

RESOLUTION NO. R-2013-0804

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2012-03106
(CONTROL NO. 1986-00090)
a Development Order Amendment
APPLICATION OF G & I VII Polo Club Llc
BY Land Design South, 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-2012-03106 was presented to the Board of County Commissioners at a public hearing conducted on June 24, 2013; 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 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-2012-03106, the petition of G & I VII Polo Club Llc, by Land Design South, Inc., agent, for a Development Order Amendment to reconfigure the site plan, add new uses and add square footage in the Commercial General with a Special Exception (CG/SE) o allow a Planned Commercial Development including a Large Scale Community Shopping Center 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 June 24, 2013, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Steven L. Abrams, Mayor	- Aye
Commissioner Priscilla A. Taylor, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Shelley Vana	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Jess R. Santamaria	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on June 24, 2013.

Filed with the Clerk of the Board of County Commissioners on June 25th, 2013.

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 A, POLO CLUB SHOPS REPLAT, according to the Plat thereof, recorded in Plat Book 113, Page 151, of the Public Records of Palm Beach County, Florida, said land situate, lying and being in Palm Beach County, Florida.

Together with the Non-Exclusive Drainage Easement as set forth in and subject to the terms of 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

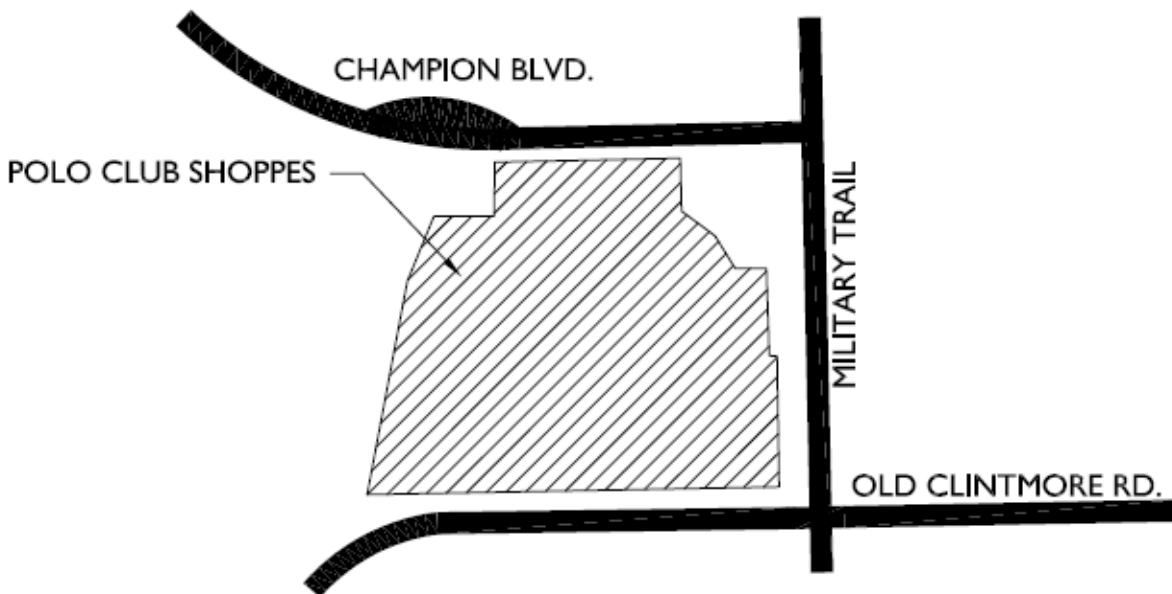


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Previous ALL PETITION Condition #1 of Resolution R-2010-0003 which reads:
All previous conditions of approval applicable to the subject property, as contained in Resolution R-87-0216 (Control 1986-00090) and R-87-0217 (Control 1986-00090), 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.

is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2010-0003 (Control 1986-00090), 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITION Condition #2 of Resolution R-2010-0003 which reads:
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.

is hereby amended to read:

The approved Preliminary Site Plan is dated February 14, 2013. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Previous ARCHITECTURAL REVIEW Condition #1 of Resolution R2010-0003 which reads:

At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Financial Institution shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements.

is hereby amended to read:

At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

ENGINEERING

1. 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 E4 of Resolution R-2010-0003, Control No. 1986-00090) [Note: COMPLETED]

2. 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 staking for Military Trail. (DRO: ENGINEERING-Eng) (Previous Condition E5 of Resolution R-2010-0003, Control No. 1986-00090) [Note: COMPLETED]

3. The property owner 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 the 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 E6 of Resolution R-2010-0003, Control No. 1986-00090) [Note: COMPLETED Old Clint Moore Road has been abandoned]

4. 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) (Previous Condition E7 of Resolution R-2010-0003, Control No. 1986-00090) [Note: COMPLETED]

5. Previous Condition E8 of Resolution No. R-2010-0003, Control No. 1986-00090, which currently states:

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)

Is hereby deleted. [Reason: Remaining impacts do not warrant build-out date regulation]

6. Prior to the issuance of a building permit, the Property Owner shall abandon, and relocate if necessary, the portion of the Palm Beach County Easement recorded in Official Record Book 5490, Page 1052 that is within the footprint of proposed structures. (BLDG PERMIT: 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 Health 1. of Resolution R-2010-0003; Control 1986-090)

LANDSCAPE - INTERIOR

1. Previous LANDSCAPE INTERIOR Condition #1 of Resolution R-2010-0003 which currently states:

Prior to Certificate of Occupancy, all dead and missing trees must be replaced.

is hereby amended to read:

Prior to June 6, 2014 or issuance of a Certificate of Occupancy - whichever occurs first, the Property Owner shall replace all dead and missing plant materials on the entire subject property. (DATE/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) (Previous LANDSCAPE Condition #3 of Resolution R2010-00003) [COMPLETED]

PALM TRAN

1. Prior to Issuance of the first Building Permit, 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 shall be required. (BLDG PERMIT: MONITORING -Palm Tran)

PLANNED DEVELOPMENT

1. Previous DRO Condition # 2 of Resolution R-2010-0003 which currently states:
A unity of title agreement covering the entire site shall be recorded prior to site plan certification. (ONGOING: ENG-Zoning)

is hereby amended to read:

A unity of control agreement covering the entire site shall be recorded prior to site plan certification. (ONGOING: ENG-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; 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; the 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 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 of Approval; 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)