

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: DOA-2019-02323
Application Name: West Atlantic Business Plaza
Control No./Name: 2016-00130 (Broward Rentals)
Applicant: West Atlantic Business Plaza, LLC
Owners: West Atlantic Business Plaza, LLC
Agent: JMorton Planning & Landscape Architecture
Jennifer Morton & Lauren McClellan
Telephone No.: (561) 371-9384 & (561) 721-4463
Project Manager: Ryan Vandenburg, Senior Site Planner

TITLE: a Development Order Amendment **REQUEST:** to reconfigure the Site Plan; delete square footage; modify uses; and, modify Conditions of Approval.

APPLICATION SUMMARY: Proposed is a Development Order Amendment (DOA) for the West Atlantic Business Plaza Development, formerly known as Broward Rentals. The 10.53-acre site was originally approved by the Board of County Commissioners (BCC) on February 23, 2017, for a rezoning from the Agricultural Residential to the Light Industrial (IL) Zoning District, with a Conditional Overlay Zone. The subject site was last approved by the BCC on August 22, 2019 for a rezoning from IL to the Multiple Use Planned Development (MUPD) Zoning District. The site is currently utilized for row crops.

The Applicant proposes to modify the Site Plan by expanding the Warehouse with accessory office use from two, one-storey buildings totaling 21,126 sq. ft., to three, one-storey buildings totaling 80,339 sq. ft. (+59,213 sq. ft.). Further, the proposed Heavy Repair and Maintenance use will increase from 22,000 sq. ft. to 25,800 sq. ft. (+3,800 sq. ft.) and relocate from the southeast corner to the northwest corner of the site. The Applicant is proposing to delete approved but unconstructed uses including Limited Access Self-Storage and a car wash. Overall, the proposed total square footage for the subject site will be reduced from 163,926 sq. ft. to 106,139 sq. ft. (-57,787 sq. ft.).

The Preliminary Site Plan indicates a total of 4 buildings, 215 parking spaces, with one access point from Atlantic Avenue.

SITE DATA:

Location:	South side of Atlantic Avenue, approximately 0.22 miles east of State Road 7/US 441.
Property Control Number(s)	00-42-46-19-01-000-0112; 00-42-46-19-01-000-0121; and, 00-42-46-19-01-000-0131
Existing Future Land Use Designation:	Industrial, with an underlying AGR (IND/AGR)
Proposed Future Land Use Designation:	No Change
Existing Zoning District:	Multiple Use Planned Development District (MUPD)
Proposed Zoning District:	No Change
Total Acreage:	10.53 acres
Affected Acreage:	10.53 acres
Tier:	AG Reserve
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile:	N/A
Future Annexation Area:	N/A

RECOMMENDATION: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received 0 contacts from the public regarding this application.

PROJECT HISTORY:

As previously indicated, the subject site was originally approved by the BCC on February 23, 2017, for a rezoning from Agricultural Residential to the Light Industrial Zoning District with a Conditional Overlay Zone. The site was last approved by the BCC on August 22, 2019 for a rezoning from Light Industrial to the Multiple Use Planned Development (MUPD) Zoning District.

SURROUNDING LAND USES:

NORTH (Across Atlantic Ave.):

FLU Designation: Industrial, with an underlying AGR (IND/AGR)
Zoning District: Agricultural Reserve (AGR)
Supporting: Industrial (Windmill Sprinkler, Control No. 1982-00102)

FLU Designation: Industrial, with an underlying AGR (IND/AGR)
Zoning District: Light Industrial (IL)
Supporting: Commercial (Sunshine Golf Car, Control No. 1978-00110)

FLU Designation: Industrial, with an underlying AGR (IND/AGR)
Zoning District: Light Industrial (IL)
Supporting: Commercial (West Delray Collision, Control No. 1983-00066)

SOUTH:

FLU Designation: Agricultural Reserve (AGR)
Zoning District: Agricultural Reserve Planned Unit Development (AGR-PUD)
Supporting: Residential (Sussman AGR-PUD, Control No. 2000-00032)

EAST:

FLU Designation: Industrial, with an underlying AGR (IND/AGR)
Zoning District: Agricultural Reserve (AGR)
Supporting: Place of Worshoip (Our Lady Queen of Peace, Control No. 1994-00087)

WEST:

FLU Designation: Industrial, with an underlying AGR (IND/AGR)
Zoning District: Agricultural Reserve (AGR)
Supporting: Agriculture (Young Property South, Control No. 1997-00120)

FINDINGS:

Development Order Amendment: When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- a. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

PLANNING DIVISION COMMENTS:

- o *Consistency with the Comprehensive Plan:* The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- o *Relevant Planning Policies:* The request is located within the Agricultural Reserve Tier and has the Future Land Use designation of Industrial with an underlying Agricultural Reserve (IND/AGR).

The subject parcels IND designation predates both the County s 1989 Comprehensive Plan and the establishment of the Agricultural Reserve Tier. Future Land Use Element Policy 2.2.4-a, directs the

County to apply the IND FLU where appropriate to account for the need for Industrial space and subsequent employment opportunities.

Policy 2.2.4-a: The County shall apply Industrial future land use categories at appropriate locations and intensities to satisfy the need for industrial space, provide opportunities for the retention and expansion of industrial and employment based economic activities, and to promote economic development consistent with the County's economic development directives. The County shall also encourage a broad range of employment opportunities and shall discourage Future Land Use Atlas amendments that result in the loss of industrially designated land.

