

RESOLUTION NO. R-99- 1605

RESOLUTION APPROVING ZONING PETITION CB90-003(B)
CLASS B CONDITIONAL USE
PETITION OF GRAND BANK OF FLORIDA
BY SARA LOCKHART, AGENT
(GRAND BANK OF FLORIDA)

WHEREAS, the Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20) is authorized and empowered to consider appeals of Class B Conditional Uses; and

WHEREAS, the notice and hearing requirements for an appeal as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

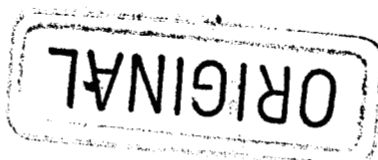
WHEREAS, the appeal of Zoning Petition CB90-003(B) was presented to the Board of County Commissioners at a public hearing conducted on July 22, 1999; and

WHEREAS, the Board of County Commissioners considered the evidence and testimony presented by the petitioner and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), 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 made the following findings of fact:

1. The Board of County Commissioners reversed the decision of the Zoning Commission's denial of a Class B Conditional Use (CB) to allow a financial institution.
2. The Board of County Commissioners finds that the Zoning Commission failed to comply with the standards of Section 5.4.F.8.
3. This Class B Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
4. This Class B Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
5. This Class B Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
6. This Class B Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
7. This Class B Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
8. This Class B Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.



9. This Class B Conditional Use meets applicable local land development regulations.
10. This Class B Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
11. This Class B Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards.
12. This Class B Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
13. This Class B Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
14. This Class B Conditional Use, with conditions as adopted, is consistent with applicable neighborhood plans.

WHEREAS, Article 5 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 Petition CB90-003(B), the petition of Grand Bank of Florida, by Sara Lockhart, agent, for a Class B Conditional Use (CB) for a financial institution in the Community Commercial (CC) Zoning District, on a parcel of land legally described 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 July 22, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

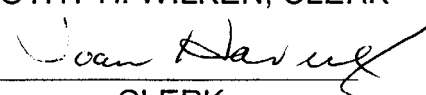
Maude Ford Lee, Chair	-	Aye
Warren Newell, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Carol A. Roberts	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on August 26, 1999.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: 
CLERK

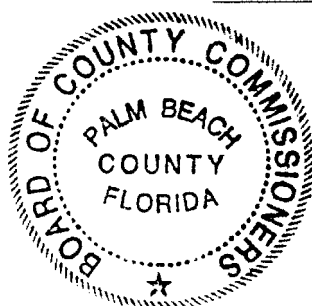


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING WEST OF HIGH RIDGE ROAD AND SOUTH OF LANTANA ROAD (S.R. 812) IN TRACTS 37 AND 38 OF THE HIATUS BETWEEN TOWNSHIP 44 SOUTH, RANGE 43 EAST AND IN GOVERNMENT LOT NO. 4, SECTION 4, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 44 SOUTH, RANGE 43 EAST, GO IN A WESTERLY DIRECTION ALONG THE SOUTH LINE OF SAID SECTION 32 (SAID SOUTH LINE BEING ALSO THE CENTERLINE OF S.R. 812) A DISTANCE OF 40.00 FEET TO A POINT; THENCE TURN AN ANGLE OF 90°00'00" FROM WEST TO SOUTH AND GO IN A SOUTHERLY DIRECTION, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF S.R. 812 AND THE WEST RIGHT-OF-WAY LINE OF HIGH RIDGE ROAD; THENCE GO IN A WESTERLY DIRECTION ALONG THE SOUTH RIGHT-OF-WAY LINE OF S.R. 812, A DISTANCE OF 117.60 FEET TO A POINT; THENCE TURN AN ANGLE OF 91°50'07" FROM EAST TO SOUTH AND GO IN A SOUTHERLY DIRECTION, A DISTANCE OF 47.48 FEET TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 45 SOUTH, RANGE 43 EAST; THENCE CONTINUE ALONG THE SAME LINE, SAID LINE BEING THE WEST LINE OF SECTION 4, A DISTANCE OF 500.83 FEET TO A POINT, SAID POINT BEING ON THE SOUTH LINE OF THE NORTH 500 FEET OF SAID SECTION 4; THENCE TURN AN ANGLE OF 86°18'45" FROM NORTH TO EASTERLY AND GO IN AN EASTERLY DIRECTION, A DISTANCE OF 55.43 FEET TO A POINT; SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF HIGH RIDGE ROAD; THENCE TURN AN ANGLE OF 106°18'33" FROM WEST TO NORTH AND GO IN A NORTHERLY DIRECTION ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 81.09 FEET TO A POINT, SAID POINT BEING THE POINT OF CURVATURE (P.C.) OF A CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 1870.08 FEET; THENCE GO IN A NORTHERLY DIRECTION ALONG THE ARC OF SAID CURVE, A DISTANCE OF 472.97 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PORTION FOR RIGHT-OF-WAY OF LANTANA ROAD:

