

RESOLUTION NO. R-92-56

RESOLUTION APPROVING ZONING PETITION NO. 81-115(B)
SPECIAL EXCEPTION PETITION OF BARNETT BANK

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. 81-115(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on September 26, 1991; 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. 81-115(B), the petition of BARNETT BANK, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PREVIOUSLY APPROVED PCD TO INCREASE THE BUILDING SQUARE FOOTAGE on a parcel of land situated in a portion of Tract 21, BOCA DEL MAR NO. 6 as recorded in Plat Book 30, Pages 142 and 143, in Section 28, Township 47 South, Range 42 East; COMMENCING at the northwest corner of said Tract 21; thence with a bearing of **N89°50'07"E** along the north line of Tract 21, a distance of 575.00 feet to the POINT OF BEGINNING; thence continuing with a bearing of **N89°50'07"E** along said north line of Tract 21, a distance of 709.63 feet to a point; thence with a bearing of **S01°03'02"E**, a distance of 420.00 feet to a point; thence with a bearing of **S46°03'02"E**, a distance of 267.35 feet to a point; thence with a bearing of **N88°56'58"E**, a distance of 44.00 feet to a point; thence with a bearing of **S35°27'47"W**, a distance of 329.71 feet to a point; thence with a bearing of **S09°13'58"W**, a distance of 230.00 feet to a point lying on a curve concave to the south, being coincident with the southerly boundary of Tract 21; thence along said curve having an initial tangent

bearing of **N80°46'02"W**, a radius of 1,677.02 feet, an arc length of 460.73 feet to a Point of Tangency; thence with a bearing of **S83°50'00"W**, a distance of 89.79 feet to a point of curvature; thence with a curve to the right having a radius of 1,597.02 feet, an arc length of 155.31 feet to a point, the last three courses being coincident with the southerly boundary of Tract 21; thence with a bearing of **N00°10'00"W**, a distance of 125.00 feet to a point of curvature; thence with a curve to the right having a radius of 175.00 feet, an arc length of 49.84 feet to a point of reverse curvature; thence with a curve to the left having a radius of 375.00 feet, an arc length of 204.96 feet to a point of tangency; thence with a bearing of **N15°09'53"W**, a distance of 125.05 feet to a point of curvature; thence with a curve to the right, having a radius of 225.00 feet, an arc length of 117.81 feet to a point of reverse curvature; thence with a curve to the left, having a radius of 620.00 feet, an arc length of 324.63 feet to a point of reverse curvature; thence with a curve to the right, having a radius of 175.00 feet, an arc length of 45.81 feet to a point of tangency; thence with a bearing of **N00°09'53"W**, a distance of 125.00 feet, more or less, to the POINT OF BEGINNING, and being located APPROX. 85 FT. **S** OF PALMETTO PARK RD. & APPROX. .1 MILE W OF POWERLINE **RD.**, BOUND ON THE **S** BY BOCA DEL **MAR** DR. & ON THE **N** BY LWDD LATERAL NO. 48, IN THE CG ZONING DISTRICT, was approved on September 26, 1991, as advertised, subject to the following conditions:

NOTE: All previous conditions of approval are carried forward with this petition unless expressly modified herein. All previous conditions shall apply to the entire property unless specifically stated otherwise.

A. STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.
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 (Exhibit Nos. 65 and 66). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7 (E)2(b) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein.
4. The petitioner shall submit an application to the Site Plan Review Committee for the certification **of** the site plan for Parcel B and for a revision to the overall site plan (Exhibit No. 3) prior **to** February 7, 1992.

B. BUILDING AND SITE DESIGN

1. All air conditioning and mechanical equipment shall be screened from view on all sides.

C. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, shall include the following:
 - a. Be concealed behind a solid enclosure. The open end of the enclosure shall have an obscuring, opaque gate.
 - b. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty-six (36) inch high shrub and hedge material planted twenty-four (24) inches on center.

D. 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.

E. ENGINEERING

1. 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 on-site 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.
2. The property owner 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. The Fair Share Fee for this project at the time of the Building Permit presently is \$8,855.00 (161 trips X \$55.00 per trip).
3. Petitioner shall align the project's east entrance onto Palmetto Park road with the east entrance of Del Mar Shopping village. (Previously Condition No. 1 of Resolution No. R-81-926, Zoning Petition No. 81-115.)
4. Petitioner shall construct at the intersection of Palmetto Park Road and the project's east entrance:
 - a. left turn lane east approach. (Previously Condition No. 2 of Resolution No. R-81-926, Zoning Petition No. 81-115.)

