

RESOLUTION NO. R-2014- 0205

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2013-01605
(CONTROL NO. 1979-00129)
a Development Order Amendment
APPLICATION OF Partners Point LLC
BY Jeff H. Iravani, Inc., AGENT
(King's Point Plaza-Walgreens)

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 ZV/DOA-2013-01605 was presented to the Board of County Commissioners at a public hearing conducted on February 27, 2014;

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 ZV/DOA-2013-01605, the petition of Partners Point LLC, by Jeff H. Iravani, Inc., agent, for a Development Order Amendment to reconfigure the Site Plan and to add square footage in the Commercial General (CG) Zoning District, 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 February 27, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on February 27, 2014.

Filed with the Clerk of the Board of County Commissioners on March 4th, 2014.

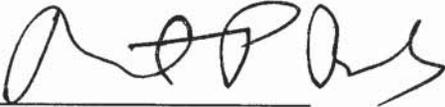
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

LOT 1, "PLAT NO. TWO, KINGS POINT PLAZA", ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, PAGE 174, LESS AND EXCEPT THAT LAND CONVEYED BY WARRANTY DEED AS RECORDED IN OFFICIAL RECORDS BOOK 20077, PAGE 895, OF THE PUBLIC RECORDS OF THE PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

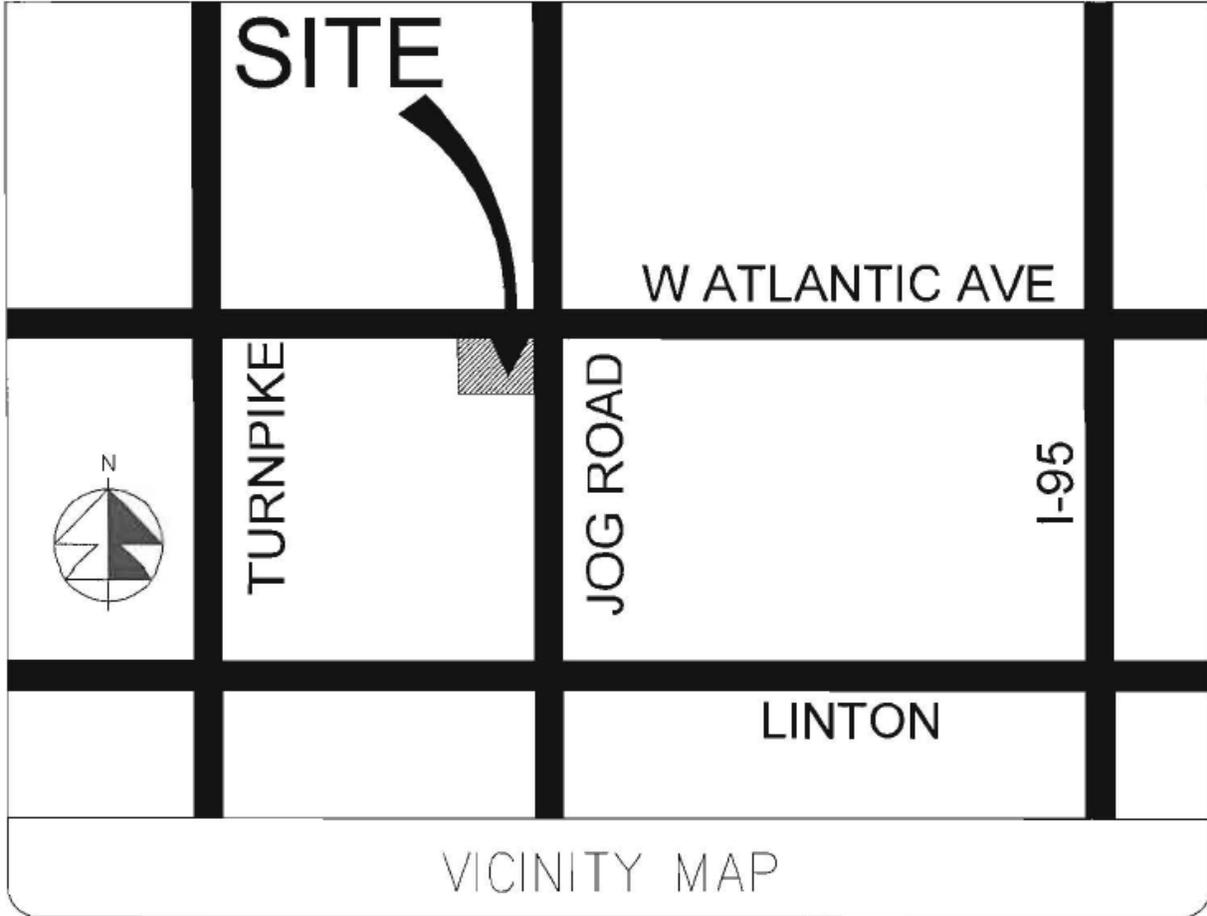


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1979-920 (Control 1979-00129), 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. The approved Site Plan is dated December 19, 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. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Retail Building 7 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) and shall be generally consistent with the Architectural Elevations dated December 12, 2013. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

