

RESOLUTION NO. R-2010- 1169

RESOLUTION APPROVING ZONING APPLICATION ABN/EAC-2010-00985
(CONTROL NO. 1979-00119)
an Expedited Application Consideration
APPLICATION OF GR 305 LLC & GR 470 LLC & GR 2902 LLC
BY Land Design South, Inc., AGENT
(ARVIDA TURNPIKE PLAZA)

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 ABN/EAC-2010-00985 was presented to the Board of County Commissioners at a public hearing conducted on July 22, 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 an Expedited Application Consideration.

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 ABN/EAC-2010-00985, the petition of GR 305 LLC & GR 470 LLC & GR 2902 LLC, by Land Design South, Inc., agent, for an Expedited Application Consideration to allow a conversion of the approved 4000 square foot Financial Institution with two teller drive-thru lanes and one ATM drive-thru lane back to the 6,973 square foot Type II Restaurant use in the MUPD 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, 2010, 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 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	-	

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 22, 2010.

Filed with the Clerk of the Board of County Commissioners on August 2, 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

ARVIDA TURNPIKE PLAZA A/K/A BOCA CORPORATE CENTER
CONTROL # - 1979-00119

PARCEL 1:

PARCELS C AND F OF ARVIDA TURNPIKE PLAZA, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 40, PAGE 148, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 43,587 SQUARE FEET, 1.00 ACRE, MORE OR LESS.

PARCEL 2:

NON-EXCLUSIVE EASEMENT FOR PARKING AND ACCESS, AS SET FORTH IN CROSS PARKING AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 11490, PAGE 70, OVER AND ACROSS PARCELS A, B, D, E, G AND H, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 40, PAGE 148, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3:

NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS, AS SET FORTH IN DECLARATION OF COVENANTS AND RESTRICTIONS RECORDED IN OFFICIAL RECORDS BOOK 3209, PAGE 860, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OVER AND ACROSS PROPERTY DESCRIBED IN EXHIBIT "D" TO SAID DECLARATION.