- *Intensity:* The maximum Floor Area Ratio (FAR) of .45 is allowed for a non-residential project with an IND/AGR designation in the Agricultural Reserve Tier (458,685 surveyed square feet or 10.53 acres x .45 maximum FAR = 206,408.25 square feet maximum). The request for a total of 106,139 square feet equates to a FAR of approximately 0.23 (106,139 / 458,685 surveyed square feet or 3.46 acres = 0.23).

- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The site is not located within any neighborhood plans, overlays or plan study areas as identified in the Comprehensive Plan.

b. Consistency with the Code - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

- *Property Development Regulations (PDRs):* The subject site will continue to meet the minimum PDRs for an MUPD, per Table 3.E.3.D, MUPD Property Development Regulations. The site has frontage and access on Atlantic Avenue and thus meets the minimum frontage and access required for Planned Developments. In addition, the property meets Code requirements for minimum lot dimensions (300 ft. of width and frontage, and 300 ft. of depth) and exceeds the minimum lot size for an MUPD with an Industrial FLU (5-acre) as the site is a 10.53-acre lot. Staff have also modified Site Design Conditions 1 and 2. Condition 1 has been modified to increase the minimum setback distance for the Heavy Repair and Maintenance use to reflect the proposed location on the new Site Plan. Condition 2 has been modified to limit the heights to a maximum of 35 feet for Buildings 3 and 4, where it was previously conditioned for the Self-Storage use only, which is no longer part of this application. Condition 3 has been deleted, as it is no longer applicable to this development proposal.

- *Design Objectives and Performance Standards:* As the subject site is an MUPD, the project is required to meet the Design Objectives and Performance Standards for a Planned Development District (per Art. 3.E.1.C) and Multiple Use Planned Development (per Art. 3.E.3.B). The Applicant has provided the necessary design features which includes: a continuous pedestrian system throughout the development connecting parking areas to the building; preservation of existing vegetation; screening of objectionable features and minimizing visual impacts through Code required perimeter buffers; and, decorative paving to meet the intent of this section of the code.

- *Use Regulations:* As indicated in the Application Summary, the subject site was last approved for 163,926 sq. ft. of mixed commercial and industrial uses, which included Limited Access Self Storage, Warehouse, a Car Wash, as well as Light and Heavy Repair and Maintenance. With the proposed DOA, the PSP has been revised to propose four buildings, which includes Heavy Repair and Maintenance (Building 1) and Warehouse (Buildings 2-4). These proposed development continues to be consistent with Art. 4 Use Regulations.

- *Architectural Review:* The Applicant has requested to obtain architectural review approval at time of application for Building Permits for the proposed structure. No Architectural elevations have been provided at this time.

- *Parking and Loading:* The PSP indicates a total of 215 parking spaces, which includes 12 handicap parking spaces. This is in excess of the minimum parking required, which is 171 spaces. The Applicant has chosen to utilize parking per use as permitted under Art. 6.A.1.B, rather than per PDD standards as permitted per Art. 3.E.1.C.2, PDD Performance Standards.

- *Landscape/Buffering:* The PSP depicts a 30 ft. Right-of-Way (R-O-W) Buffer along the north property line fronting Atlantic Avenue. This is 10 ft. beyond standard Code requirements. Along the east property line, abutting the existing Place of Worship, an 11-ft. wide buffer is provided and will

feature a six-ft. wall, where an 8 ft. Compatibility Buffer is generally required (See PRP-1, Figure 6). This conditioned buffer (see Exhibit C) is per a request from the Place of Worship abutting the proposed development from the previous approval (Resolution R-2019-1240). Staff have carried forward this condition which is accepted by the Applicant and shown on the PSP. Along the length of the west property boundary is an 8 ft. Compatibility Buffer. The lands to the west were recently rezoned to Light Industrial (more information provided on the property to the west under Compatibility with Surrounding Uses). Along the south property line abutting the Sussman PUD, the PSP is providing for a 20-ft. wide Type 3 Incompatibility Buffer with a six-ft. wall. The original development proposal had placed the Heavy Repair and Maintenance Use adjacent to the south property line, and as a result of feedback, the buffer was increased to 50-ft. wide, Type 3 Incompatibility Buffer with a six-ft. wall along the eastern portion of the south property line, directly behind the Heavy Repair and Maintenance building. Per the Applicants request, Staff has removed the Conditions of Approval regarding the larger buffer, as the Repair and Maintenance use has been relocated to the north of the site, and is buffered from the PUD by proposed building 4.

Staff are proposing to modify and delete a number of existing Conditions related to Landscaping and Site Design. As previously noted, the Condition related to the additional buffering along the south property line has been deleted, as the Heavy Repair and Maintenance use has been relocated on site (Landscape – Perimeter Condition 1).

- *Signs:* A maximum of 2 freestanding signs are permitted for developments with over 201 ft. of frontage in the AGR Tier, and a maximum of two Entrance Signs per entrance. The PSP and Preliminary Master Sign Plan (PMSP) indicates two entrance signs on the east and west side of the access to Atlantic Ave. Further, the Applicant proposes two freestanding signs, with one being on the east side of the access, and one proposed on the west side of the access. Along with the Entrance and Freestanding Signage, the PMSP indicates wall signage for all four proposed structures. The proposed wall signage meets the requirements of Table 8.G.1.A, Wall Sign Standards.

