

RESOLUTION NO. R-2007- 1886

RESOLUTION APPROVING ZONING APPLICATION R2006-1675
(CONTROL NO. 2006-520)
REQUESTED USE
APPLICATION OF GKK-HAGEN, LTD
BY F. MARTIN PERRY & ASSOCIATES, P.A., AGENT
(HAGEN RANCH/BOYNTON BEACH MUPD)

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; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Requested Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application R2006-1675 was presented to the Board of County Commissioners at a public hearing conducted on October 25, 2007; and

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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Requested Use is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Requested Use complies with relevant and appropriate portions of Article 4.B, Supplementary Use Standards of the Palm Beach County Unified Land Development Code. This Requested Use also meets applicable local land development regulations.
3. This Requested Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Requested Use has a concurrency determination and complies with Article 2.F (Concurrency) of the ULDC.

6. This Requested 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.
7. This Requested Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Requested 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 Requested Use, with conditions as adopted, is consistent with the applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Requested Use.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application R2006-1675, the application of GKK-Hagen, Ltd, by F. Martin Perry & Associates, P.A., agent, for a Requested Use to allow a financial Institutions (two) with drive-through lanes in the Multiple Use Planned Development 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 October 25, 2007, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	- Aye
Jeff Koons, Vice Chair	- Aye
Karen T. Marcus	- Aye
Robert J. Kanjian	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye
Jess R. Santamaria	- Absent

The Chairperson thereupon declared that the resolution was duly passed and adopted on October 25, 2007.

