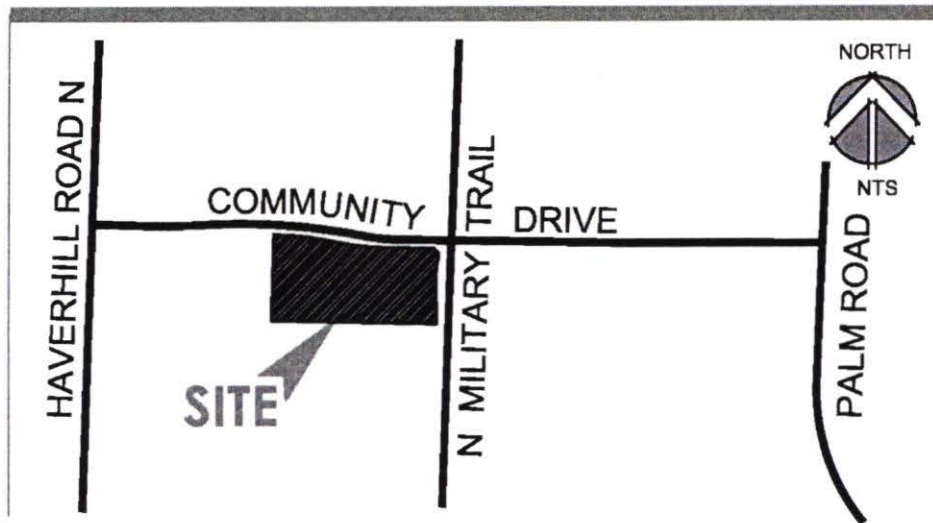
THENCE NORTH  $43^{\circ} 30' 02''$  WEST A DISTANCE OF 52.43 FEET; THENCE NORTH  $88^{\circ} 34' 20''$  WEST A DISTANCE OF 405.62 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 1949.86 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF  $10^{\circ} 20' 30''$ , A DISTANCE OF 351.94 FEET TO THE END OF SAID CURVE; THENCE NORTH  $78^{\circ} 13' 50''$  WEST A DISTANCE OF 100.00 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 1869.86 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF  $10^{\circ} 20' 30''$ , A DISTANCE OF 337.50 FEET TO THE END OF SAID CURVE; THENCE NORTH  $88^{\circ} 34' 20''$  WEST A DISTANCE OF 56.87 FEET, THE LAST SIX (6) COURSES BEING COINCIDENT WITH THE SOUTH RIGHT OF WAY LINE OF S.W. 12TH STREET (OFFICIAL RECORDS BOOK 2535, PAGE 1520); THENCE SOUTH  $01^{\circ} 27' 04''$  WEST A DISTANCE OF 664.61 FEET; THENCE SOUTH  $88^{\circ} 34' 34''$  EAST A DISTANCE OF 1283.96 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF MILITARY TRAIL; THENCE NORTH  $01^{\circ} 23' 20''$  EAST A DISTANCE OF 161.76 FEET; THENCE NORTH  $88^{\circ} 38' 29''$  WEST, FOR A DISTANCE OF 12.00 FEET; THENCE NORTH  $01^{\circ} 21' 31''$  EAST FOR A DISTANCE OF 202.39 FEET TO A POINT ON A CURVE; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 57,367.90, SUBTENDED BY A CENTRAL ANGLE OF  $0^{\circ} 05' 25''$  AND AN ARC LENGTH OF 90.39 FEET; THENCE NORTH  $15^{\circ} 13' 17''$  EAST FOR A DISTANCE OF 51.25 FEET TO A POINT ON A CURVE; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 57,355.78 FEET, SUBTENDED BY A CENTRAL ANGLE OF  $00^{\circ} 02' 35''$  AND AN ARC LENGTH OF 42.98 FEET WITH A CHORD BEARING OF NORTH  $01^{\circ} 24' 14''$  EAST TO THE POINT OF BEGINNING.

BEING ALL OF THE LANDS ENCOMPASSED BY THE PLAT OF CROSSTOWN PLAZA, A P.C.D., AS RECORDED IN PLAT BOOK 55, PAGE 117, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THOSE CERTAIN PARCELS SET FORTH IN THE AMENDED ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 12685, PAGE 23, AND RE-RECORDED IN OFFICIAL RECORDS BOOK 12837, PAGE 103, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 781,420 SQUARE FEET OR 17.94 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment (Planned Commercial Development)

##### ALL PETITIONS

1. The approved Preliminary Site Plan is dated November 9, 2020. 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)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1975-0868 (Control 1975-00156), 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)

##### ENGINEERING

1. Prior to the issuance of any building permits, the Developer shall convey to Palm Beach County, sixty (60) feet of right-of-way from the centerline of Military Trail, and the ultimate right-of-way for 12th Street North from the subject property and Donald Walker's property, as shown on the site plan. (BLDGPM: ENGINEERING - Engineering) [Note: COMPLETED] (Previous Condition 1 of Resolution R-1975-868, Control No.1975-00156)

2. Developer shall file a plat in accordance with Ordinance No. 73-4 as amended. [Note: COMPLETED] (Previous Condition 2 of Resolution R-1975-868, Control No.1975-00156)

3. When the County has constructed 12th Street North, the Developer shall provide for the construction of the 3rd lane. (ONGOING: ENGINEERING - Engineering) (Previous Condition 3 of Resolution R-1975-868, Control No.1975-00156)

4. Developer shall construct the following at the intersection of 12th Street North and Military Trail:

- a) Right turn lane, north approach
- b) Left turn lane, south approach
- c) Left and right turn lane, west approach
- d) Signalization, if and when warranted. (ONGOING: ENGINEERING - Engineering) (Previous Condition 4 of Resolution R-1975-868, Control No.1975-00156)

5. Developer shall construct the following at the intersection of 12th Street North and the project's entrance:

- a) Left and right turn lane, south approach
- b) Left turn lane, east approach
- c) Right turn lane, west approach
- d) Signalization, if and when warranted. (ONGOING: ENGINEERING - Engineering) (Previous Condition 5 of Resolution R-1975-868, Control No.1975-00156)

6. Developer shall construct a right turn lane, north approach at the intersection of Military Trail and the project's north entrance. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous Condition 6 of Resolution R-1975-868, Control No.1975-00156)

7. Developer shall construct a left turn lane, south approach and signalization, if and when warranted, at the intersection of Military Trail. and the project's south entrance. (ONGOING: ENGINEERING - Engineering) (Previous Condition 7 of Resolution R-1975-868, Control No.1975-00156)

8. The development is to be restricted to Phase I i.e. the service station, power substation

and 89,150 square feet of commercial area until the construction of 12th Street, at which time the developer shall provide a third lane from the project's northern entrance to Military Trail. (Previous Condition 8 of Resolution R-1975-868, Control No.1975-00156)

9. 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, 2023, or as amended. 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)

#### **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; 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.