- *Phasing:* The previously approved Resolution included a Condition of Approval requiring the final Site Plan to provide for the Phasing of the development (Previous Condition 4, Engineering). As no phasing is proposed for the revised plan, this Condition has been deleted.

c. Compatibility with Surrounding Uses – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The proposed DOA will continue to be consistent with surrounding uses. To the north across Atlantic Ave. are three industrial-commercial uses. This includes Windmill Sprinkler (Control No. 1982-00102), Sunshine Golf Cart (Control No. 1978-00110), and West Delray Collision (Control No. 1983-00066). All uses have a Future Land Use designation of Industrial with underlying AGR, which is consistent with the subject site. As previously noted, a 30 ft. R-O-W buffer is proposed along the Atlantic Ave. frontage.

To the south and extending west to State Road 7/US 441 is the Dakota Delray residential development (aka Sussman PUD). The Sussman PUD was approved with a 50 ft. AGR-PUD Perimeter Buffer along their north property line (south of the subject site). The Applicant has requested to provide a Type 3 Incompatibility Buffer along the entire south perimeter, which is consistent with Code requirements (Table 7.C.2.C, Incompatibility Buffer Types). The subject site has been previously conditioned for a 50 ft. Buffer along the eastern 309 feet of the south property line. The purpose of this Condition was to buffer the proposed Heavy Repair and Maintenance use at the time. The Applicant has revised the PSP through this application, and relocated this use adjacent to Atlantic Ave., and as such this Condition is no longer required and is recommended to be deleted. Further, a Condition was approved for the Heavy Repair and Maintenance use to be setback a minimum of 170 ft., per the approved Site Plan. This Condition is also recommended to be deleted with the relocation of the use.

To the east of the subject site is Our Lady Queen of Peace Church. As previously indicated, the owner of the Church previously requested additional buffering along the east property limits, and a Condition of Approval for an 11 ft. buffer with a 6 ft. wall was granted. This condition will remain for the proposed development.

To the west is a vacant parcel of land that was previously utilized for row crops. This site (Young Property South, Control No. 2003-830) was recently rezoned from Agricultural Reserve to the Light Industrial Zoning district, through Resolution R-2020-0056. No development proposal has been submitted at this time. As the lands were rezoned, an 8 ft. Compatibility Buffer is provided along the west property line. Further, a future cross access has been provided at the north-west corner of the site, which is required through Art. 3.E.3.B.2.d, Cross Access (MUPD standards).

- d. **Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The proposed redevelopment of the subject site will reduce adverse impacts on neighboring properties than the currently approved development. The DOA has reduced the number of building proposed from 6 to 4, with an overall reduced sq. footage of 57,787 sq. ft. Further, the proposed uses will have less of an impact from a Traffic perspective, specifically with the removal of the previously approved car wash, with a decrease in the Average Daily Trips to the subject site than what was previously approved.

While Staff are recommending the removal of the Condition that would have required a 50 ft. Landscape Buffer along the east 302 ft. of the south property line, the relocation of the Heavy Repair and Maintenance use has no longer made this Condition a necessity. As such, the Applicant will be providing a 20 ft. Type 3 Incompatibility Buffer along the entire south property line, which includes a 6 foot wall. As was previously noted, the Sussman PUD to the south already has a 50 ft. Landscape Buffer along the PUD’s north property line, which provides a substantial buffer between the proposed development and existing residential homes.

The Applicant will continue to provide the 11 ft. buffer with a 6 ft. wall along the east property line, which will buffer the proposed use from the existing church. As was noted, the lands to the west have been rezoned to Light Industrial, and as such are compatible with the subject site.

Staff are proposing to maintain an existing Condition of Approval that proposing to modify a Site Design Condition of Approval that will limit Buildings 3 and 4 to a maximum height of 35 ft. Further, Staff are proposing to modify an existing Condition related to the Heavy Repair and Maintenance which will increase the minimum distance the use can be from the south property line to its proposed location. This will limit the ability of the use to be moved through a subsequent development application.

- e. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site is an existing agricultural site.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

- f. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The proposed DOA is consistent with the developed pattern of the area. Several Commercial, Industrial, and Institutional uses exist along the Atlantic Avenue corridor in the immediate vicinity of the proposed development (see image below of Zoning along Atlantic Ave). There are Industrial and

Commercial uses immediately north of the development across Atlantic Avenue as indicated in Compatibility with Surrounding Uses, and similar uses exist further east of the development on both the north and south sides of Atlantic Avenue. This includes a US Postal facility, Our Lady Queen of Peace, nurseries, and agricultural support facilities. In addition, existing undeveloped parcels to the west that support Agricultural uses have an IND/AGR FLU designation similar to the subject site, and have been rezoned to Light Industrial (Young Property North and South). Therefore, the proposed development will result in an orderly and logical pattern that is consistent with the existing established development patterns of the surrounding area.



g. Adequate Public Facilities – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS: This industrial project has previously been approved. Current application is for modification of land use mix within the project from that of the previous approval. This modification is expected to result in decrease in 249 net daily trips, a decrease in 19 AM peak hour trips, and a decrease in 31 PM peak hour trips. The build out of the project is expected to happen by 2023.

The Property Owner shall dedicate ROW to be consistent with the PBC Thoroughfare Identification Map prior to the issuance of the building permit.