5. Petitioner shall construct at the intersection of Palmetto Park Road and the project's west entrance:
 - a. left turn lane east approach. (Previously Condition No. 3 of Resolution No. R-81-926, Zoning Petition No. 81-115.)
6. Petitioner shall construct at the intersection of Palmetto Park Road and Boca Del Mar Drive:
 - a. left turn lane north approach,
 - b. right turn lane south approach, and
 - c. left turn lane east approach. (Previously Condition No. 4 of Resolution No. R-81-926, Zoning Petition No. 81-115.)
7. Petitioner shall align the project's west entrance onto Boca Del Mar Drive with Montoya Circle South. (Previously Condition No. 5 of Resolution No. R-81-926, Zoning Petition No. 81-115.)
8. Petitioner shall construct at the intersection of Montoya Circle South and Boca Del Mar Drive:
 - a. left turn lane west approach. (Previously Condition No. 6 of Resolution No. R-81-926, Zoning Petition No. 81-115.)
9. Petitioner shall construct at the project's east entrance and Boca Del Mar Drive:
 - a. left turn lane west approach. (Previously Condition No. 7 of Resolution No. R-81-926, Zoning Petition No. 81-115.)
10. Petitioner shall align the project's north entrance onto Boca Del Mar Drive with Montoya Circle South. (Previously Condition No. 8 of Resolution No. R-81-926, Zoning Petition No. 81-115.)
11. Petitioner shall construct at the project's north entrance and Boca Del Mar Drive:
 - a. left turn lane north approach. (Previously Condition No. 9 of Resolution No. R-81-926, Zoning Petition No. 81-115.)
12. Petitioner shall construct at the intersection of Boca Del Mar Drive and Powerline Road:
 - a. left turn lane north approach,
 - b. left turn lane south approach,
 - c. right turn lane east approach,
 - d. left turn lane west approach, and
 - e. right turn lane west approach. (Previously Condition No. 10 of Resolution No. R-81-926, Zoning Petition No. 81-115.)

13. Petitioner shall construct at the intersection of Powerline Road and the project's entrance road:
 - a. right turn lane north approach and
 - b. left turn lane south approach. (Previously Condition No. 11 of Resolution No. R-81-926, Zoning Petition No. 81-115.)
14. Petitioner shall construct at the intersection of Palmetto Park Road and Powerline Road:
 - a. right turn lane north approach,
 - b. dual left turn lanes north approach,
 - c. dual left turn lanes south approach,
 - d. dual left turn lanes east approach,
 - e. dual left turn lanes west approach, and
 - f. modification of the existing signal when warranted as determined by the County Engineer. (Previously Condition No. 12 of Resolution No. R-81-926, Zoning Petition No. 81-115.)
15. Prior to the issuance of a certificate of occupancy for either Phase B (the shopping center) or Phase C (office complex) provide an additional two lane bridge over the Lake Worth Drainage District L-47 Canal on Powerline Road. Construction of this bridge shall commence 30 days after written notification by the County should the 4-laning of Powerline Road require it. (Previously Condition No. 13 of Resolution No. R-81-926, Zoning Petition No. 81-115.)
16. Petitioner shall not be issued building permits for Phases A (the financial plaza), Phase D (an office complex), or Phase E (the hotel/motel) until Powerline Road is four laned from the Hillsboro Canal north to the Lake Worth Drainage District L-47 Canal. (Previously Condition No. 14 of Resolution No. R-81-926, Zoning Petition No. 81-115.)
17. Petitioner shall contribute **Two** Hundred Thousand Dollars (**\$200,000**) to be paid at the time of the issuance of building permits on a square footage basis for Phases A, D and E as indicated on Exhibit No. 3 for this petition. This fee to be used in the implementation for Phase II of the area wide major thoroughfare road improvement program adopted by the County, OR for the four-laning of the Hillsboro Canal bridge on Powerline Road, at the County Engineer's discretion. (Previously Condition No. 15 of Resolution No. R-81-926, Zoning Petition No. 81-115.)
18. The developer will take reasonable precautions during the development of this project to insure that the fugitive particulates (dust particles) from the project do not become a nuisance to neighboring properties. (Previously Condition No. 16 of Resolution No. R-81-296, Zoning Petition No. 81-115)

Is hereby deleted.

19. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters. (Previously Condition No. 17 of Resolution No. R-81-926, Zoning Petition NO. 81-115.)
20. Petitioner shall provide for a pedestrian/bikeway system integrated with the surrounding development. (Previously Condition No. 18 of Resolution No. R-81-926, Zoning Petition No. 81-115.)
21. Within thirty (30) days of this approval, the applicant shall enter into an agreement with Palm Beach County for the design and construction of roadway improvements as specified by the Board of County Commissioners. This resolution will become invalid unless said agreement is executed as specified above. (Previously Condition No. 19 of Resolution No. R-81-926, Zoning Petition No. 81-115.)

F. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

G. LANDSCAPING - GENERAL (APPLICABLE TO BARNETT BANK SITE ONLY)

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to Landscape Code requirements and all landscape conditions of approval.

H. LANDSCAPING - INTERIOR (APPLICABLE TO BARNETT BANK SITE ONLY)

1. Immediately upon planting, all trees within the proposed interior parking area shall be a minimum of fourteen (14) feet in height with a minimum diameter of three and one-half (3.5) inches measured at a point which **is** at least four and one-half (**4.5**) feet above existing grade level.
2. The trees within the proposed parking area shall have a minimum of five (5) feet of clear trunk and a minimum seven (7) foot canopy spread.

