

RESOLUTION NO. R-2025-1589

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2024-00499
(CONTROL NO. 1997-00032)
a Development Order Amendment
APPLICATION OF 8230 210 St S, LLC
BY Schmidt Nichols, AGENT
(Boca Raton Commerce Center III)

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/CA-2024-00499 was presented to the Board of County Commissioners at a public hearing conducted on October 23, 2025;

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/CA-2024-00499, the Application of 8230 210 St S, LLC, by Schmidt Nichols, Agent, for a Development Order Amendment to modify the overall MUPD Site Plan to add a Multifamily Residential use and buildings, and to delete Conditions of Approval on 4.79 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 October 23, 2025, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Sachs moved for the approval of the Resolution.

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

Commissioner Maria G. Marino, Mayor	- Aye
Commissioner Sara Baxter, Vice Mayor	- Absent
Commissioner Gregg K. Weiss	- Aye
Commissioner Joel G. Flores	- Aye
Commissioner Marci Woodward	- Absent
Commissioner Maria Sachs	- Aye
Commissioner Bobby Powell, Jr.	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 23, 2025.

Filed with the Clerk of the Board of County Commissioners on ~~October 23, 2025~~.

This resolution shall not become effective unless or until the effective date of the Small Scale Land Use Amendment No. SCA-2024-008.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

MICHAEL A. CARUSO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

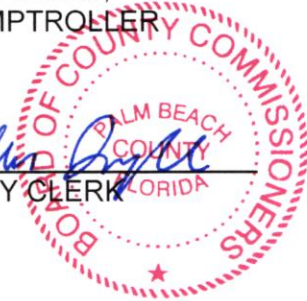


EXHIBIT A

LEGAL DESCRIPTION

ALL OF TRACT 1 AND TRACT A OF BOCA RATON COMMERCE CENTER, M.U.P.D.,
ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 115, PAGE
17, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 208,652 SQUARE FEET / 4.7900 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-
OF-WAY OF RECORD.