Filed with the Clerk of the Board of County Commissioners on November 19th, 2007

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

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

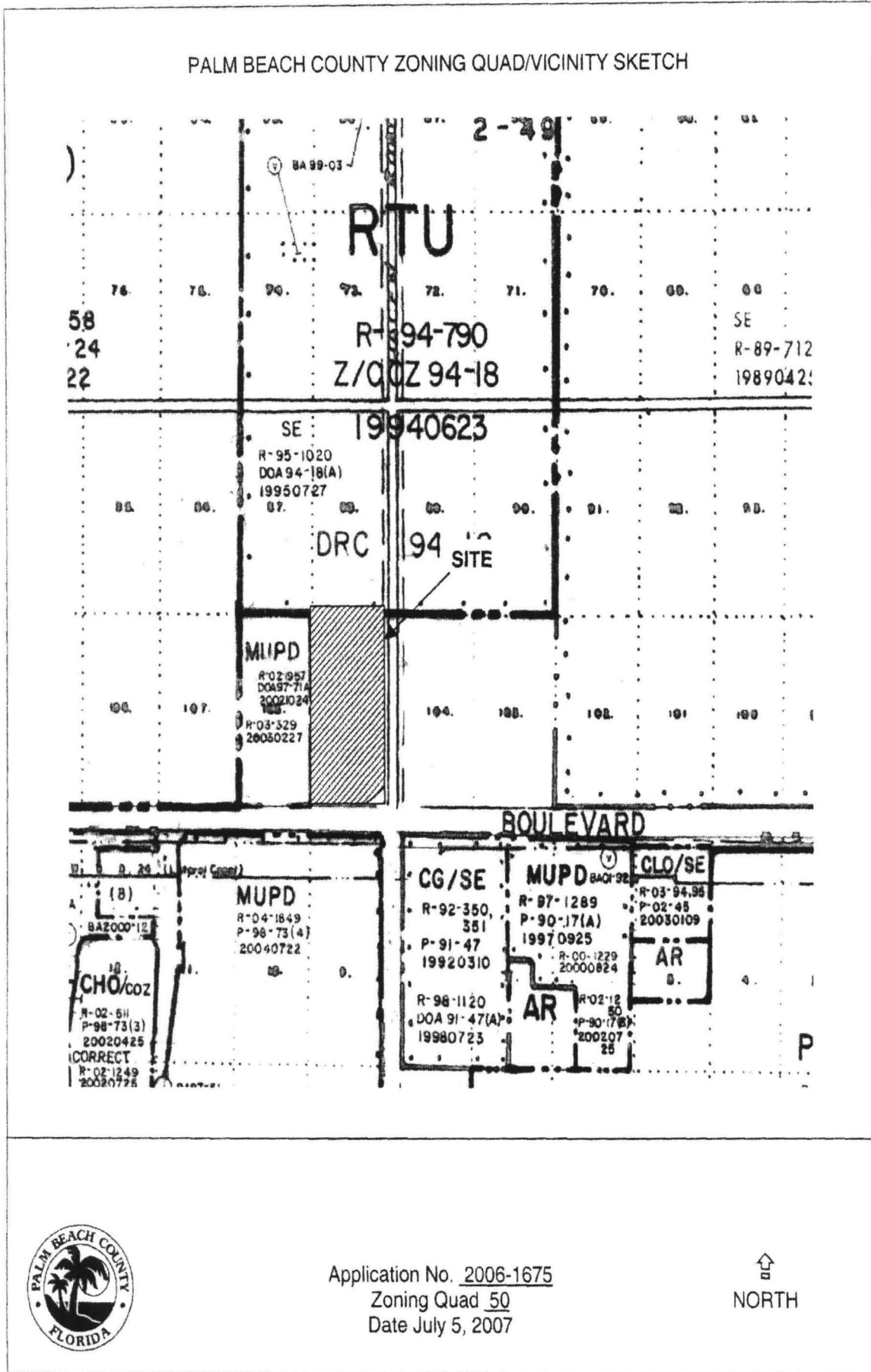


EXHIBIT A
LEGAL DESCRIPTION

Tract 105, Block 49, PALM BEACH FARMS COMPANY, PLAT NO. 3, according to the Plat thereof as recorded in Plat Book 2, Pages 45 through 54 of the Public Records of Palm Beach County, Florida, LESS the south 95 feet of said Tract for Boynton Beach Boulevard (State Road 804) as shown on the Florida Department of Transportation Right-of-Way Map, Section 97930-2317, last revised May 15, 2000 and LESS that easterly portion of said Tract 105 for Hagen Ranch Road as recorded in Official Records Book 8887, Page 266 and Official Records Book 8898, Page 220 of the Public Records of Palm Beach County, Florida. Said lands situate in Palm Beach County, Florida and containing 161,194 square feet (3.70 acres) more or less.

EXHIBIT B

VICINITY SKETCH



Application No. 2006-1675
 Zoning Quad 50
 Date July 5, 2007



EXHIBIT C

CONDITIONS OF APPROVALS

ALL PETITIONS

1. Development of the site is limited to the site design and uses listed in this application approved by the Board of County Commissioners. The approved site plan is dated October 09, 2007. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final DRO approval of the site plan, the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations and the site plan shall be designed to be consistent with Article 5.C. of the ULDC. Development shall be consistent with the approved DRO site plan and the architectural elevations presented at the 9/06/07 Zoning Commission meeting. (DRO: ARCH REVIEW - Zoning)

DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within one hundred (100) feet of the north property line and shall be confined to the areas designated on the site plan. (DRO: ZONING - Zoning)

ENGINEERING

1. 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 January 1, 2010. 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)
2. Prior to the issuance of a building permit the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on at the project's entrance road. This right-of-way shall be a minimum of 150 feet in storage length, ten feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDG PERMIT: MONITORING-Eng)
3. Property owner shall construct:

- a. on Boynton Beach Boulevard at this Project's shared entrance road a right turn lane east approach. Permits required for this improvements shall be obtained by the Florida Department of Transportation
- b. concrete traffic separator on Hagen Ranch Road from Boynton Beach Boulevard to a point 100 feet north of the projects entrance onto Hagen Ranch Road. Permits required for this Improvement shall be obtained by Palm Beach County.
- c. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
- d. all permits shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
- e. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

LANDSCAPE – STANDARD

1. Prior to the issuance of a building permit , the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)
2. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)
3. All palms required to be planted on the property by this approval shall meet the following minimum standards at installation:
 - a. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - b. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)
4. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)
5. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to show a divider median between one drive thru lane of Bank Buildings 1 and 3, and as follows:
 - a. a minimum width of five (5) feet, excluding curb;
 - b. a minimum length of thirty-five (35) feet;
 - c. Each end of the median shall have a minimum five (5) feet by five (5) feet of planting area extended beyond the boundary of the overhead canopy;
 - d. one (1) palm tree with a minimum ten (10) feet of greywood and appropriate ground cover shall be installed in each planting area; and,
 - e. the remaining portion of the median shall be paved with decorative paving such as precast concrete pavers, stamped concrete or any other materials acceptable to the Landscape Section. (DRO:LANDSCAPE - Zoning)

LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL).