A PARCEL OF LAND LYING WEST OF HIGH RIDGE ROAD AND SOUTH OF LANTANA ROAD (S.R. 812) IN TRACTS 37 AND 38 OF THE HIATUS BETWEEN TOWNSHIP 44 SOUTH, RANGE 43 EAST; AND IN GOVERNMENT LOT 4, SECTION 4, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 44 SOUTH, RANGE 43 EAST, GO IN A WESTERLY DIRECTION ALONG THE SOUTH LINE OF SAID SECTION 32 (SAID SOUTH LINE BEING ALSO THE CENTERLINE OF S.R. 812) A DISTANCE OF 40.0 FEET TO A POINT; THENCE TURN AN ANGLE OF 90°00'00" FROM WEST TO SOUTH AND GO IN A SOUTHERLY DIRECTION A DISTANCE OF 40.0 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF S.R. 812 AND THE WEST RIGHT-OF-WAY LINE OF HIGH RIDGE ROAD; THENCE NORTH 88°27'13" WEST ALONG SAID RIGHT-OF-WAY LINE OF S.R. 812 A DISTANCE OF 117.60 FEET TO A POINT, SAID POINT BEING ON THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID SECTION 4; THENCE SOUTH 03°20'19" WEST ALONG SAID NORTHERLY EXTENSION, A DISTANCE OF 20.01 FEET TO A POINT ON A LINE THAT IS 60.00 FEET SOUTH OF AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 32; THENCE SOUTH 88°27'13" EAST ALONG SAID PARALLEL LINE A DISTANCE OF 93.01 FEET; THENCE SOUTH 45°05'14" EAST, 34.51 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF HIGH RIDGE ROAD, SAID POINT ALSO BEING ON THE ARC OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 1870.08 FEET AND A CENTRAL ANGLE OF 01°20'20"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND RIGHT-OF-WAY LINE A DISTANCE OF 43.70 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