EXHIBIT B
VICINITY SKETCH

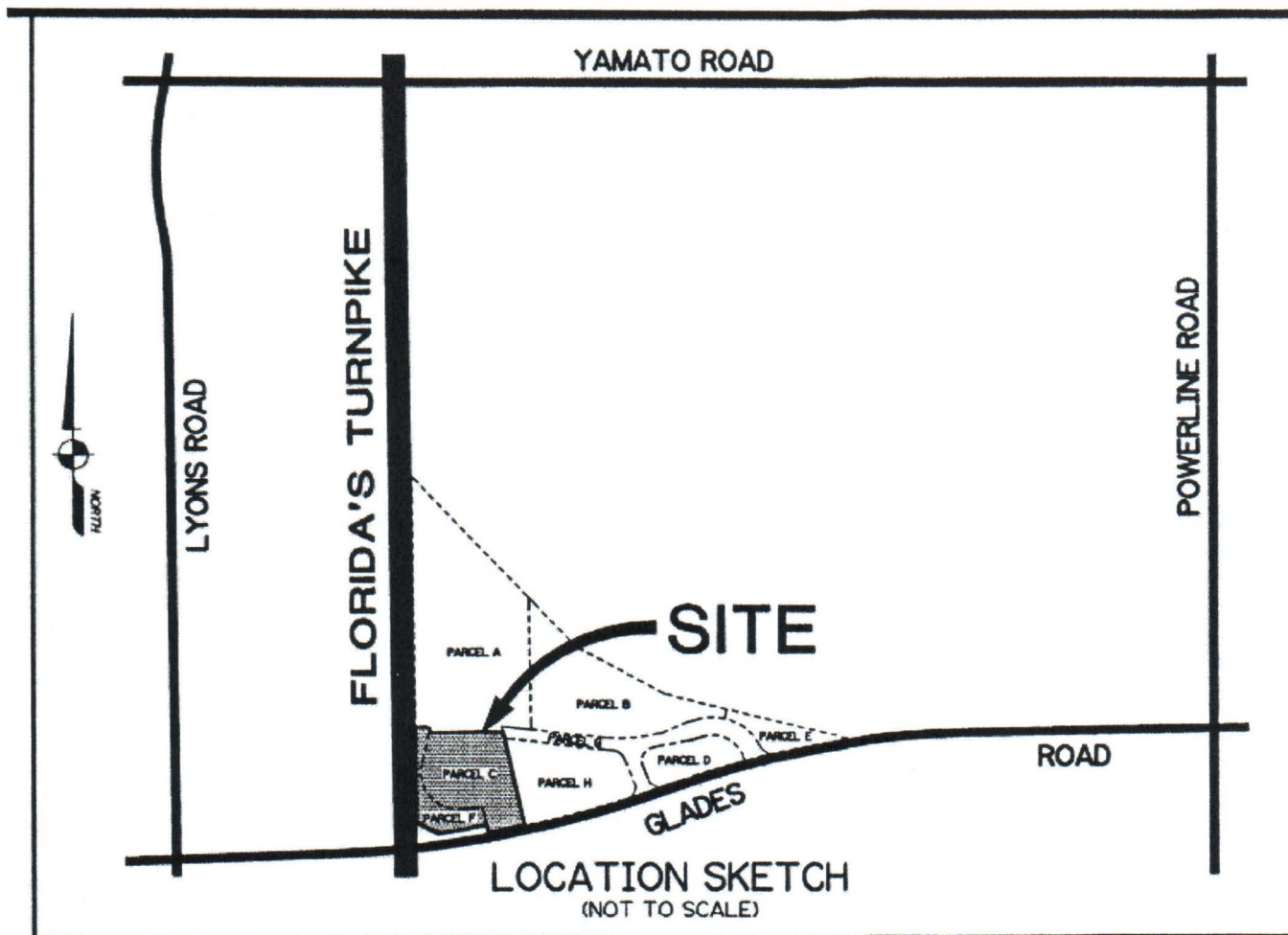


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Resolution R-2009-896 which approved application 2008-1891 is hereby revoked. (ONGOING: MONITORING-Zoning)

2. All previous conditions applicable to the subject property as contained in Resolution No R-84-55 Control, No 79 119(A) Resolution No R-87-92 Control No 79-1 19(B) shall be carried forward unless modified herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning) (Previous Condition All Petition Condition 1. of R-97-2077, Control No. 79-119C)

3. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated August 26, 1997. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING-Zoning) (Previous Condition All Petition Condition 2. of R-97-2077, Control No. 79-119C)

ENGINEERING

1. Within ninety (90) days of the Special Exception approval, petitioner shall convey to Palm Beach County eighty (80) feet from the centerline of S.R. 808 for its ultimate right-of-way. (ONGOING:ENGINEERING-Eng) (Previous Condition E1 of R-97-2077, Control No. 79-119C) [Note:COMPLETED]

2. Petitioner shall construct a median opening with left turn lane, west approach, on S.R 808 at the project's main entrance. (ONGOING:ENGINEERING-Eng) (Previous Condition E2 of R-97-2077, Control No. 79-119C) [Note:COMPLETED]

3. Petitioner shall construct a right turn lane, east approach, on S.R. 808 at the easterly entrance. (ONGOING:ENGINEERING-Eng) (Previous Condition E3 of R-97-2077, Control No. 79-119C) [Note:COMPLETED]

5. The developer shall construct at the project's east entrance and Glades Road, concurrent with a paving and drainage permit, issued from the office of the County Engineer:

a. Left turn lane, west approach

b. Right turn lane, east approach.