The Property Owner shall install landscaping within the median of Atlantic Avenue along the project frontage in accordance with OTIS.

PALM BEACH COUNTY HEALTH DEPARTMENT: Staff has reviewed this application and have no comment.

FIRE PROTECTION: Staff has reviewed this application and have no comment.

SCHOOL IMPACTS: Staff has reviewed this application and have no comment.

PARKS AND RECREATION: This is a nonresidential project, therefore Park and Recreation Department ULDC standards do not apply.

h. Changed Conditions or Circumstances – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

The Applicant has indicated as part of their Justification Statement that, further to the rezoning of the subject site to MUPD, the contract purchaser has further evaluated the needed uses within the area, and have concluded there is limited need for Limited Self Storage, Light Repair and Maintenance and a car wash. As such, the Applicant has submitted a DOA to revise the Site Plan for more Warehouse uses, while maintaining (albeit relocating) the Heavy Repair and Maintenance use. With the reduction in overall square footage, the subject site will have lessened impacts on adjacent development. As such, the Applicant has demonstrated there are changed conditions that necessitate the amendment.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B.7.B.2, Standards, and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff are recommending approval as per the Conditions of Approval in Exhibits C.

CONDITIONS OF APPROVAL

EXHIBIT C - Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2019-1240, Control No.2016-00130, which currently states:

The approved Preliminary Site Plan is dated July 16, 2019. 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.

Is hereby amended to read:

The approved Preliminary Site Plan is dated February 22, 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. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2019-1240 (Control 2016-00130), 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. 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) (Previous ENGINEERING Condition 1 of Resolution R-2019-1240, Control No.2016-00130)

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2019-1240, Control No.2016-00130)

3. The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for Atlantic Avenue, 63 feet, measured from centerline of the proposed right of way on an alignment approved by the FDOT or County Engineer

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed, and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees

including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2019-1240, Control No.2016-00130)

4. Previous ENGINEERING Condition 4 of Resolution R-2019-1240, Control No.2016-00130, which currently states:

Prior to final Site Plan approval by the Development Review Officer, the Property Owner shall indicate project phasing on the Final Site Plan. Phase 1 shall be limited to development that generates less than 30 peak hour left turns east approach at the project entrance on Atlantic Avenue. (DRO: ENGINEERING - Engineering)

Is hereby deleted. [REASON: Phasing is no longer proposed]

5. Previous ENGINEERING Condition 5 of Resolution R-2019-1240, Control No.2016-00130, which currently states:

A left turn lane east approach on Atlantic Avenue at the project entrance shall be constructed. Any and all costs associated with the construction shall be paid by the Property Owner. No costs associated with the construction shall be paid by the County. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit in Phase 2. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy within Phase 2. (BLDGPMT/CO: MONITORING - Engineering)

Is hereby amended to read:

A left turn lane east approach on Atlantic Avenue at the project entrance shall be constructed. Any and all costs associated with the construction shall be paid by the Property Owner. No costs associated with the construction shall be paid by the County. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

6. The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of Atlantic Avenue. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires County Engineer approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from the Florida Department of Transportation prior to the issuance of the first building permit, or as approved by the County Engineer. (BLDGPMT: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy, or as approved by the County Engineer. (BLDGPMT/CO: MONITORING - Engineering)

c. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to Palm Beach County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit, or as approved by the County Engineer. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Atlantic Avenue.

This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2019-1240, Control No.2016-00130)

LANDSCAPE - PERIMETER-LANDSCAPE - BUFFER WIDTH ALONG THE EASTERN 309 FEET OF THE SOUTH PROPERTY LINE

1. Previous LANDSCAPE - PERIMETER Condition 1 of Resolution R-2019-1240, Control No.2016-00130, which currently states:

The required Type 3 Incompatibility Buffer along the eastern 309 feet of the south property line, shall be upgraded to include:

- a. a minimum of fifty (50) foot in width;
- b. a six (6) foot high concrete panel wall to be located in the middle of the buffer width;
- c. one (1) Canopy tree for each ten (10) lineal feet of the length of the buffer. Trees shall be planted on both sides of the wall;
- d. one (1) palm for each fifteen (15) lineal feet of the length of the buffer;
- e. one (1) medium shrub per two (2) lineal feet of the buffer length;
- f. one (1) small shrub per one lineal foot of the buffer length; and,
- g. shrubs shall be planted on both sides of the wall. (DRO/ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: DOA has modified location of Heavy Repair and Maintenance Use, which is no longer adjacent to residential development.]

LANDSCAPE - PERIMETER-BUFFER ALONG THE EAST PROPERTY LINE

2. The required Compatibility Buffer along the east property line, shall be upgraded to include:

- a. a minimum of eleven (11) foot in width;
- b. a six (6) foot high concrete panel wall. (DRO/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 2 of Resolution R-2019-1240, Control No. 2016-00130)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting, LWDD will require the subject plat to be based on FDOTs alignment of Atlantic Avenue and the L-34 Canal. (PLAT: ENGINEERING - Lake Worth Drainage District) (Previous LAKE WORTH DRAINAGE DISTRICT Condition 1 of Resolution R-2019-1240, Control No. 2016-00130)

2. Prior to platting, the property owner needs to convey the South 87 Feet of the North 150 feet along the L-34 Canal. (PLAT: ENGINEERING - Lake Worth Drainage District)

SITE DESIGN

1. Previous SITE DESIGN Condition 1 of Resolution R-2019-1240, Control No.2016-00130, which currently states:

The minimum setback for the Heavy Repair and Maintenance use, building 6, shall be a minimum of one hundred and seventy (170) feet from the south property line, as delineated on the Preliminary Site Plan dated July 16, 2019.