VICINITY SKETCH

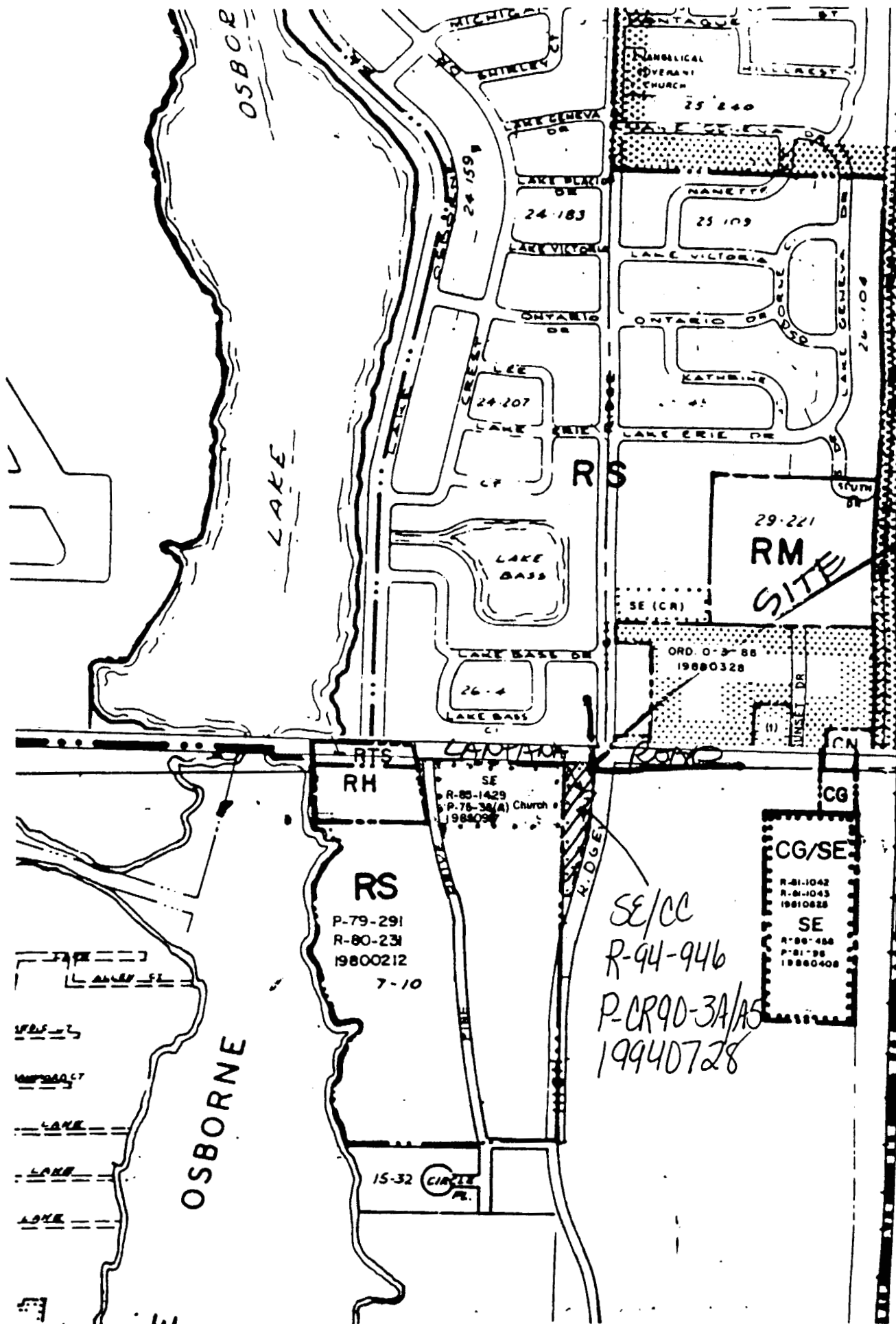


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS,

1. Resolution R-91-1472, granting approval of Petition 90-3(A), and R-94-946 of Status Report CR 90-003A/A5 are hereby revoked. The approval granted by Resolution R-91-1471, Petition 90-3(A), however, shall remain in full force and effect. (MONITORING)
2. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved site plan is dated February 17, 1999. All modifications must be approved by the Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRC: ZONING)

B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 3,000 square feet. (Expansion shall be limited to an increase of five percent (5%) of the total square footage subject to Traffic Division's approval.) (DRC: ZONING)
2. The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes measured from finished grade to highest point, shall not exceed twenty-five (25) feet. (BLDG PERMIT: BLDG-Zoning)
3. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure. (BLDG PERMIT: BLDG - Zoning)
4. The area which lies beyond the boundary of commercial land use for this property, as indicated in the 1989 Future Land Use Atlas, shall be reserved for landscaping, water retention, a private lift station or utility easement required to serve the site. (PLANNING: DRC- ERM - Zoning)

C. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING LANTANA ROAD)

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A minimum two to three foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
 - c. One (1) canopy tree planted every twenty-five (25) feet on center. A maximum twenty-five (25) percent of the required canopy trees within the buffer may be replaced by the palm or pine tree clusters;
 - d. One (1) additional palm or pine tree for each twenty (20) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and,
 - e. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

D. LANDSCAPING ON THE NORTH SIDE OF THE 50 FOOT RIGHT-OF-WAY EASEMENT)

1. Landscaping and buffering on the north side of the 50 foot easement providing access to the site to the west shall be upgraded to include:
 - a. A minimum twenty-five (25) foot wide landscape buffer strip; and
 - b. One (1) canopy tree planted every twenty-five (25) feet on center. A group of three (3) or more palm or pine trees may supersede the requirement for twenty-five percent (25%) of the canopy trees in that location; and,
 - c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet between clusters; and,
 - d. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

E. ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey a fifty (50) foot wide access easement to the property to the west subject to the approval of the County Engineer and County Attorney. (BLDG PERMIT: MONITORING - Eng)

~~2. LANDSCAPING - MEDIAN~~

~~CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF LANTANA ROAD~~

- ~~a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide for landscape cutouts within the concrete median of Lantana Road west approach at High Ridge Road. As part of this permit process, the property owner shall enter into a Right of Way Concrete Median Cutout, Landscape and Paver Block Installation Agreement, including appropriate Maintenance, Removal, and Indemnification agreements. When landscape plantings and the installation of paver blocks or similar materials are permitted by the County Engineer, the landscape material within the concrete cutouts shall be consistent with the landscaping theme approved by Palm Beach County for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Streetscape Standards. Alternative species and paver block material other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng.)~~

- ~~b. All required median landscaping, including an irrigation system, the cost of cutting out the concrete median and the installation of all landscape material, and paver block or similar materials shall be funded at the property owners expense. All landscape material, and paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation to the cut out areas. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)~~

~~c. Property Owners Documents or other restrictive covenant documents, evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng.)~~

2. DECORATIVE STREET LIGHTING WITHIN THE RIGHT OF WAY OF HIGH RIDGE ROAD

a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to install decorative antique style street lights with a maximum spacing of one (1) light per one hundred (100) linear feet. The lights shall be placed along the north 300 feet of the east property line of the subject site, adjacent to High Ridge Road. All street lights shall be installed in accordance with the County Engineer's approval. (BLDG PERMIT: MONITORING - Eng.)

b. When Permitted by the Land Development Division these street lights shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns. All street lighting shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng.)

F. LANDSCAPING ALONG THE EAST PROPERTY LINE EXTENDING TO THE 50 FOOT RIGHT-OF-WAY (ABUTTING HIGH RIDGE ROAD)

1. Landscaping and buffering along the north 300 feet of the east property line shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every twenty-five (25) feet on center. A group of three (3) or more palm or pine trees clusters may supersede the requirement for 25% of the canopy trees in that location;
- c. One (1) additional palm or pine tree for each twenty (20) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and,
- d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG THE WEST PROPERTY LINE EXTENDING TO THE 50 FOOT RIGHT-OF-WAY (ABUTTING HIGH RIDGE ROAD)

1. Landscaping and buffering along the north 330 feet of the west property line shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip; and
- b. One (1) canopy tree planted every twenty-five (25) foot on center. A group of three (3) or more palm or pine trees may supersede the requirement for 25% of the canopy trees in that location;
- c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet between clusters; and
- d. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

H. LANDSCAPING - INTERIOR

1. Foundation planting or grade level planters shall be provided along all facades of the structure excluding the foundation area adjacent to the stacking lane, to consist of the following:
 - a. The minimum width of the required landscape areas shall be five (5) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)
2. Prior to final site plan approval the site plan shall be amended to indicate landscaping in the south portion of the site, south of the 50 foot right-of-way. Landscaping shall include native scrub material or pine flatwood material such as Wax Myrtle Slash Pine, Cabbage Palm or Saw Palmetto, providing the equivalent of one (1) tree and three (3) shrubs per 1,000 square feet. (DRC / CO: ZONING / LANDSCAPE - ERM-PLANNING)

I. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

J. SIGNS

1. Freestanding point of purchase signs fronting on Lantana Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
 - b. Maximum sign face area per side - 140 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)
2. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)
3. No freestanding point of purchase signs along the east property line adjacent to High Ridge Road shall be permitted. (CO: BLDG)

K. USE LIMITATIONS

1. Use of the site shall be limited to a financial institution. (DRC: ZONING)
2. Retail business activity shall not be allowed on site, including deliveries, prior to 6:00 a.m. nor continue later than 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning)

L. COMPLIANCE

1. In granting this approval, the Zoning Commissioners relied upon the oral and written representations of the petitioner 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 Zoning 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; 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 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 P.&B or a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)