

RESOLUTION NO. R-2021- 1758

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2021-00112
(CONTROL NO. 1985-00069)
a Development Order Amendment
APPLICATION OF Woods Walk Joint Venture, RTCM 2101 North State Road 7 LLC
BY Insite Studio, AGENT
(Woods Walk 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 (ULDC), Ordinance 2003-067 as amended, have been satisfied;

WHEREAS, Zoning Application DOA/CA-2021-00112 was presented to the Board of County Commissioners at a public hearing conducted on November 22, 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 DOA/CA-2021-00112, the Application of Woods Walk Joint Venture, RTCM 2101 North State Road 7 LLC, by Insite Studio, Agent, for a Development Order Amendment to modify the Site Plan; and to add new building, square footage, and use, 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 November 22, 2021, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss moved for the approval of the Resolution.

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

Commissioner Robert S. Weinroth, Mayor	- Aye
Commissioner Gregg K. Weiss, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Dave Kerner	- 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 November 22, 2021.

Filed with the Clerk of the Board of County Commissioners on November 22nd, 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

BY: 
COUNTY ATTORNEY

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

ALL OF "WOODS WALK PLAZA", ACCORDING TO THE PLAN THEREOF, AS RECORDED IN PLAT BOOK 79, PAGES 10 THROUGH 12, OF THE PUBLIC RECORD OF PALM BEACH COUNTY, FL.

TOGETHER WITH:

ALL OF "WOODS WALK PLAZA PLAT NO. 2", ACCORDING TO THE PLAN THEREOF, AS RECORDED IN PLAT BOOK 94, PAGES 9 AND 10, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FL.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FL AND CONTAINING 889,098 SQUARE FEET (20.4109 ACRES), MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

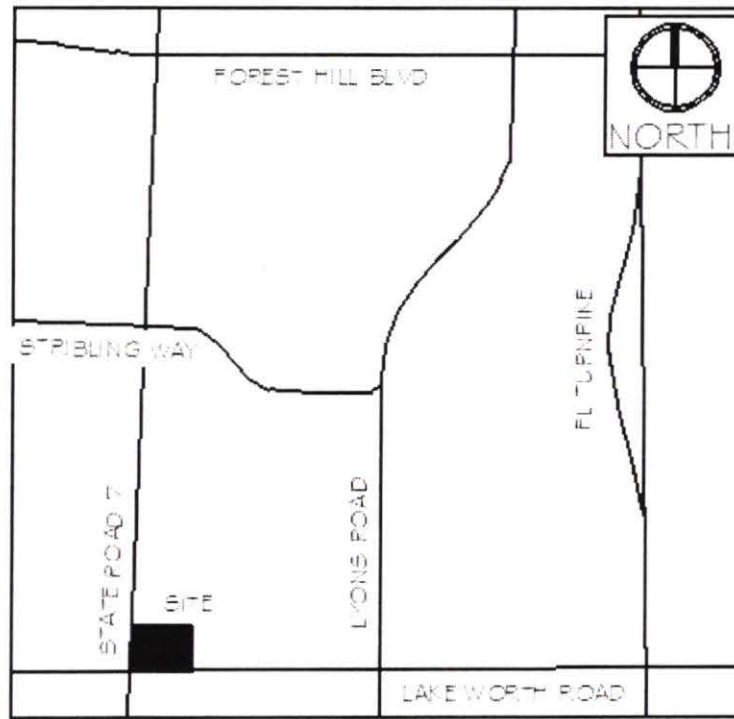


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. The approved Preliminary Site Plan is dated September 27, 2021. 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. Previous ALL PETITIONS Condition 1 of Resolution R-1993-347, Control No.1985-00069, which currently states:

All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, as amended, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1993-347 (Control 1985-00069), 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)

BUILDING & SITE DESIGN

1. Prior to site plan certification, the site plan shall be amended to reflect the following:

- A six foot high solid masonry wall along the north property line with 10-12 foot high canopy trees planted 20 feet on center on the inside of the wall.
- Enclosed loading areas separated from any nearby residential areas by ten foot high wing walls.
- Typical building, access way, parking stall and loading dimensions.
- Location of significant wooded areas and proposed location of areas of tree preservation.
- Delineation of "lease and/or out parcels".
- The ten foot landscape buffer along the east property line shall be of 75% capacity. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous BUILDING Condition 1 of Resolution R-1993-347, Control No.1985-00069)

2. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area. (BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning) (Previous BUILDING Condition 2 of Resolution R-1993-347, Control No.1985-00069)

3. The north and east facades of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon nearby residential development. (BLDG/PMT: BUILDING DIVISION - Zoning) (Previous BUILDING Condition 3 of Resolution R-1993-347, Control No.1985-00069)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-1993-347, Control No.1985-00069, which currently states:

This development shall retain on site the first one inch of the stormwater runoff per Palm

Beach County
Subdivision and Platting Ordinance 73-4, as amended.