Is hereby amended to read:

The minimum setback for the Heavy Repair and Maintenance use (Building 1) shall be a minimum of two hundred and sixty (260) feet from the south property line, as delineated on the Preliminary Site Plan dated February 22, 2021. (DRO/ONGOING: ZONING - Zoning)

2. Previous SITE DESIGN Condition 2 of Resolution R-2019-1240, Control No.2016-00130, which currently states:

The maximum height for the Limited Self Service Storage Facility, shall not exceed thirty-five (35) feet, excluding Height Exceptions pursuant to Art. 3.D.1.E.4. Height shall be measured based on the type of roof for the proposed structure as follows:

- a. Flat roof - measure from the finished grade to the highest point of the building, excluding parapet; or

b. Articulated or pitched roof, or articulated parapet - measure from the finished grade to the mid-point of the roof.

Is hereby amended to read:

The maximum height for Buildings 3 and 4 shall not exceed thirty-five (35) feet, excluding Height Exceptions pursuant to Art. 3.D.1.E.4. Height shall be measured based on the type of roof for the proposed structure as follows:

- a. Flat roof - measure from the finished grade to the highest point of the building, excluding parapet; or,
- b. Articulated or pitched roof, or articulated parapet - measure from the finished grade to the mid-point of the roof. (BLDGPM: BUILDING DIVISION - Zoning)

3. Previous SITE DESIGN Condition 3 of Resolution R-2019-1240, Control No.2016-00130, which currently states:

Prior to final approval by the Development Review Officer, the Site Plan shall be revised to relocate the two dumpster enclosures located southeast of Building 4. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: Condition no longer applicable with DOA.]

4. Dumpster enclosures shall not be located within 100 feet of the south property line. (DRO/ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 4 of Resolution R-2019-1240, Control No.2016-00130)

USE LIMITATIONS

1. Commercial Communication Towers, Composting Facilities and Equestrian Waste Management Facilities shall not be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2019-1240, Control No.2016-00130)

2. Hours of operation for outdoor activities related to the Heavy Repair and Maintenance use shall be limited to 7 a.m. to 7 p.m., Monday through Saturday. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2019-1240, Control No.2016-00130)

3. Outdoor repair and maintenance activities related to the Heavy Repair and Maintenance use shall be prohibited. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2019-1240, Control No.2016-00130)

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.

