

RESOLUTION NO. R-2010- 0003

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2009-00564  
(CONTROL NO. 1986-00090)  
a Development Order Amendment  
APPLICATION OF Sun Trust Bank  
BY CPH Engineers, Inc., AGENT  
(Polo Club Shoppes)

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 notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application ZV/DOA-2009-00564 was presented to the Board of County Commissioners at a public hearing conducted on January 7, 2010; 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 recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) 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 the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Development Order Amendment.

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 ZV/DOA-2009-00564, the petition of Sun Trust Bank, by CPH Engineers, Inc., agent, for a Development Order Amendment to reconfigure the site plan in the CG with a Special Exception for a Planned Commercial Development (PCD) 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 January 7, 2010, subject to the conditions of approval described in EXHIBIT C-2, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner Burt Aaronson, Chair	-	Aye
Commissioner Karen T. Marcus, Vice Chair	-	Aye
Commissioner Jeff Koons	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 7, 2010.

Filed with the Clerk of the Board of County Commissioners on January 12, 2010.


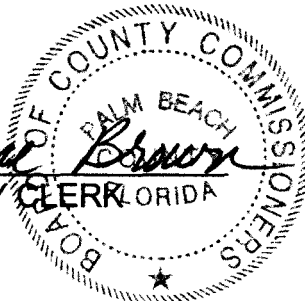
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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  


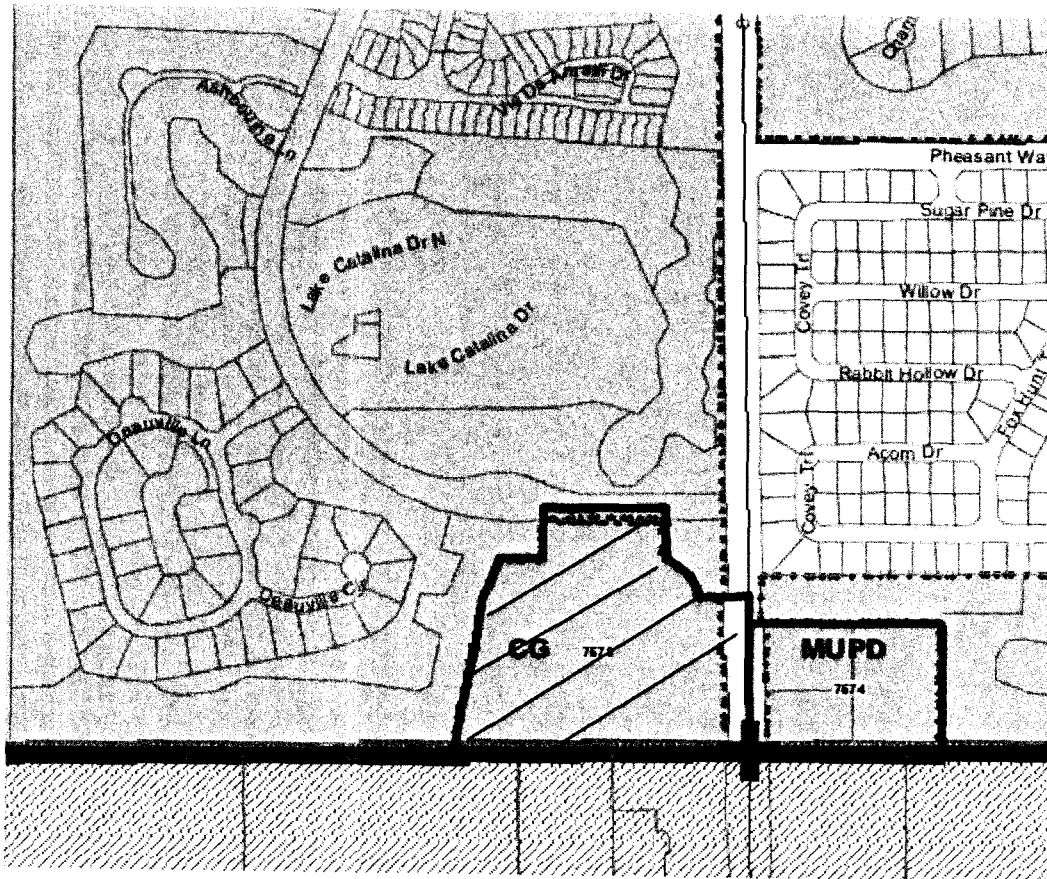
## EXHIBIT A

### LEGAL DESCRIPTION

Tracts A, B, and C THE POLO CLUB SHOPS, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in an for Palm Beach County, Florida, recorded in the Plat Book 59, Page 41, said lands situate, lying and being in Palm Beach County, Florida.

Together with the Drainage Easement as set forth in the Grant of Easement recorded November 20, 1987 in Official Records book 5490, Page 1081, of the Public Records of Palm Beach County, Florida.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C-2

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-1987-216 (Control 1986-090) and R-1987-217 (Control 1986-090), 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 or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. The approved Preliminary Site Plan is dated October 15, 2009. 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. (ONGOING: ZONING Zoning)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the financial institution 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: ARCH REVIEW - Zoning)

#### DRO

1. Previous Condition 1 of Resolution R-87-217, Control No. 1986-090, which currently states:

Prior to site plan certification, the site plan shall be amended to meet the following:

- a. landscaping in terminal islands
- b. minimum species mix
- c. relocate handicap parking spaces located opposite accessway between buildings F and G
- d. correct building square footages in "Site Data"
- e. relocate landscaping out of 20 foot maintenance easements or obtain written permission from the easement hold.
- f. relocate landscaping out of Florida Power and Light easement or obtain written permission from same.

