

RESOLUTION NO. R- 89-946

RESOLUTION APPROVING ZONING PETITION NO. 79-106(A)
SPECIAL EXCEPTION PETITION OF
FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION

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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 79-106(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 26, 1988; and

WHEREAS, the Board of County Commissioners 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 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 made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 79-106(A), the petition of FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION, by Robert E. Basehart, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A FINANCIAL INSTITUTION WITH DRIVE-UP TELLER WINDOWS TO INCREASE BUILDING SQUARE FOOTAGE, on Tract No. 96, Block 77, The Palm Beach Farms Co. Plat No. 3 in Section 18, Township 47 South, Range 42 East as recorded in Plat Book 2, Page 45, less the South 65 feet and the East 29 feet thereof, located on the northwest corner of the intersection of Glades Road (SR 808) and Lyons Road, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval, unless expressly modified herein.
2. Prior to certification the site, plan shall be amended to reflect the following:

- a. An alternative hedge material for the north and west perimeter buffers to replace the existing australian pines.
- b. The alternative landscape buffer along the north and west property lines may be Alternative **No. 3** of Section **500.35** (Landscape Perimeter) of the Zoning Code.
3. The site lighting shall be of low intensity, shielded, and directed away from the surrounding residences and right-of-ways.
4. **No** stock loading or dumpster pick-up will be permitted between the hours of **9:00** p.m. and 7:00 a.m.
5. The petitioner shall redesign to provide a primary access route north, south, east, and west on site. If the construction of this accessway requires the removal of the four **(4)** cypress trees located along the eastern boundary of the property, the petitioner shall provide a landscape island to equal nine-hundred **(900)** square feet in area, and plant eight **(8)** native canopy trees a minimum of twelve **(12)** to fifteen **(15)** feet in height upon planting.
6. The rear of the center shall be given architectural treatment consistent with the front.
7. All mechanical and air conditioning equipment shall be screened.
8. 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 onsite 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. 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.
9. Within **90** days of approval of this project, the property owner shall reserve road right-of-way for Lyons Road **76** feet from centerline as defined in Palm Beach County's Special Intersections, free of all encumbrances and encroachments. This right-of-way shall be dedicated to Palm Beach County at no cost when requested. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Land Acquisition Division **to** ensure that the property is free **of** all encumbrances and encroachments. Right-of-way conveyances shall **also** include "Safe Sight Corners"

where appropriate at intersections as determined by the County Engineer.

10. The property owner shall construct:
 - a) separate right turn lane, east approach on Glades Road at the project's entrance road
 - b) separate right turn lane, north approach **or**, Lyons Road at the project's north entrance road

all concurrent with onsite paving and drainage improvements with construction complete prior to the issuance of a Certificate of Occupancy.

11. 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 presently is **\$12,243.00** for the office and Pier 1 addition (457 trips X \$26.79 per trip).
12. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:
 - a) Building Permits for no more than **14,540** gross leasable floor area shall be issued, of which a maximum of **9,100** shall be a specialty store as defined in ITE Trip Generation Publication. The office shall be minimum of **5,440** gross leasable floor area and shall contain no medical offices, or equivalent traffic of a similar mix approved by the County Engineer.
13. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.
14. Sewer service **is** available to the property. **Therefore**, no septic tank shall be permitted on the site.
15. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
16. **No** off-premise signs **shall** be permitted on the site.
17. Failure to comply with the conditions herein may result in 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. Appeals from such action may be taken to the Palm Beach County Board of

Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

Commissioner Wilken moved for approval of the petition. The motion was seconded by Commissioner Elmquist and, upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
James Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 23rd day of May, 1989 confirming action of May 26, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

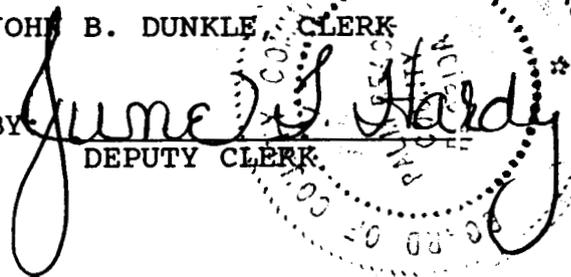
BY :


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :


DEPUTY CLERK

