

RESOLUTION NO. R-2012-0606

RESOLUTION APPROVING ZONING APPLICATION PDD/R-2011-02339  
(CONTROL NO. 1983-00118)

an Official Zoning Map Amendment to a Planned Development District  
APPLICATION OF 1310 Congress Partners, LLC, Lessor  
BY David L. Carpenter & Assoc., AGENT  
(Congress Business Center MUPD)

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; and

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; and

WHEREAS, Zoning Application PDD/R-2011-02339 was presented to the Board of County Commissioners at a public hearing conducted on April 26, 2012; and

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; and

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; and

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; and

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.1.B.

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 PDD/R-2011-02339, the application of 1310 Congress Partners, LLC, Lessor, by David L. Carpenter & Assoc., agent, for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch in EXHIBIT B, attached hereto and made a part hereof, was approved on April 26, 2012 subject to the conditions described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Chair	-	Aye
Commissioner Steven L. Abrams, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Paulette Burdick	-	Absent
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 26, 2012.

Filed with the Clerk of the Board of County Commissioners on May 4th, 2012.

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

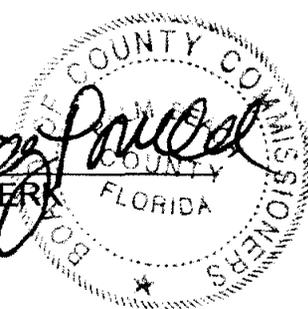
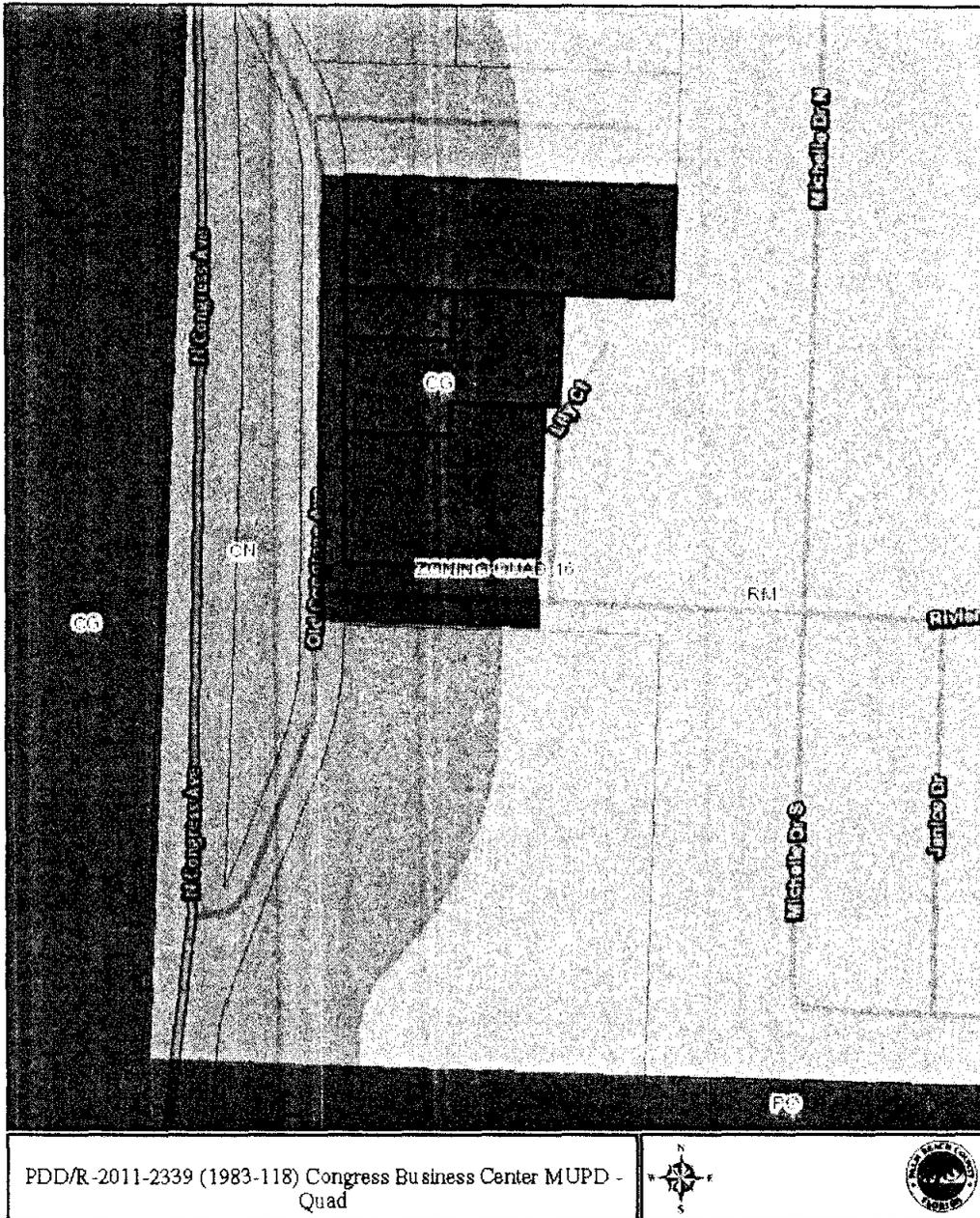