(BLDG PERMIT:MONITORING-Eng) (Previous Condition E6 of R-97-2077, Control No. 79-119C) [Note:COMPLETED]

6. The developer shall construct at the project's west entrance and Glades Road concurrent with a paving and drainage permit issued from the office of the County Engineer,

a. Right turn lane, east approach. (BLDG PERMIT:MONITORING-Eng) (Previous Condition E7 of R-97-2077, Control No. 79-119C) [Note:COMPLETED]

7. The developer shall install signalization when warranted, as determined by the County Engineer, at the intersection of Glades Road and the project's east entrance. (ONGOING:ENGINEERING-Eng) (Previous Condition E8 of R-97-2077, Control No. 79-119C)

8.The developer shall contribute Sixteen Thousand Eight Hundred and Seventy-Five Dollars (\$16,875.00) toward the cost of meeting this project's direct and identifiable impact. The impact fee monies are to be used toward the Road construction program located within the project area and shall be in the form of a clean irrevocable Letter of Credit to Palm Beach County within ninety (90) days of Special Exception approval. Palm Beach County may then call upon this Letter of Credit within six (6) months of Special Exception approval. (ONGOING:ENGINEERING-Eng) (Previous Condition E9 of R-97-2077, Control No. 79-119C) [Note:COMPLETED]

9.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 the restaurant presently is \$35,124.00 (1,386 trips x \$26.79 per trip). (ONGOING:ENGINEERING-Eng) (Previous Condition E10 of R-97-2077, Control No. 79-119C) [Note:COMPLETED]

10.LANDSCAPE WITHIN MEDIAN OF STATE ROADS

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 landscape the adjacent median of Glades Road Right-of-Ways. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the Low Cost Planting Concept outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species 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 if required, shall be installed at the property owners expenses. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assigns or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain health and plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (TC: ENGINEERING-Eng)

c. Declaration of Covenants and Restriction Documents shall be established or amended as required and shall be approved and recorded prior to the issuance of a certificate of occupancy. (CO:MONITORING- Eng) (Previous Condition E11 of R-97-2077, Control No. 79-119C) [Note:COMPLETED]

LANDSCAPE – GENERAL

1.A six-foot high wall (measured from parking lot grade) shall be installed between the parking lot and the Boca West Golf Course. CO: ZONING-Landscape) (Previously condition F.1 R-97-2077, Control 1979-119(C)

2.Prior to final DRC approval the site plan shall be amended to indicate a minimum twenty (20) foot wide Type D right-of-way landscape buffer strip along the south property line abutting Glades Road. Credit may be given for existing or relocated vegetation provided it meets current ULDC requirements. (Existing parking improvements are exempted from this requirement) (DRC: CO: LANDSCAPE) (Previously Condition F.2 of Resolution No. R-97-2007, Petition No. 79-119(C)

3.The petitioner shall preserve native vegetation within Parcel E, the 0.23 acre triangular shaped east portion of the site. The undeveloped area may include signage, or required improvements including, perimeter buffers, or parking. (DRC: ZONING-

Landscape) (Previous Landscape Condition No. 1 of Resolution No. R-97-2077, Petition No. 79-119(C))

SIGNS

1. Freestanding point of purchase signs fronting or entry wall sign adjacent to Glades Road shall be limited as follows:

- a.) Maximum sign height, measured from finished grade to highest point -twelve (12) feet;
- b.) Maximum sign face area, one side only - one hundred forty (140) square feet per sign;
- c.) Maximum number of signs - three (3); and
- d.) Style -monument style only. (CO: BLDG-Zoning) (Previously Condition No. G.1 of Resolution No. R-97-2077, Control No. 79-119 (C))

SITE DESIGN

1. Prior to site plan review certification, petitioner shall provide a Unity of Title agreement covering the entire site. (ONGOING: ZONING-Zoning) (Previously Condition B.1 of Resolution No. R-97-2007, Petition No. 79-119(C))

2. Condition B.2 of Resolution 97-2077, Petition 79-119(C) which currently states

No drive-in or fast food restaurant uses shall be permitted on site. (Previously Condition B.2 of Resolution No. R-97-2007, Petition No. 79-119(C)).

Is hereby amended to state

No Type I restaurant uses shall be permitted on site. (ONGOING-CODE ENF-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)

