

RESOLUTION NO. R-2023- 0548

RESOLUTION APPROVING ZONING APPLICATION CA-2022-01290
(CONTROL NO. 2004-00233)
a Class A Conditional Use
APPLICATION OF Nandaiah Dhanekula, MGR, Emedical Plaza LLC
BY Schmidt Nichols, AGENT
(Shapiro Property)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 125 and Chapter 163, 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 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application CA-2022-01290, submitted on behalf of Nandaiah Dhanekula, MGR, Emedical Plaza LLC, by Schmidt Nichols, Agent, for a Class A Conditional Use to allow a Medical Office on 2.01 acres was presented to the Board of County Commissioners at a public hearing conducted on April 27, 2023;

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 Class A Conditional Use;

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 CA-2022-01290, the Application of Nandaiah Dhanekula, MGR, Emedical Plaza LLC, by Schmidt Nichols, Agent, for a Class A Conditional Use to allow a Medical Office on 2.01 acres, 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 April 27, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Mayor	- Aye
Commissioner Maria Sachs, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Michael A. Barnett	- Aye
Commissioner Marci Woodward	- Aye
Commissioner Sara Baxter	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on April 27, 2023.


Filed with the Clerk of the Board of County Commissioners on April 27, 2023.

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

ALL THAT PART OF THE EAST 1/2 OF TRACT 16, AMENDED PLAT OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MARY A. LYMAN, ET AL., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 74 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LYING WESTARDLY OF THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL (A 100 FOOT WIDE ROAD RIGHT-OF-WAY). LESS THAT PART CONVEYED TO PALM BEACH COUNTY BY THAT DEED RECORDED IN OFFICIAL RECORDS BOOK 18425, PAGE 1212, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST ONE QUARTER (1/4) OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA;

THENCE N 89°33'59" E, ALONG THE SOUTH LINE OF AFOREMENTIONED SECTION 12, A DISTANCE OF 2259.27' TO THE WEST LINE OF THE ORIGINAL RIGHT OF WAY OF STATE ROAD 809;

THENCE ALONG AN ARC WITH A RADIUS OF 1860.08', WHICH RADIAL BEARING BEARS N 54°03'03" W, AN ARC DISTANCE OF 88.24', A DELTA ANGLE OF 02°43'05" AND A CHORD BEARING N 37°47'57" E AND A CHORD DISTANCE OF 88.23';

THENCE N 03°57'05" E, A DISTANCE OF 18.75' TO THE POINT BEGINNING AND ALSO THE CURRENT WEST RIGHT OF WAY LINE OF STATE ROAD 809 AS PER RIGHT-OF-WAY DEDICATION RECORDED IN OFFICIAL RECORD BOOK 18425, PAGE 1212 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE N 03°57'05" E, ALONG THE WEST LINE OF THE EAST ONE HALF (1/2) OF TRACT 16, A DISTANCE OF 601.23';

THENCE N 89°08'19" E, ALONG THE NORTH LINE OF THE EAST ONE HALF (1/2) OF TRACT 16 TO THE CURRENT WEST RIGHT OF WAY LINE OF STATE ROAD 809;

THENCE ALONG AFOREMENTIONED WEST RIGHT OF WAY LINE ALONG AN ARC CONCAVE TO THE WEST, A RADIAL BEARING OF N 74°52'45" W, A RADIUS OF 1850.08', CHORD DISTANCE OF 668.84', A DELTA ANGLE OF 20°49'41" AND AN ARC DISTANCE OF 672.54' TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 87,575 SQUARE FEET OR 2.01 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

