

RESOLUTION NO. R-91-376

RESOLUTION APPROVING ZONING PETITION NO. 73-39(D)
SPECIAL EXCEPTION PETITION OF VILLAGES OF ORIOLE SHOPS ASSOC., LTD.

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 73-39(D) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on November 29, 1990; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 73-39(D), the petition of VILLAGES OF ORIOLE SHOPS ASSOCIATES, LTD., BY RICHARD J. BEYER, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN OF A PREVIOUSLY APPROVED PLANNED COMMERCIAL DEVELOPMENT TO INCLUDE A FINANCIAL INSTITUTION WITH FIVE (5) DRIVE-THROUGH TELLER LANES on a parcel located in Section 16, Township 46 south, Range 42 East described as Parcel C-1, Villages of Oriole Shops, Plat Book 35, Pages 9 and 10, LESS the south 200.00 feet of the east 218.00 feet thereof; together with the Villages of Oriole Shops Plat No. Two, Plat Book 43, Page 104, LESS the east 193.55 feet thereof; together with the non-exclusive easement for the benefit of Parcel 2 as in mutual access easement, Clerk's File #82-154309, Official Records Book 3799, Page 1816, BEING the west 18.00 feet of the east 193.55 feet of said Villages of Oriole Shops Plat No. Two, and being located on the N. SIDE OF W. ATLANTIC AVE., .4 MILE E. OF HAGEN RANCH RD., IN THE CG Zoning District, was approved on November 29, 1990, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.
3. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners. Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review).

B. ADVERTISING AND SIGN PROGRAM

1. No freestanding signs shall be permitted on any outparcel of the PCD over the number permitted by the sign code. Any new or replaced freestanding signs shall conform to the following standard:

Maximum number of signs:	1 (one)
Maximum square footage of total sign face area:	100 square feet
Maximum height:	15 feet

2. Prior to Site Plan Certification, the petitioner shall submit a Master Sign Program which specifies sign location, size, color and graphic representation for the subject site.
3. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede the sign related conditions of approval.

C. DUMPSTER

1. All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind an enclosure having an architectural treatment compatible with the principal building. The open end of the enclosure shall have an obscuring, opaque gate.

D. ENGINEERING

- E1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable

condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

- E2. Prior to June 1, 1991 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to the Florida Department of Transportation, a 10' construction easement for the 6 laning of West Atlantic Avenue.
- E3. The developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance".
- E4. The Developer shall re-plat the subject property in accordance with provisions of Palm Beach County's Subdivision and Required Improvements Regulations 90-8 as amended.

E. HEALTH

- 1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
- 2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

F. LANDSCAPING

- 1. Landscaping along east, south and west perimeters of the subject property shall be upgraded to include:
 - a. A continuous thirty six (36) inch tall hedge.
 - b. Twelve (12) foot tall native canopy trees, placed twenty (20) feet on center.

This requirement shall be waived if the existing landscaping along the perimeter of the adjacent use meets this requirement.

- 2. Landscaping along the north perimeter shall be upgraded to include fourteen (14) foot tall native canopy trees at planting, placed fifteen (15) feet on center and a continuous thirty-six (36) inch tall hedge.
- 3. All plant material shall be fully irrigated and maintained in a healthy and viable condition.
- 4. Trees shall be allowed to reach a minimum height of fifteen (15) feet and shall be maintained according to Arbor Society Standards.

G. LIGHTING

- 1. Outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed away from adjacent properties and streets.

H. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available.

I. SITE SPECIFIC

1. Prior to Site Plan Review, the site plan shall be revised to indicate:
 - a. All parking stalls with a 18.5 foot depth.
 - b. The by-pass curb cut along the north property boundary shall be relocated to the east and identified by an above grade sign as an exit only.
 - c. The maximum width of the curb cut shall be fifteen (15) feet.
 - d. The Master Plan shall be revised to reflect the final approvals for the total Planned Commercial Development.

J. USE LIMITATION

1. No outdoor speaker or public address systems which are audible off of the subject site shall be permitted.
2. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, access easements or interior drives.

K. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable 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.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Foster moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	ABSENT
Carol A. Roberts	--	ABSENT
Carol J. Elmquist	--	ABSENT
Mary McCarty	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of March, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