EXHIBIT A

LEGAL DESCRIPTION

**All of the Plat of Congress Business Center, MUPD, as recorded in Plat Book 97, Pages 153 and 154, of the Public Records of Palm Beach County, Florida.**

EXHIBIT B  
VICINITY SKETCH



PDD/R-2011-2339 (1983-118) Congress Business Center MUPD -  
Quad

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## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1.All previous Conditions of Approval applicable to the subject property, as contained in Resolutions R-83-1432 (Control 83-118) and R-85-24 (Control 83-118), 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 (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2.The approved Preliminary Site Plan is dated December 19, 2011. 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)

3.The developer shall contribute Ten Thousand Four Hundred and Twenty-Five Dollars (\$10,425.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the rate of \$.25 per square foot. (DRO: ZONING - Zoning) (Previous Condition 3 of Resolution R-83-1432, Control No. 83-118) [COMPLETED: Check #4174 2/10/84]

#### ENGINEERING

1.Previous Condition 1 of Resolution R-83-1432, Control No. 83-118, which currently states:

This development shall retain onsite 85% of the storm water runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.

Is hereby deleted. [Reason: Drainage is a code requirement.]

2.Previous Condition 1 of Resolution R-85-24, Control No. 83-118, which currently states:

The developer shall retain on-site 85% of the stormwater runoff generated by a three (3) one hour storm per requirements of the Permit Section, Land Development Division.

Is hereby deleted. [Reason: Drainage is a code requirement.]

3.The developer shall construct, concurrent with a paving and drainage permit issued from the office of the County Engineer, at the intersection of Congress Avenue and Old Congress Avenue at both north and south intersections, left turn lanes, north approach, and left turn lanes, east approach, per the County Engineer's approval.

(Previous Condition 2 of Resolution R-83-1432, Control No. 83-118)

[Note: COMPLETED]

4.The developer 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. Presently The Fair share Fee for this additional project is \$1250.00. (Previous Condition 2 of Resolution R-85-24, Control No. 83-118)

[Note: COMPLETED]

5.The Property Owner shall construct a 5-ft pedestrian pathway between the western property line and the bus stop along Congress Avenue. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way or easements.

a.Permits required from Palm Beach County for this construction shall be obtained prior to

June 30, 2012. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior August 31, 2012. (CO: MONITORING-Eng)

#### HEALTH

1. Previous Condition 4 of Resolution R-83-1432, Control No. 83-118, which currently states:

The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.

Is hereby deleted. [REASON: Code requirement]

2. Previous Condition 5 of Resolution R-83-1432, Control No. 83-118, which currently states:

The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.

Is hereby deleted. [REASON: Code requirement]

#### LANDSCAPE - GENERAL

1. Prior to August 31, 2012, the property owner shall replace all dead and missing plant materials on the entire subject property. (DATE: LANDSCAPE - Zoning)

#### SITE DESIGN

1. The proposed site plan shall be redesigned to provide for separation between surrounding residential property and all loading, dumpster, and service areas by buildings and/or service courts and to provide for more pervious areas to meet on-site retention requirements. (DRO: ZONING - Zoning) (Previous Condition 6 of Resolution R-83-1432, Control No. 83-118) [NOTE: COMPLETED.]

2. Prior to final approval by the Development Review Officer (DRO), the property owner shall obtain a Building Permit to relocate the dumpster(s) for Buildings A and B a minimum of 75 feet from the north and the east property lines. The dumpster(s) shall be relocated and all required screening of the dumpster enclosure shall be installed prior to August 31, 2012. (DRO: ZONING - Zoning)

3. Prior to August 31, 2012, the property owner shall complete the drive aisle pavement west of Buildings A and C consistent with the Final Site Plan to allow internal circulation between Buildings A and C. (DATE: MONITORING - Zoning)

4. Prior to August 31, 2012, the property owner shall provide the required pedestrian access(s) adjacent to Building A consistent with the Final Site Plan. Where a pedestrian pathway crosses a drive aisle, the pathway shall be defined by special paving, brick, striping, or other method acceptable to the Development Review Officer (DRO). (DATE: MONITORING - 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 (CO); 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; 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 (ULDC) at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or

d. Referral to code enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)