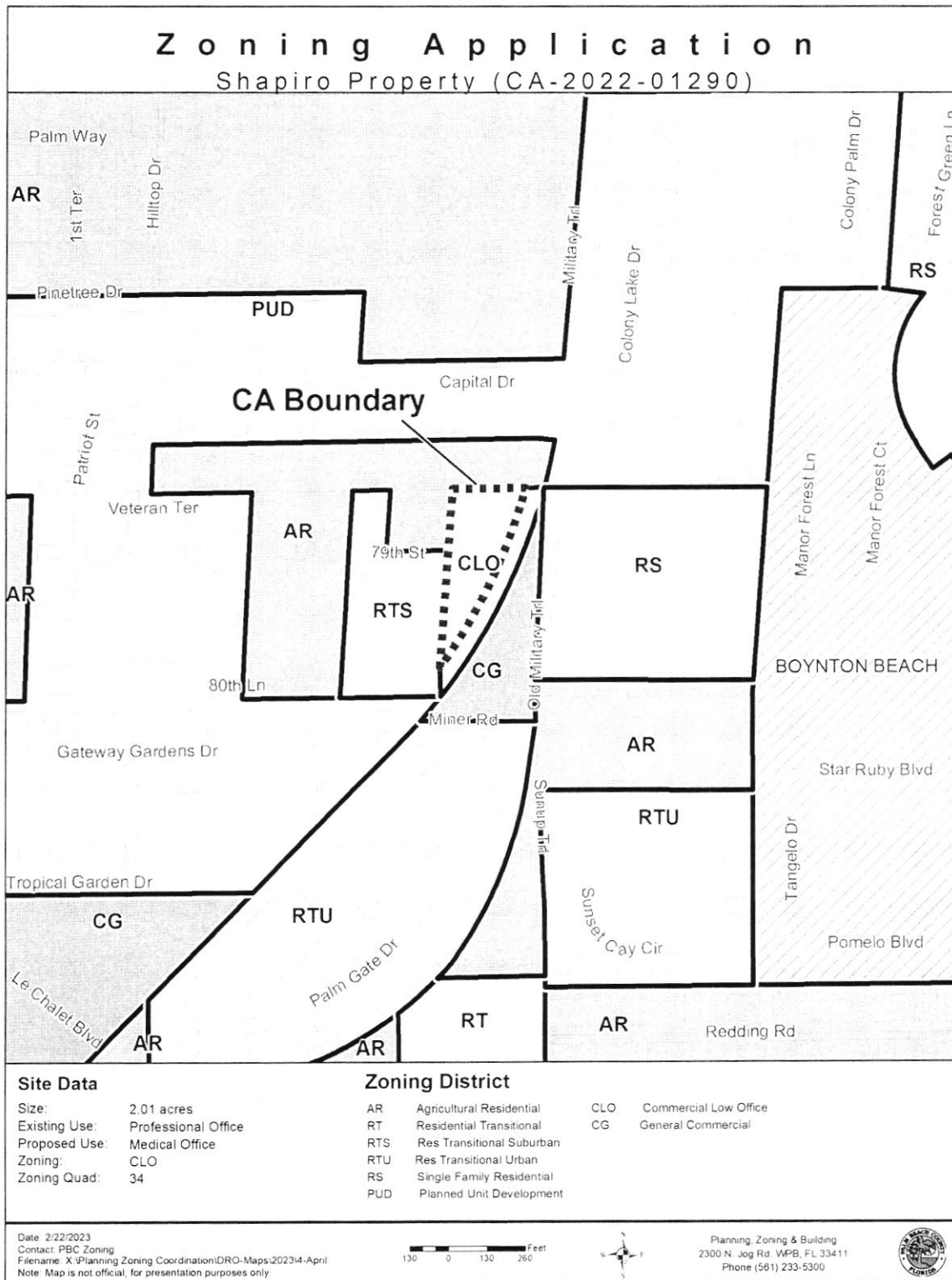


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated February 9, 2023. 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. (ONGOING: ZONING - Zoning)

ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2024, 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)

2. The Property Owner shall record a non-exclusive utility easement along the property frontage, beginning at that northern terminus of the existing 10' UE, to the north property line. The easement shall be approved by the Land Development prior to recordation and recorded by the Property Owner prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free and clear of invasive, exotic and non-native species. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. All mitigation credits shall be planted on-site or as approved by ERM. (VEGPM: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. Prior to the final approval by the Development Review Officer, a Mitigation Planting Plan shall be provided to ERM for review and approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

PLANNING

1. Prior to final approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, the Property Owner shall submit a recorded cross access easement agreement for the location depicted on the site plans. (DRO: PLANNING - Planning)

2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site Plan to add the Official records book and page number for the recorded cross access easement. (DRO: PLANNING - Planning)

3. Prior to the release of the Certificate of Occupancy, the Property Owner shall construct, and pave to the property line, the cross access as shown on the Site Plan. (CO: MONITORING - Planning)

SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site Plan to indicate the cross access as East-West One Way only. (DRO: ZONING - Zoning)

2. Prior to the release of the Certificate of Occupancy, the Property Owner shall construct the cross access shown on the Site Plan as East-West One Way only. (BLDG/PMT: 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)

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.