EXHIBIT B

VICINITY SKETCH

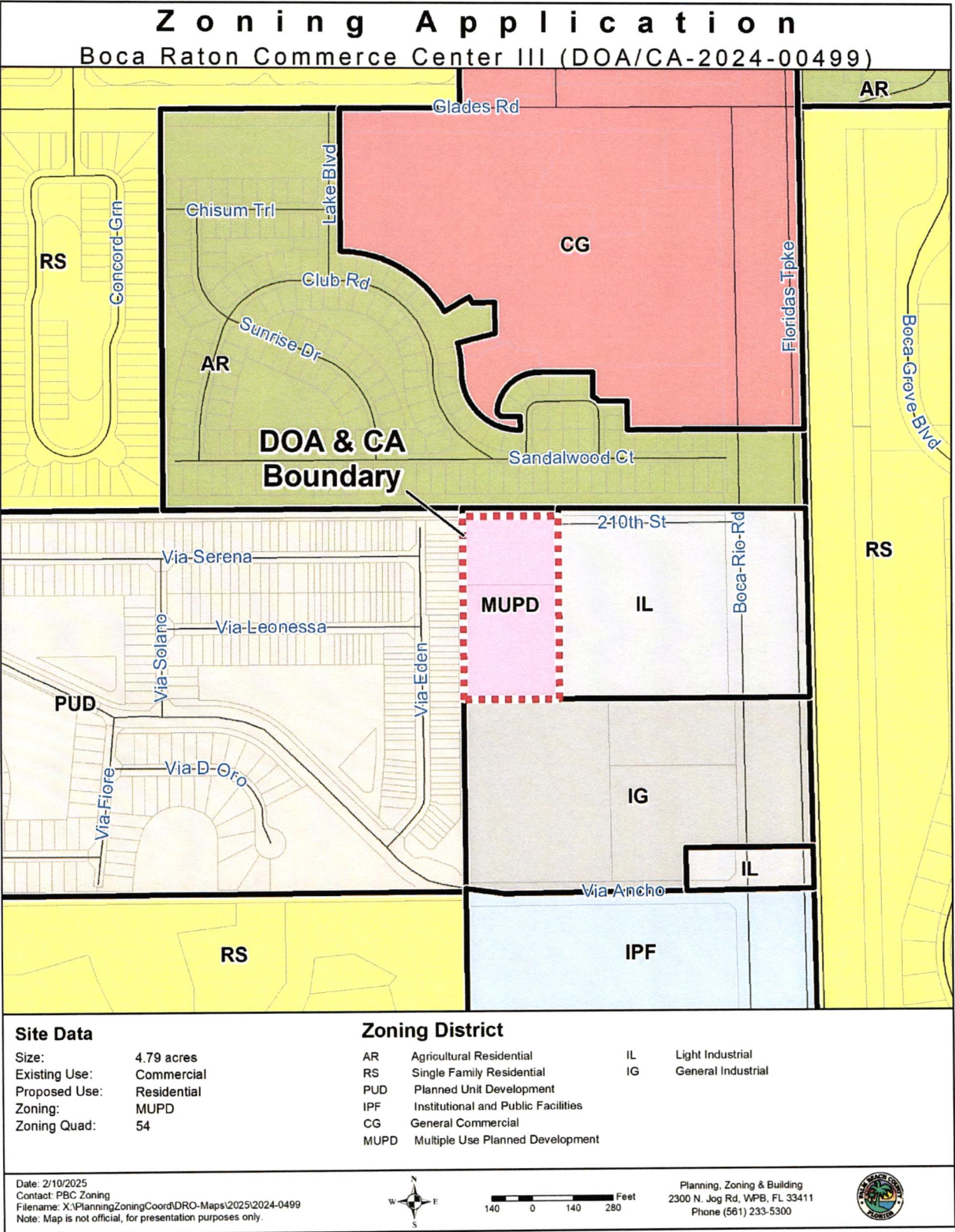


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2010-1764, Control No.1997-00032, which currently states:

The approved Preliminary Site Plan is dated August 16, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, 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 June 12, 2025. 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)

2. All previous conditions of approval as contained in Resolutions R-97-2076 (Petition Z/COZ97-32) and R-2005-1788 (Control 1997-032) are hereby revoked. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 2 of Resolution R-2010-1764, Control No.1997-00032)

3. Prior to final approval by the Development Review Officer (DRO), the Final Site Plan for the Boca Rio Center, Control 84-30, shall be amended to remove the portion of the subject site deleted via Resolution R-2005-1787. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 3 of Resolution R-2010-1764, Control No.1997-00032)

4. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2010-1764 (Control 1997-00032), 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, unless expressly modified. (ONGOING: MONITORING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all structures shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C 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) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2010-1764, Control No.1997-00032)

2. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Multi-family building 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 June 12, 2025. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO/ONGOING: ZONING - Zoning)

3. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Multi-family building shall be revised to show/note that each balcony shall have a roof for weather protection. (DRO/ONGOING: ZONING - Zoning)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2010-1764, Control No.1997-00032, which currently states:

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, 2018. 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 Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING - Eng) (

Is hereby deleted. [REASON: Replaced by a newly formatted build out condition #5]

2. Prior to final approval of the Site Plan by the DRO, the property owner shall abandon and, if necessary, relocate any and all existing easements in conflict with the proposed building location(s). (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2010-1764, Control No.1997-00032)

3. Prior to issuance of the first building permit the property owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2010-1764, Control No.1997-00032)

4. The property owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The property owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

b. Any required drainage easements shall be recorded prior to issuance of the first building permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2010-1764, Control No.1997-00032)

5. Pursuant to the Traffic Analysis dated June 3, 2025, the Buildout Date is December 31, 2028. No Building Permits for the site may be issued after December 31, 2028. 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)

6. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing or proposed structures. (BLDGPM: MONITORING - Engineering)

7. Prior to final approval of the Site Plan by the DRO, the site plan shall be updated to clearly label and leader the limits of the water management tract. (DRO: ENGINEERING - Engineering)

8. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated by the plat or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: MONITORING - Engineering)

LANDSCAPE - GENERAL

1. Prior to the issuance of the first Certificate of Occupancy (CO), all Phase 1 landscape buffers shall be complete. (BLDGPM/CO: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2010-1764, Control No.1997-00032)

LANDSCAPE - -WEST PROPERTY LINE (SOUTHERN 364 FEET ABUTTING RESIDENTIAL)

2. In addition to Code requirements, landscaping along the Southern 364 feet of the West property line, abutting residential, shall be upgraded to include:

- a. one (1) canopy tree per 20 lineal feet; and,
- b. one (1) pine for each twenty (20) linear feet. (BLDGPM/DRO: ZONING - Zoning)

PARKS

1. The developer is to provide a check for \$96,497.10 in lieu of providing the remainder of land area (0.32 acres) prior to plat. (DRO/PLAT: PARKS AND RECREATION - Parks and Recreation)