Is hereby deleted. [REASON: Code Requirement]

2. The property owner shall convey for the ultimate right-of-way of:

a. Lake Worth Road, 120 feet north of the existing north right-of-way line of the Lake Worth Drainage District L-12 Canal within ninety days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of the first Building Permit. [Note: COMPLETED]

b. The ultimate right-of-way from the subject property, required for the "special Intersection" at Lake Worth Road and State Road 7, 140 feet north of the existing north right-of-way line of the Lake Worth Drainage District L-12 Canal. [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-1993-347, Control No.1985-00069)

3. The Developer shall construct concurrent with the construction of the project's access road onto:

a. The proposed residential road for Petition 85-71, a right turn lane north approach and a left turn lane south approach. [Note: COMPLETED]

b. State Road 7, a left turn lane north approach and right turn lane south approach. [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-1993-347, Control No.1985-00069)

4. The Property Owner shall provide Palm Beach County with a road drainage easement with sufficient retention/detention capacity through this project's internal lake system to legal positive out fall for the road drainage of Lake Worth Road and State Road 7. This drainage easement shall be subject to all governmental agency requirements. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-1993-347, Control No.1985-00069)

5. 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 \$324,480. [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-1993-347, Control No.1985-00069)

6. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$81,120 toward Palm Beach County's existing Roadway Improvement Program. These total funds (\$405,600) are to be paid prior to the issuance of the first building permit. Credit for the impact fee shall be given toward the work performed in Conditions Number 20 and 21.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount \$81,120 shall be credited toward the increased Fair Share Fee. [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-1993-347, Control No.1985-00069)

7. Previous ENGINEERING Condition 7 of Resolution R-1993-347, Control No.1985-00069, which currently states:

The Property Owner shall obtain an on site Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the issuance of a Building Permit.

Is hereby deleted. [REASON: Code Requirement]

8. The Property Owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto State Road 7. [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-1993-347, Control No.1985-00069)

9. The Property Owner shall participate in the Construction of State Road 7 and Lake Worth Road by Petition 84-98 by constructing as a 4 lane median Divided Section:

a. Lake Worth Road from a point 400 feet east of State Road (East terminus of construction of Petition 84-98 east to the projects entrance road onto Lake Worth Road plus the appropriate tapers. [Note: COMPLETED]

b. State Road 7 from a point 400 feet north of Lake Worth Road (Northern terminus of construction by Petition 84-98), north to a Point 200 feet north of the proposed project entrance plus the appropriate transitions. [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-1993-347, Control No.1985-00069)

10. The Property Owner shall provide the Construction Plans For Lake Worth Road and State Road 7 per the above requirements. These Construction Plans shall be per the Florida DOT and the County Engineers approval based upon Palm Beach County's minimum Construction Plan standards as they presently exist or as they may from time to time be amended.

These Construction Plans shall be completed concurrent with the Construction Plans which will be submitted with Petition No. 84-98. [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-1993-347, Control No.1985-00069)

11. The property Owner shall provide Palm Beach County with all associated Right-of-way Documents, including but not limited to, surveys, property owner's maps, legal descriptions for acquisition, parcelled Right-of-way maps, required for the acquisition of Right-of-way for both State Road 7 and Lake Worth Road per the above requirements. The Developer shall enter into an agreement with Palm Beach County's Land Acquisition Section for all required appraisals prior to August 1, 1985; for which this Petition shall provide all necessary funds.

NOTE: It is the intent that all plans, R/W Acquisitions and construction of State Road 7 and Lake Worth Road shall be let as one Cbntz-act; H/ALPI the Developer of Petition 84-98. Credit for the impact fee SHALL NOT be given for any work performed under this condition. [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-1993-347, Control No.1985-00069)

12. The Developer shall provide the Construction Plans for Lake Worth Road a 4 lane median divided section expandable to six lanes, from the property entrance road east to a point 100 feet west of the Florida Turnpike plus any appropriate tapers. These Construction Plans shall be per the Florida DOT and the County Engineers Approval based upon Palm Beach County's minimum Construction Plan standards as they presently exist or as they may from time to time be amended.

These Construction Plans shall be completed prior to December 31, 1986 or prior to the issuance of Building Permit whichever shall occur first. [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-1993-347, Control No.1985-00069)

13. The Developer shall provide Palm Beach County with all associated Right-of-way Documents, including but not limited to, surveys, property owner's maps, legal descriptions for acquisition, parcelled Right-of-way maps, required for the acquisition of Right-of-way for Lake Worth Road from the projects entrance road east to a point 100 feet west of the Florida Turnpike plus any appropriate tapers. The Developer shall enter into an agreement with Palm Beach County's Land Acquisition for all required appraisals prior to August 1, 1985; for which this Petitioner shall provide all necessary funds. [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-1993-347, Control No.1985-00069)