Figure 1 – Future Land Use Map

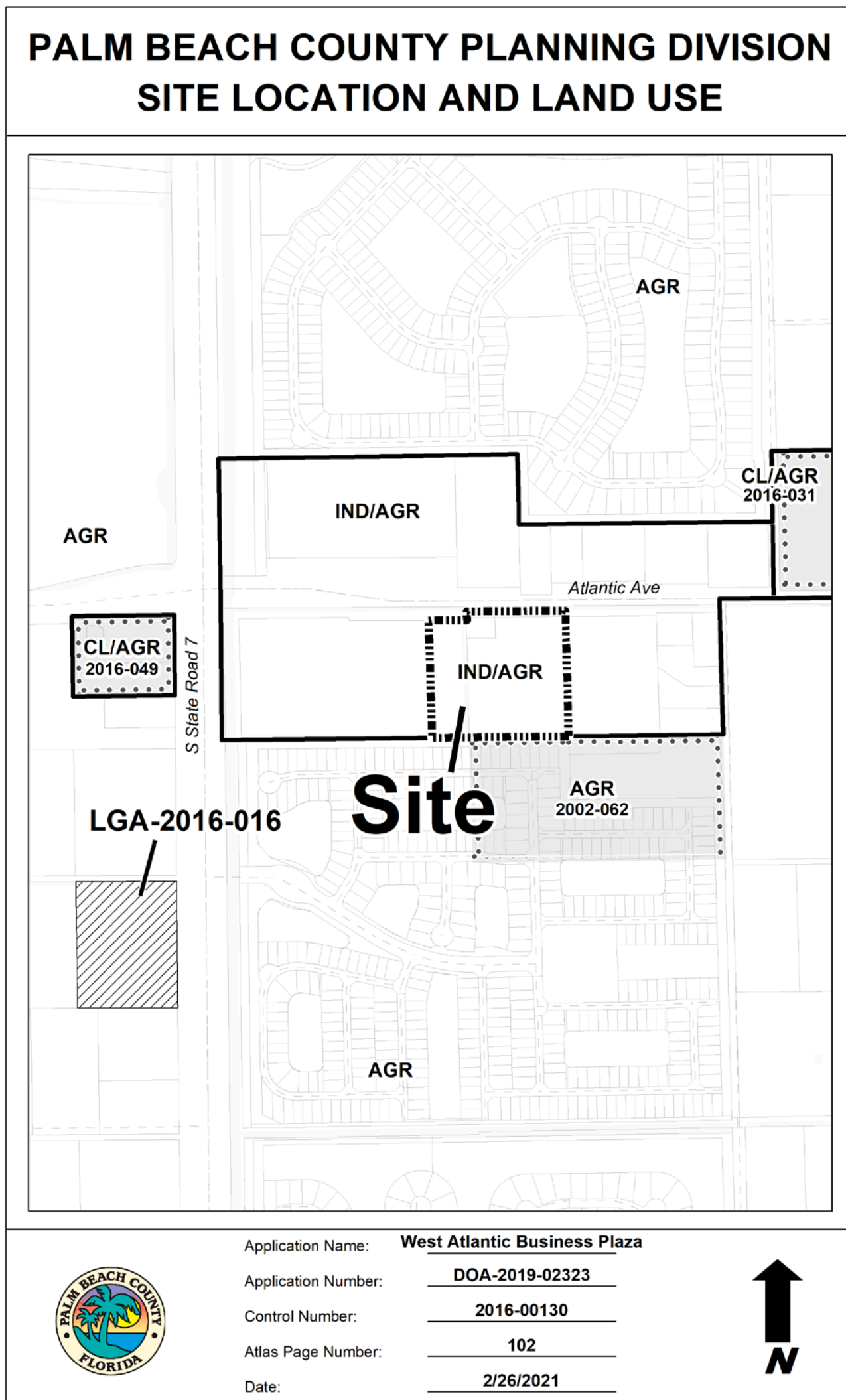


Figure 2 - Zoning Map