PLANNING

1. Per SCA-2024-08, Condition 1: Residential dwelling units shall be limited to a maximum of 89 units with no further density increases through density bonus programs. (ONGOING: PLANNING - Planning)
2. Per SCA-2024-08, Condition 2: The zoning development order shall require a minimum of 25% of the total dwelling units to be built as on-site workforce housing units. The workforce housing units are subject to the applicable requirements of the Workforce Housing Program (WHP) in Article 5.G.1 of ULDC. (ONGOING: PLANNING - Planning)
3. Per SCA-2024-08, Condition 3: A total of 10 Transfer of Development Rights (TDR) units shall be purchased and constructed. Thirty-four percent (34%) of the TDR units shall be purchased at the WHP rate and shall apply to the minimum number of workforce housing units required by this ordinance; some or all of the remaining TDRs may be purchased at the WHP rate subject to ULDC requirements, but do not apply toward the 25% minimum number of workforce housing units required by this ordinance. (ONGOING: PLANNING - Planning)
4. Per SCA-2024-08, Condition 4: Development of the site shall be limited to a maximum of 3,937 net daily trips and 59 net peak hour trips. (ONGOING: PLANNING - Planning)
5. The subject Development Order for the 89 multifamily rental units with a 22-unit Workforce Housing Program (WHP) obligation was calculated based on the conditions contained within SCA 2024-008. The WHP units will be delivered on-site and for rent. A 38.5% WHP density bonus, or 22 units, was used and the purchase of 10 TDR units is required. Should a reduction in overall units occur, the number of WHP units may be reduced provided 25% of the total units are WHP obligated, and the timing mechanisms adjusted administratively as needed. (ONGOING: PLANNING - Planning)
6. Prior to the issuance of the first residential Building Permit, the Property Owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants for the Workforce Housing Program in a form acceptable to the Palm Beach County Attorney. (BLDGPM: MONITORING - Planning)
7. Prior to the issuance of the first residential Building Permit, the Property Owner shall provide documentation for the Workforce Housing Program, such as an affidavit on a form provided by the County, demonstrating compliance with the required design standards including compatible exteriors and the provision of a model. (BLDGPM: MONITORING - Planning)
8. Prior to the issuance of the Certificate of Occupancy (CO) for the multifamily building, the Developer shall contact the Planning Division to review the Workforce Housing Program (WHP) requirements at the commencement of leasing. (CO: MONITORING - Planning)
9. Per SCA 2024-008, Condition 5: The Zoning Development Order shall require the Property Owner to provide a school bus shelter to be built on the subject site, or establish pedestrian connectivity from the subject site to Boca Rio Road. (ONGOING: PLANNING - Planning)

SCHOOL BOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign '1 1" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

NOTICE TO PARENTS OF SCHOOL AGE CHILDREN'

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board)

SITE DESIGN

1. Previous SITE DESIGN Condition 1 of Resolution R-2010-1764, Control No.1997-00032, which currently states:

Prior to final approval by the Development Review Officer (DRO), the Final Site Plan shall be revised to indicate a phase line 15 feet south of the southernmost drive aisle as indicated on the Preliminary Site Plan dated August 16, 2010. The northern portion of the site shall be Phase 1; the southern portion of the site shall be Phase 2. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: No longer applicable]

2. Previous SITE DESIGN Condition 2 of Resolution R-2010-1764, Control No.1997-00032, which currently states:

Prior to final approval by the Development Review Officer (DRO), the Final Site Plan shall be revised to provide a Type 2 Incompatibility landscape buffer consistent with Art. 7.F.9 Landscape Requirements on the north side of the phase line. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: No longer applicable.]

3. Per SCA 2024-008, Condition 5: Prior to Final Approval by the Development Review Officer (DRO), the Site Plan shall be revised to either:

- a) Identify the location of a sidewalk within or adjacent to 210th Street to Boca Rio Road; or,
- b) Identify the location of a school bus shelter on the subject site, if allowed by the School District. (DRO: ZONING – Zoning)

4. Per SCA 2024-008, Condition 5: Prior to issuance a Certificate of Occupancy (CO) for the Multifamily building, the following shall occur:

- a) A sidewalk shall be constructed within or adjacent to 210th Street from the subject site to Boca Rio Road; or,
- b) A school bus shelter shall be constructed on the subject site, if allowed by the School District. (CO: MONITOR – Zoning)

SITE DESIGN-OPEN SPACE

1. Prior to Final Development Review Officer (DRO) approval the Final Regulating Plan shall be revised to show a minimum of four (4) benches within the 8,718 square feet open space area noted on the Preliminary Site Plan. (DRO: ZONING - Zoning)

2. Prior to Final Development Review Office (DRO) approval the Final Site and Final Regulating plans shall be revised to add a notation for a minimum of nine (9) trees to be located within the 8,718 square feet open space area noted on the Preliminary Site Plan. (DRO/ONGOING: ZONING - Zoning)

3. No reduction in the Usable Open Space shall be permitted. (ONGOING: 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.