14. The petitioner shall convey to the Lake Worth Drainage District the West 40 feet of Tract 50, Block 25, Palm Beach Farms Company Plat No. 3, for the required right-of-way for Equalizing Canal No. 1, by quit claim deed or an easement deed in the form provided by said district within ninety (90) days of adoption of the resolution by the Board of County Commissioners. [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-1993-347, Control No.1985-00069)

15. Surety required for all off-site improvements shall be posted prior to the issuance of a building permit or within 180 days of Special Exception approval, whichever shall first occur. [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-1993-347, Control No.1985-00069)

16. In order to comply with the Mandatory Traffic Performance Standards the property owner shall be limited to 106,000 square feet of commercial area until Lake Worth Road has been widened to a 4-lane median divided section under the Florida Turnpike. [Note: COMPLETED] (Previous ENGINEERING Condition 16 of Resolution R-1993-347, Control No.1985-00069)

17. The petitioner shall provide an eight foot concrete bicycle path along the project's Lake Worth Road and S.R.7 frontages. The developer shall contribute an additional \$50,000 to be used toward meeting the cost of the State Road 7 and Lake Worth Road intersection improvements. These funds will be paid as follows:

a. The amount of \$25,000 to be paid at the time of building permit issuance of Phase I (1 to 85,000 square feet); and, [Note: COMPLETED]

b. The amount of \$25,000 to be paid at the time of building permit issuance of Phase I (85,001 square feet to total square feet). [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-1993-347, Control No.1985-00069)

18. The developer shall contribute an additional \$50,000 to be used toward meeting the cost of the State Road 7 and Lake Worth Road intersection improvements. These funds will be paid as follows:

a. The amount of \$25,000 to be paid at the time of building permit issuance of Phase I (1 to 85,000

square feet); and,

b. The amount of \$25,000 to be paid at the time of building permit issuance of Phase II (85,001 square feet to total square feet). [Note: COMPLETED] (Previously Condition No. 5 of Resolution No. R-1993-347, Control No. 1985-00069)

19. 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, 2024. 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)

20. Prior to final approval by the Development Review Officer, the Property Owner shall submit a revised traffic impact study report, showing the removal of the Type I Restaurant from the site. (DRO: DRO - Engineering)

ENVIRONMENTAL

1. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 1 of Resolution R-1993-347, Control No.1985-00069)

2. 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: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 2 of Resolution R-1993-347, Control No.1985-00069)

3. 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. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous

ENVIRONMENTAL Condition 3 of Resolution R-1993-347, Control No.1985-00069)

4. The owner of the facility will participate in an oil recycling program which insures proper reuse of disposal of waste oil. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 4 of Resolution R-1993-347, Control No.1985-00069)

HEALTH

1. Previous HEALTH Condition 1 of Resolution R-1993-347, Control No.1985-00069, which currently states:

Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.

Is hereby deleted. [REASON: Sewer service provided for all proposed structures.]

2. Previous HEALTH Condition 2 of Resolution R-1993-347, Control No.1985-00069, which currently states:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable Water.

Is hereby deleted. [REASON: Water service proposed for all buildings.]

SIGNS

1. Prior the final approval by the Development Review Officer, a Master Sign Program shall be submitted in conformance with the Unified Land Development Code and Technical Manual requirements for all existing and proposed signage. (DRO: ZONING - Zoning)

USE LIMITATIONS

1. No stock loading or delivery shall be permitted between the hours of 8:30 p.m. and 8:00 a.m., with the exception of the supermarket grocery store only. For the supermarket grocery store only no stock loading or delivery shall be permitted between the hours of 8:00 p.m. and 7:00 a.m. Monday through Friday and between the hours of 8:00 p.m. and 8:00 a.m. on Saturday and Sunday. Dumpster pickup shall be limited to 8:00 a.m. to 8:00 p.m. for all uses. Access points shall be such that the removal vehicle need not make unnecessary turning or backing movements. (ONGOING: CODE ENF - Zoning) (Previous F Condition 1 of Resolution R-1993-347, Control No.1985-00069)

2. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center. (ONGOING: CODE ENF - Zoning) (Previous DUMPSTER Condition 1 of Resolution R-1993-347, Control No.1985-00069)

3. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces or unloading areas. (ONGOING: CODE ENF - Zoning) (Previous DUMPSTER Condition 2 of Resolution R-1993-347, Control No.1985-00069)

4. Security lighting shall be directed away from nearby residences. (ONGOING: CODE ENF - Zoning) (Previous DUMPSTER Condition 3 of Resolution R-1993-347, Control No.1985-00069)

VEGETATION PRESERVATION

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. Preserved areas of vegetation along the interior and perimeter of the site shall be credited toward meeting interior and perimeter landscaping requirements respectively. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous VEGETATION PRESERVATION Condition 1 of Resolution R-1993-347, Control No.1985-00069)

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. (ONGOING: MONITORING - Zoning)

DISCLOSURE

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