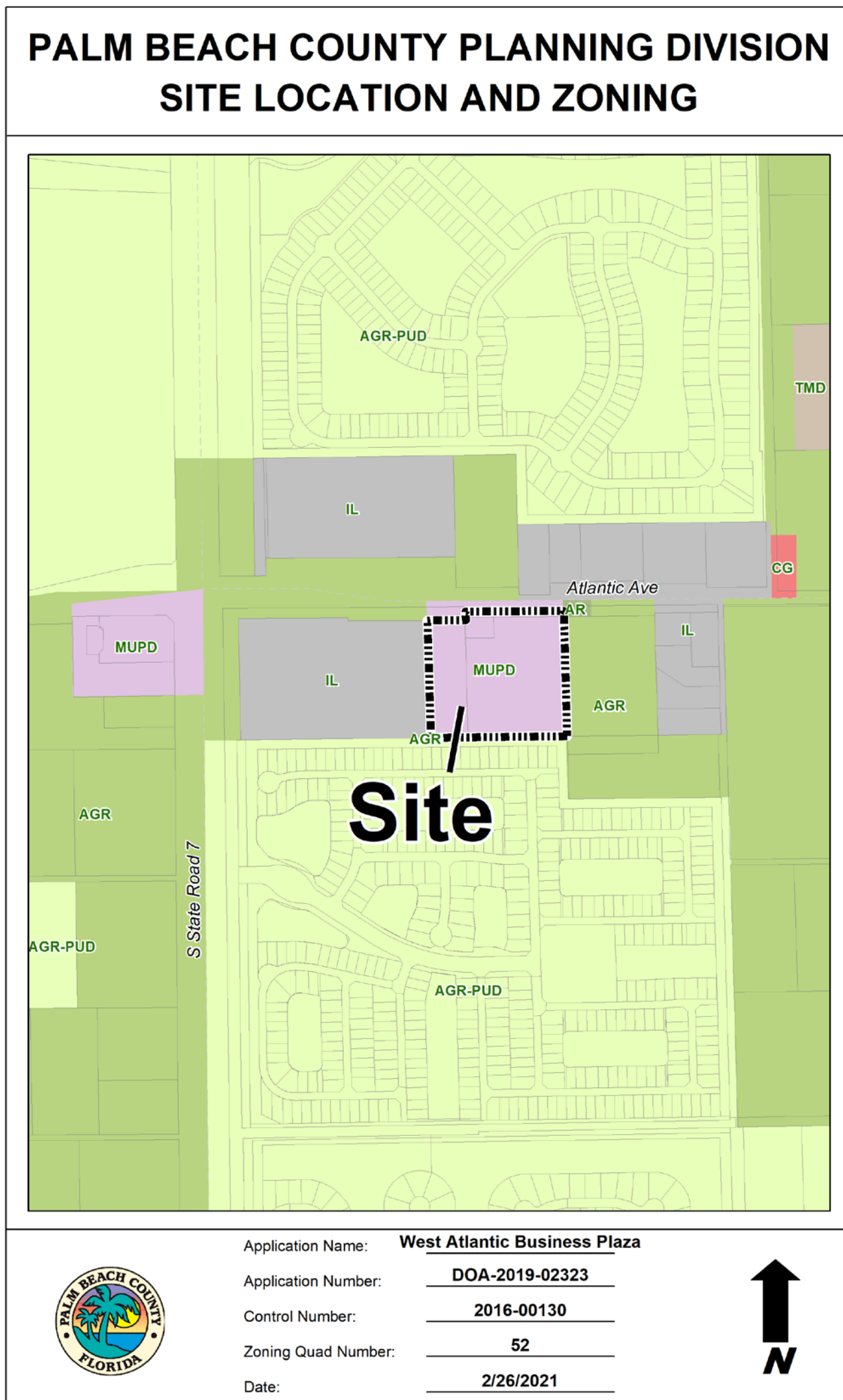
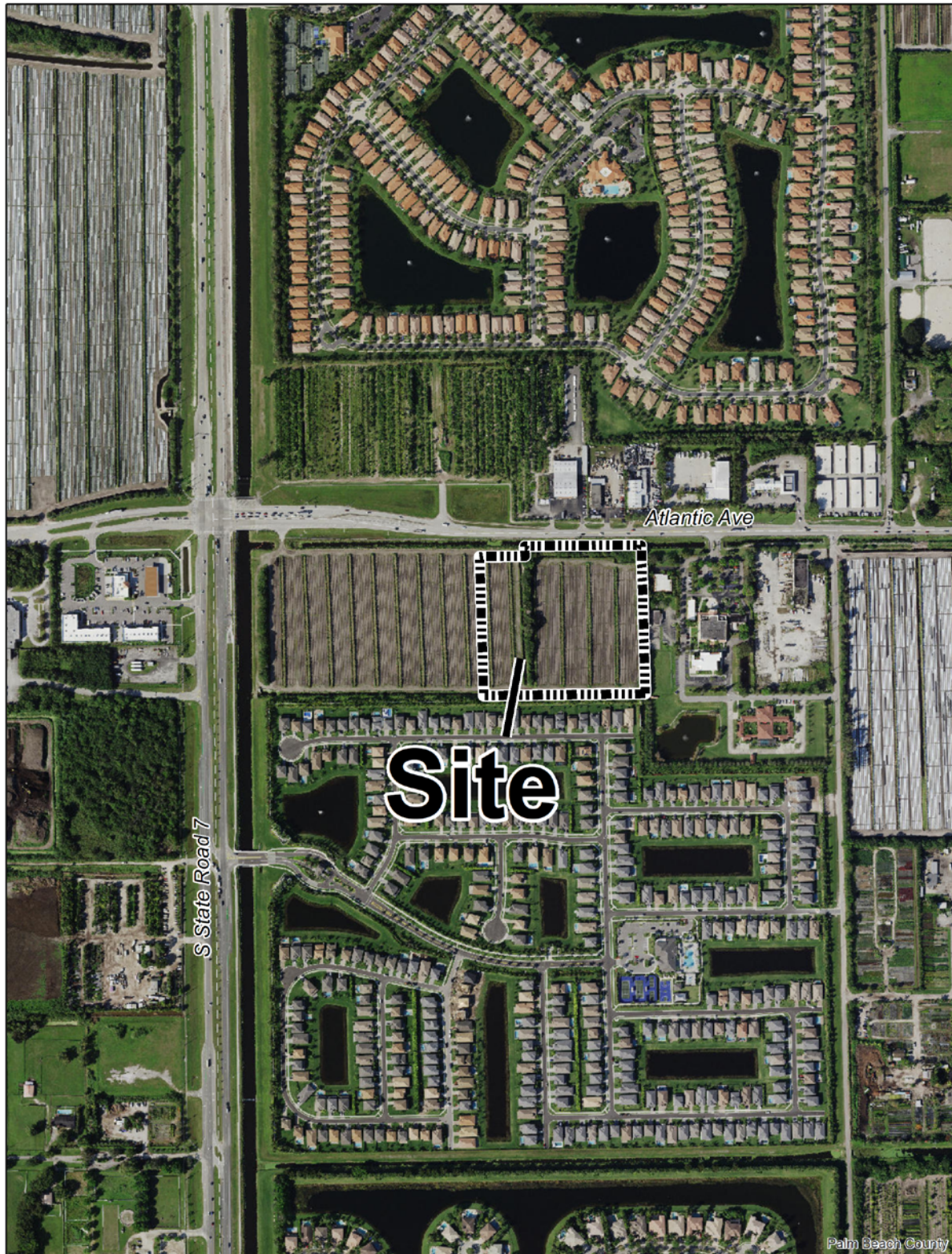


