

RESOLUTION NO. R-2024- 0405

RESOLUTION APPROVING ZONING APPLICATION DOA-2023-01160
(CONTROL NO. 1995-00063)
a Development Order Amendment
APPLICATION OF Costco Wholesale Corporation - Beth Schrantz
BY Dunay, Miskel and Backman, LLP, AGENT
(Costco at Boca Congress Center)

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, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA-2023-01160, the Application of Costco Wholesale Corporation, by Dunay, Miskel and Backman, LLP, Agent, to modify the overall MUPD to modify the Site Plan, Uses, and the Conditions of Approval, and to modify the Site Plan for the Class A Conditional Use for Retail Gas and Fuel use to add pumps and fueling positions and to modify Conditions of Approval on 27.77 acres, was presented to the Board of County Commissioners at a public hearing conducted on April 25, 2024;

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,

1. The foregoing recitals are true and correct and are incorporated herein.

2. Zoning Application DOA-2023-01160, the Application of Costco Wholesale Corporation - Beth Schrantz, by Dunay, Miskel and Backman, LLP, Agent, for a Development Order Amendment to modify the Site Plan for the Class A Conditional Use for Retail Gas and Fuel use to add pumps and fueling positions, and to modify Conditions of Approval, 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 25, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Woodward moved for the approval of the Resolution.

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

- Commissioner Maria Sachs, Mayor - Aye
- Commissioner Maria G. Marino, Vice Mayor - Aye
- Commissioner Gregg K. Weiss - 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 25, 2024.

Filed with the Clerk of the Board of County Commissioners on April 25, 2024.

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 OF THE PLAT OF BOCA CONGRESS CENTER, M.U.P.D. – PHASE 2, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 94, PAGES 6 – 8, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINS 27.77 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

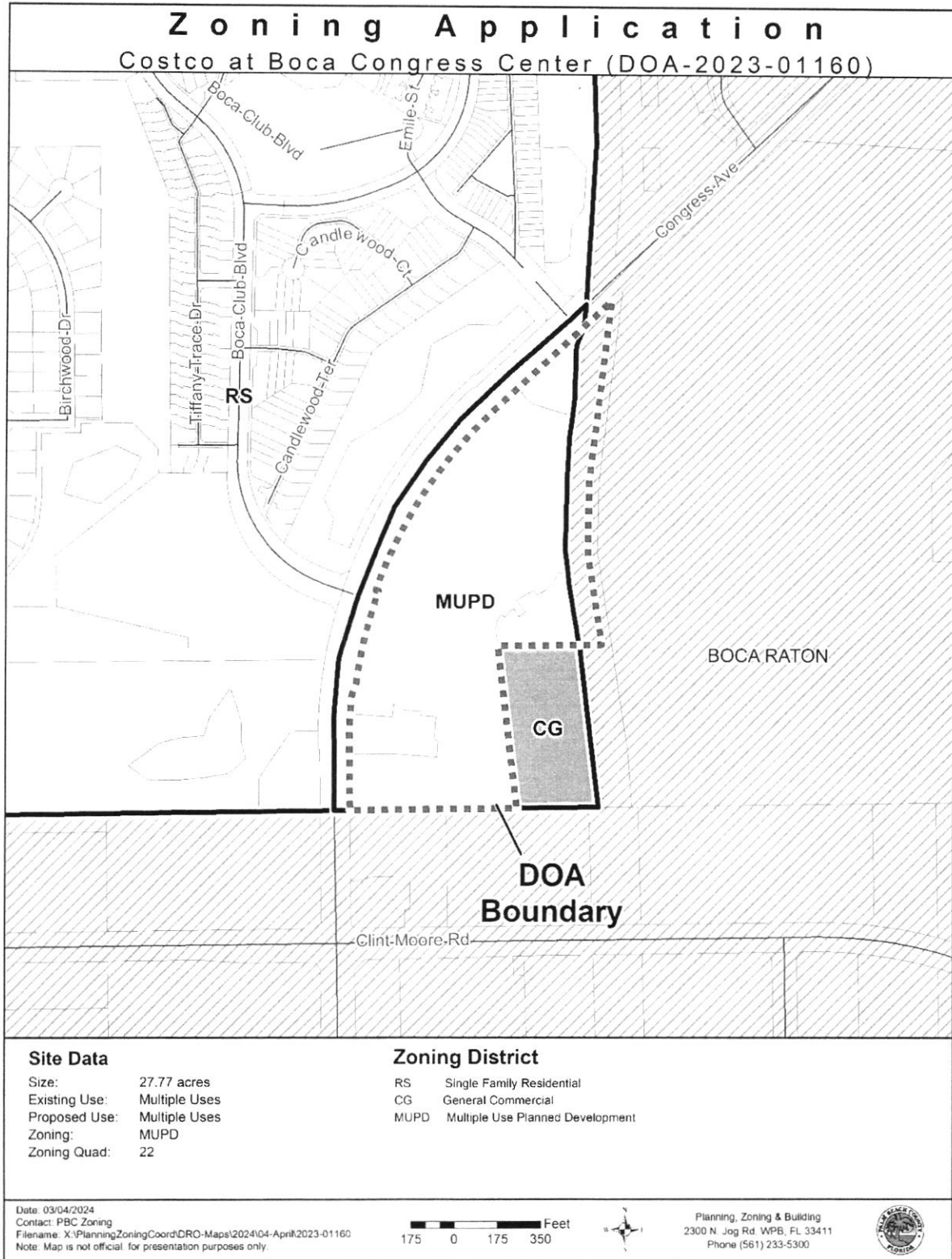


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment (Class A Conditional Use for Retail Gas and Fuel) on 27.77 acres

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2016-678, Control No.1995-00063, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Preliminary Site Plan, depicting the layout of the auto service station for the Boca Congress Center MUPD/ Costco is dated March 10, 2016. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Preliminary Site Plan, depicting the layout of the Retail Gas and Fuel for the Boca Congress Center MUPD/ Costco is dated February 12, 2024. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2016-678, Control No.1995-00063, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2010-1767, (Control 1995-063) 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 ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2016-00678, (Control 1995-063) 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 ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Prior to Final Approval by the Development Review Officer (DRO), the Applicant/Property Owner shall receive Final Approval of the Architectural Elevations for the Auto Service Station. The elevations shall be designed to be consistent with the Canopy elevations dated November 18, 2015 and prepared by MG2 and the Service Station (Controller Enclosure) elevations dated April 26, 2010 prepared by MulvannyG2, and Article 5.C, as amend, of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval and all ULDC requirements. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2016-678, Control No.1995-00063)

2. As a courtesy, the Applicant will provide a copy of the approved Site Plan to the City of Boca Raton prior to the issuance of a Building Permit for the expansion of the fueling pumps. (BDLGPM: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition

2 of Resolution R-2016-678, Control No.1995-00063)

USE LIMITATIONS

1. Previous USE LIMITATIONS Condition 1 of Resolution R-2016-678, Control No.1995-00063, which currently states:

Total gross floor area shall be limited to a maximum of 156,523 square foot retail center; and a 112 square foot auto service station with 20 fueling stations.

Is hereby amended to read:

Total gross floor area shall be limited to a maximum of 156,523 square foot retail center and a 112 square foot auto service station with 28 fueling stations. (ONGOING: ZONING - Zoning)

2. Hours of operation for the auto service station shall be limited from 6:00 a.m. to 9:30 p.m. Monday through Friday, 6:00 a.m. to 8:00 p.m. on Saturday and 6:00 a.m. to 7:00 p.m. on Sunday. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2016-678, Control No.1995-00063)

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.