Is hereby deleted - [Reason: Code Requirement]

2. A unity of title agreement covering the entire site shall be recorded prior to site plan certification. (ONGOING-ENG-Zoning) (Previous Condition 8 of Resolution R-1987-217, Control No. 1986-090)

#### ENGINEERING

1. Previous Condition E3 of Resolution R-1987-217, Control No. 1986-090, which currently states:

The development shall meet the stormwater retention requirements in effect at the time of the permit application of the applicable drainage district, however at a minimum, the developer shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition per the County Engineer's approval. Drainage into the adjacent lake within the Polo Club P.U.D. shall be considered to be on-site drainage. (ONGOING: ENGINEERING-Eng)

Is hereby deleted. [Reason: Code requirement]

2.Previous Condition E4 of Resolution R-1987-217, Control No. 1986-090, which currently states:

The property owner shall convey for the ultimate right-of-way required for the construction of a right turn lane, north approach on Military Trail at the project's entrance road. This right-of-way shall be a minimum of 12 feet in width, 150 feet in length, with a minimum 180 feet of taper length within 90 days of the approval of the Resolution approving this project. (ONGOING: ENGINEERING-Eng)

Is hereby deleted. [Reason: Improvements no longer warranted]

3.Previous Condition E5 of Resolution R-1987-217, Control No. 1986-090, which currently states:

The property owner shall construct:

- a. right turn lane, north approach on Military Trail at the project's entrance road
- b. dual left turn lane, west approach on Champion Boulevard at Military Trail if the left turn volume on the west approach reaches 200 vehicles per hour or more and/or the intersection of Military Trail and Champion Boulevard deteriorates beyond Level of Service "D" as determined by the County Engineer's Office. Performance bond shall be posted to ensure this work concurrent with paving and drainage improvements. This performance bond shall be non-expiring.
- c. a modified turn lane, south approach on Military Trail at Old Clint Moore Road, when required by the County Engineer. (ONGOING: ENGINEERING-Eng)

Is hereby deleted. [Reason: Improvements no longer warranted]

4.The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" prior to the issuance of the next building permit. The Fair Share Fee for this project presently is \$37,400.00 (1,396 trips X \$26.79 per trip). (BLDG PERMIT: MONITORING-Eng) (Previous Condition E6 of Resolution R-1987-217, Control No. 1986-090) [Note: COMPLETED]

5.Prior to Site Plan Certification, the Site Plan shall be revised to reflect the following:

- a. Medians shall be constructed within the subject site at the project's entrance onto Champion Way (150 feet) and Military Trail (100 feet).
- b. a minimum "clear area" of 150 feet to be used for stacking distance at the project's entrance onto Champion Boulevard with a minimum of 100 feet of stacking for Military Trail. (DRO: ENGINEERING-Eng) (Previous Condition E7 of Resolution R-1987-217, Control No. 1986-090) [Note: COMPLETED]

6.The property shall convey a temporary road drainage easement along the south property line for Clint Moore Road subject to approval from the Office of both the County Attorney and County Engineer prior to Master Plan approval. This easement shall expire at the time of the abandonment of Clint Moore Road. (DRO: ENGINEERING-Eng) (Previous Condition E9 of Resolution R-1987-217, Control No. 1986-090) [Note: COMPLETED Old Clint Moore Road has been abandoned]

7.Prior to issuance of the first building permit for the bank proposed with Application ZV/DOA-2009-564, the property owner shall revise the limits of Tracts A and C as shown on Plat Book 59, Pages 41-42. (BLDG PERMIT: MONITORING-Eng)

8.In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a.No building permits for the site shall be issued after December 31, 2012. 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.E of the Unified Land Development Code. (DATE: MONITORING Eng)

#### HEALTH

1. Since sewer and water service are available to the property, septic tank and well shall not be approved for use on the subject property. (ONGOING: HEALTH-Health) (Previous condition 2 of Resolution R-87-217; Control 1986-090)

#### LANDSCAPE - INTERIOR

1. Prior to Certificate of Occupancy, all dead and missing trees must be replaced. (CO: LANDSCAPE-Zoning)

#### LANDSCAPE - INTERIOR-MEDIAN DRIVE THRU FOR BUILDING A

2. A divider median shall be provided between each adjacent drive-thru lane as follows:

- a. a minimum width of three (3) feet excluding curb. This median shall extend a minimum distance of five (5) feet beyond the East and West boundaries of the overhead canopy;
- b. the East and West extensions of this median beyond the overhead canopy shall be planted with a palm having a minimum grey wood height of ten (10) feet and appropriate ground cover; and,
- c. the remaining portions of this median lying beneath the overhead canopy shall be surfaced with brick, precast paving block, or other decorative paving surface. (BLDG PERMIT: LANDSCAPE - 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 (CO); 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 Unified Land Development Code (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 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)