I. PARKING

1. Vehicle parking shall be limited to the parking areas designated on the approved site plan. **No** parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives.

J. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products.
2. Prior **to** site plan certification, receptacles for recycled material shall be designated on the site plan, located in the parking area or adjacent to the dumpster location.

K. SIGNS

1. **No** signs shall encroach into the perimeter landscape buffers.
2. All on site signs shall comply with the Palm Beach County Sign Code and shall indicate principal uses only, **No** snipe signs, balloons, banners or other prohibited types of advertisement or signs shall be permitted on-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 all sign-related conditions of approval.

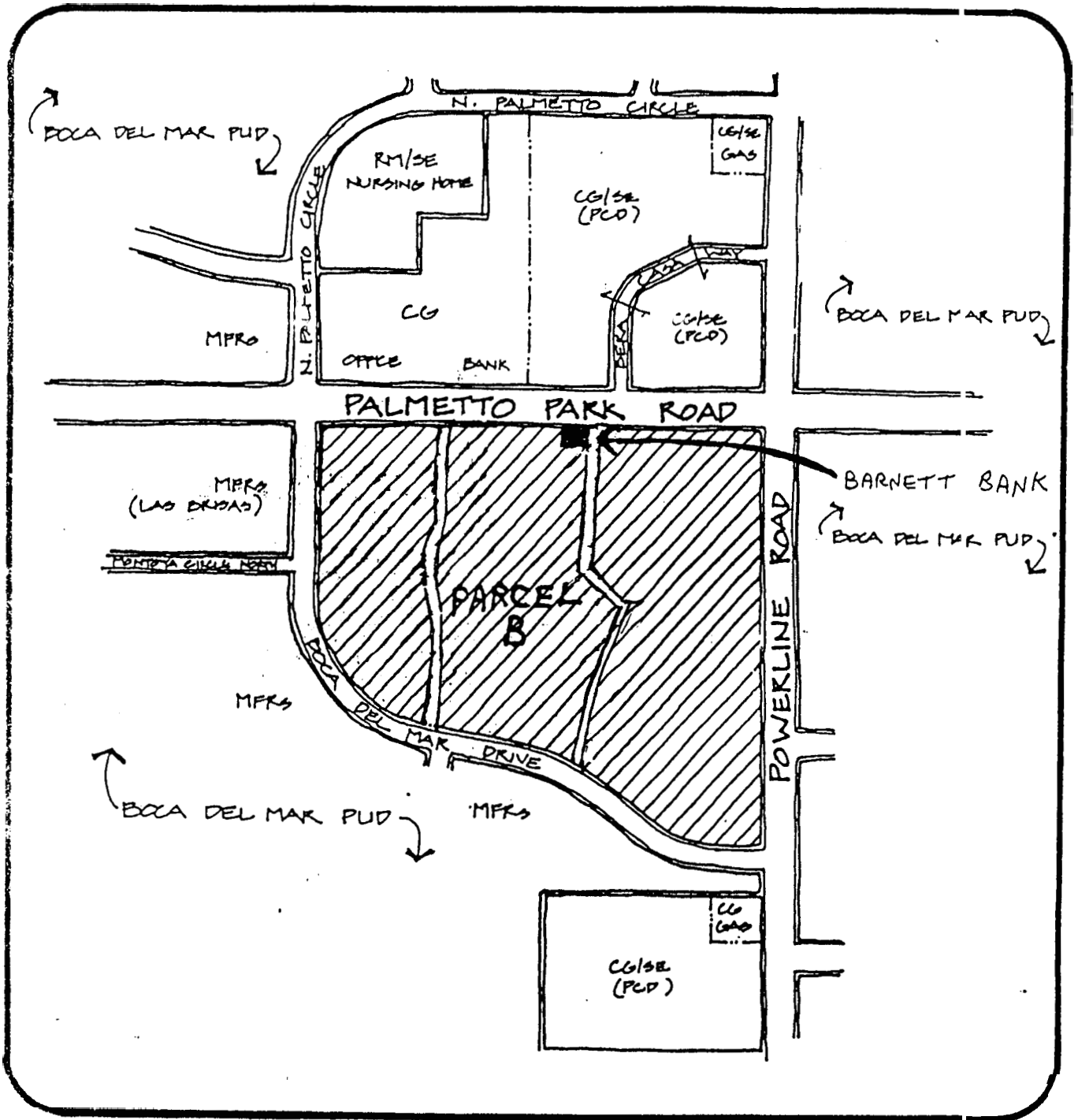
L. COMPLIANCE

1. As provided in Zoning Code Sections **400.2** and **432.6**, 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.
2. 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.

Sec. 21 Twp. 47 Rng. 42
Quadrant Sheet: 54
Aerial Page: 419

app'd 9/26/91

Vicinity Sketch



Request:

A **SPECIAL EXCEPTION** to amend the Bite Plan for a previously approved **Planned Commercial Development (Boca Del Mar PCD)** to **increase** the building **square footage**.

PETITION NO: 81-115(B)

BCC DISTRICT: 4

76

Commissioner Foster moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 7th day of January, 1992.


APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