Figure 3 – Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	<u>West Atlantic Business Plaza</u>
Application Number:	<u>DOA-2019-02323</u>
Control Number:	<u>2016-00130</u>
Atlas Page Number:	<u>102</u>
Date:	<u>2/26/2021</u>



Zoning Commission
Application No. DOA-2019-02323
West Atlantic Business Plaza



Zoning Commission
Application No. DOA-2019-02323
West Atlantic Business Plaza

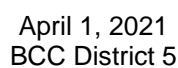
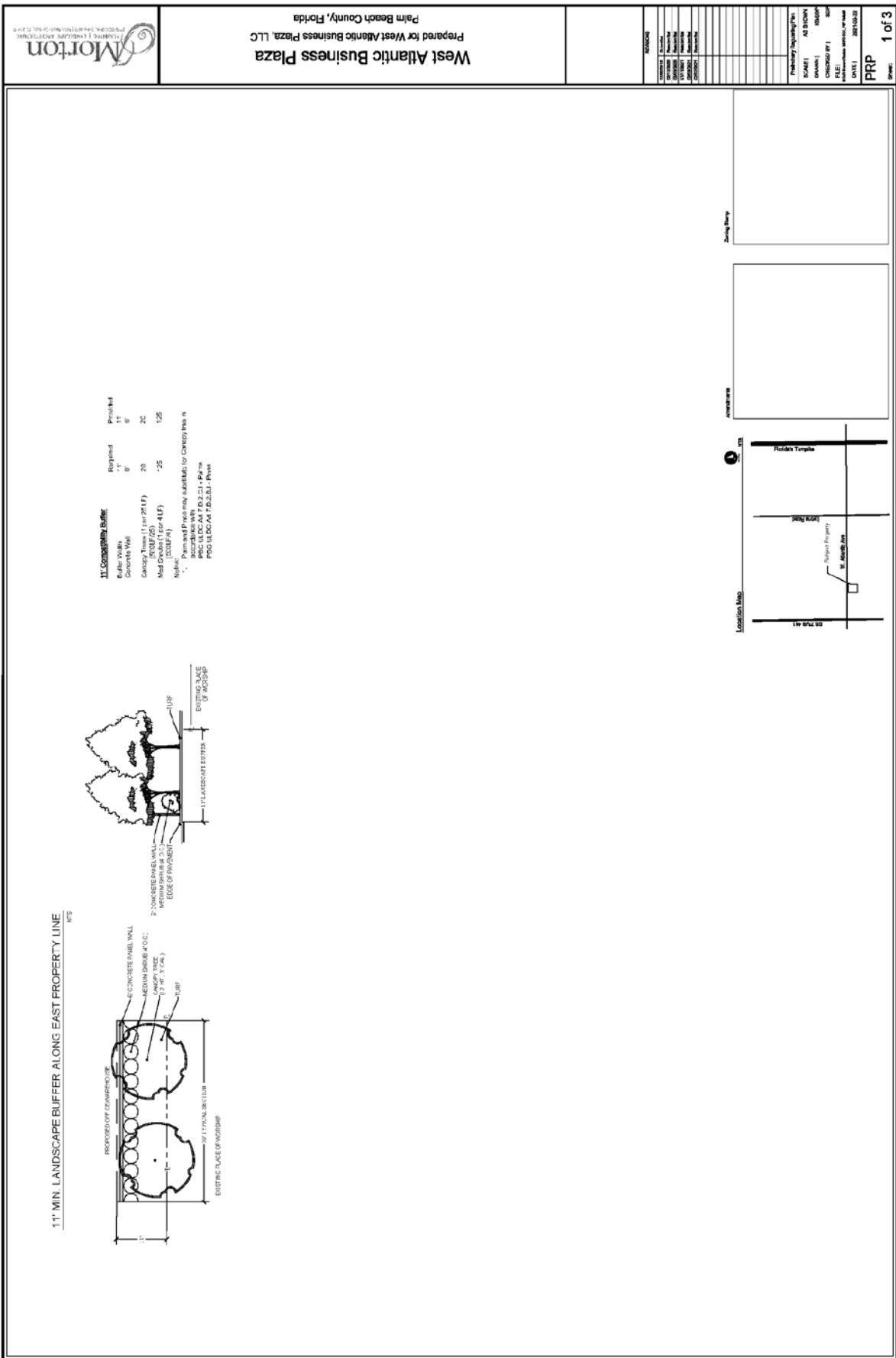
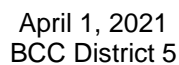


Figure 6 – Preliminary Regulating Plan (PRP 1 of 3), dated February 22, 2021



Zoning Commission
Application No. DOA-2019-02323
West Atlantic Business Plaza



Zoning Commission
Application No. DOA-2019-02323
West Atlantic Business Plaza

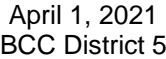


Exhibit D – Disclosure of Ownership

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Malcolm Butters, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [x] Manager [position - e.g., president, partner, trustee] of West Atlantic Business Plaza, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 6820 Lyons Technology Circle, Suite 100
Coconut Creek, Florida 33073
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.



 (Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
 COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [☒] physical presence or [☐]
 online notarization, this 4 day of March, 2021 by
Malcolm Butters (name of person acknowledging). He/she is personally known
 to me or has produced _____ (type of identification) as
 identification and did/did not take an oath (circle correct response).

 (Name - type, stamp or print clearly)


 (Signature)

My Commission Expires on: _____

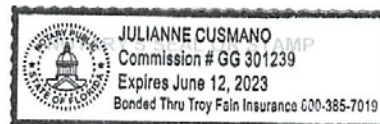


EXHIBIT "A"

PROPERTY

PARCEL 1:

TRACT 11, LESS EAST 149.32 FEET THEREOF, AND TRACT 12, LESS THE NORTH 165 FEET OF THE WEST 150 FEET THEREOF, SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 26, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

PARCEL 2:

THAT PORTION OF TRACT 12, SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 26, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 12, IN THE SOUTH RIGHT-OF-WAY LINE OF DELRAY WEST ROAD, STATE ROAD #806; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE NORTH LINE OF SAID TRACT 12, A DISTANCE OF 150 FEET; THENCE SOUTHERLY, PARALLEL TO THE WEST BOUNDARY OF SAID TRACT 12, A DISTANCE OF 165 FEET; THENCE WESTERLY, PARALLEL TO THE NORTH LINE OF SAID TRACT 12, A DISTANCE OF 150 FEET TO THE WEST LINE OF TRACT 12; THENCE NORTHERLY ALONG THE WEST LINE OF SAID TRACT 12, A DISTANCE OF 165 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

THE EAST 200.00 FEET OF TRACT 13, LESS THAT PORTION THEREOF LYING WITHIN 100 FEET OF THE CENTER LINE OF ATLANTIC AVENUE (DELRAY WEST ROAD, STATE ROAD 806) IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 26, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 458,685 FEET/10.5300 ACRES, MORE OR LESS.
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name

Address

Greg DiMaria 6820 Lyons Technology Circle, Suite 100, Coconut Creek, Florida 33073

Malcolm Butters 6820 Lyons Technology Circle, Suite 100, Coconut Creek, Florida 33073