6. In addition to the code requirements, landscaping buffer width along the north property line shall be upgraded to include:
 - a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted ;
 - and,
 - b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF BOYNTON BEACH BOULEVARD)

7. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. a minimum twenty-five (25) foot wide landscape buffer strip;
 - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet;
 - c. one (1) native canopy tree (Live Oak) for each twenty-five (25) linear feet of the property line;
 - d. one (1) palm (Royal Palm) tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. Ixora 'Nora Grant' shall be planted in a bed at the base of each Royal Palm; and,
 - e. shrub planting shall comply to ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)

LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF HAGEN RANCH ROAD)

8. In addition to the code requirements landscaping and buffer width along the east property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted:
 - b. a minimum one (1) to three (3) foot high undulating berm with an average height of two (2) feet;
 - c. one native canopy tree planted with a maximum spacing of fifteen (15) feet on center; and,
 - d. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

PALM TRAN

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)
2. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (PLAT/BLDG PERMIT: ENG-Monitoring)

PLANNING

1. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall record cross access easement(s) from the subject property to the parcel to west for any approved cross access connections in a form acceptable to the County Attorney. The timing for recordation of the cross access easements may be adjusted subject to approval by the Planning Division. (DRO: COUNTY ATTY - Planning)
2. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be revised to indicate a vehicular and pedestrian cross access connection to the property to the west at the northwest portion of the site. A pedestrian connection shall be included that shall connect to the pedestrian circulation system within the site. The cross access connection shall align with the existing pedestrian and vehicular cross access connection on the adjacent property to the west. A notation shall be placed on the site plan at that location that shall read proposed vehicular and pedestrian cross access to be paved to the property line." (DRO: PLANNING - Planning)
3. Prior to the issuance of the certificate of occupancy or certificate of completion, whichever shall occur first, the property owner shall construct any cross access points, indicated on the site plan, to the edge of the western property line. (CO: MONITORING/PLANNING - Planning)
4. Prior to final site plan approval by the Development Review Officer (DRO), a notation shall be placed on the site plan at the southwest cross access location that shall read proposed vehicular and pedestrian cross access to be paved to the property line." The cross access connection shall align with the existing pedestrian and vehicular cross access connection on the adjacent property to the west. (DRO: PLANNING - Planning)

SIGNS

1. Freestanding signs on Hagen Ranch Road and Boynton Beach Boulevard shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point eight (8) feet;
 - b. maximum sign face area per side - one hundred (100) square feet; and,
 - c. maximum number of signs per frontage- one (1).
 - d. signage to be architecturally consistent with the buildings and existing signage on the adjacent parcel to the west. (BLDG PERMIT: BLDG - Zoning)
2. No advertising window signage shall be permitted. (BLDG PERMIT: BLDG - Zoning)

USE LIMITATIONS

1. Retail business activity shall not be allowed on the property, including deliveries, prior to 7:00 a.m. nor continue later than 9:00 p.m. Monday through Saturday and 8:00 a.m. to 6:00 p.m. Sunday. (ONGOING: CODE ENF - Zoning)
2. Total gross floor area of Building 2 shall be limited to a maximum of twelve thousand (12,000) square feet for medical or dental offices or a combination allowing a minimum six thousand (6,000) square feet for medical or dental offices and a maximum of six thousand (6,000) square feet for personal services, (excluding massage parlors, tanning salons and laundry services), printing and copying services, professional or governmental offices or laundry services. (ONGOING: ZONING - Zoning)

UTILITIES

1. If any relocation/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING:PBCWUD)

COMPLIANCE

1. In granting this approval, the Board of County 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 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; 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 PZ&B or a 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as 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 Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)