2. Prior to the Certificate of Occupancy for the Retail Building 7, the pedestrian amenity shall be constructed and installed as indicated on the Final Site and Regulating Plans. (BLDG/PMT/CO: LANDSCAPE - Zoning)

ENGINEERING

1. Developer shall construct at the intersection of Delray West Road and Jog Road (Carter Road):

- a. Left and right turn lane, south approach;
- b. Right turn lane, west approach;
- c. Possible upgrading of the existing left turn on the east approach; and
- d. Signalization if and when necessary. (Previous condition 1 of Resolution R-1979-920, Control No.1979-00129) (ONGOING: MONITORING - Engineering) [Note: COMPLETED]

2. Developer shall construct at the intersection of Jog Road (Carter Road) and the development's entrance:

- A. Right turn lane, west approach;
- b. Left turn lane, south approach; and
- c. Signalization if and when warranted. (Previous condition 2 of Resolution R-1979-920, Control No.1979-00129) (ONGOING: MONITORING - Engineering) [Note: COMPLETED]

3. Developer shall construct a right turn lane, west approach at the intersection of Jog Road (Carter Road) and the development's entrance. (Previous condition 3 of Resolution R-1979-920, Control No.1979-00129) (ONGOING: MONITORING - Engineering) [Note: COMPLETED]

4. Previous condition 7 of Resolution R-1979-920, Control No.1979-00129, which currently states:

Drainage discharge shall meet the Lake Worth Drainage District criteria. (ONGOING: ENGINEERING - Engineering)

Is hereby deleted. [REASON: CODE REQUIREMENT]

5. Previous condition 8 of Resolution R-1979-920, Control No.1979-00129, which currently states:

Developer shall contribute Fifty Thousand Four Hundred Sixty-Two Dollars (\$50,462.00) towards the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s), according to the "Fair Share Contribution for Road Improvements" approved by the Board of County Commissioner on June 19, 1979. (BLDGPM: MONITORING - Engineering)

Is hereby deleted. [REASON: CODE REQUIREMENT]

6. Prior to issuance of a Building Permit, the Property Owner shall abandon the utility easement located with the proposed building's footprint. (BLDGPM: MONITORING - Engineering)

7. Prior to DRO approval, the Property Owner shall modify the Site Plan to revise the affected area to include all areas being revised. (DRO: MONITORING - Engineering)

8. Prior to DRO approval, the Property Owner shall modify the Site Plan to address the on-site traffic circulation conflicts. (DRO: MONITORING - Engineering)

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, 2016. 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)

LANDSCAPE - GENERAL

1. Prior to December 1, 2013, the Property Owner shall replace all dead and missing plant materials on the entire subject property. (DATE: ZONING - Zoning)

LANDSCAPE - PERIMETER-SOUTH PROPERTY LINE

2. Developer shall install a six (6) foot height wood fence along the south property line. This fence must be maintained in a sound and attractive condition. (Previous condition 4 of Resolution R-1979-920, Control No.1979-00129) (ONGOING: LANDSCAPE - Zoning)

3. Developer shall provide a twenty- five (25) foot planted buffer along the south property line containing a hedge being a minimum of four (4) feet in height. (Previous condition 5 of Resolution R-1979-920, Control No.1979-00129) (ONGOING: LANDSCAPE - Zoning)

4. Developer shall provide trees within the twenty- five (25) foot buffer area along the south property line, at a minimum of eight (8) feet in height and forty (40) feet on center. (Previous condition 6 of Resolution R-1979-920, Control No.1979-00129) (ONGOING: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER- ALONG THE NORTH AND EAST PROPERTY LINES - BUILDING 7 ONLY

5. In addition to Code requirements, landscaping along the north and east property lines shall be upgraded to include:

a. all required canopy trees or palms shall be a minimum height of twenty (20) feet at installation; and,
b. one (1) additional palm or pine for each for each thirty (30) linear feet of the property line. (BLDGPM: LANDSCAPE - 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)

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.