

RESOLUTION NO. R-93-169

RESOLUTION APPROVING ZONING PETITION DOA76-171(D)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF WRC PROPERTIES, INC. AND  
TEACHERS BOCA PROPERTIES, INC.

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 petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA76-171(D) was presented to the Board of County Commissioners at a public hearing conducted on January 28, 1993; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Land Development Code 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 Palm Beach County Comprehensive Plan.
2. This proposal is consistent with the requirements of the Palm Beach County Land Development Code and all other applicable local land development regulations.

WHEREAS, Article 5 of the Palm Beach County 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 Petition **DOA76-171(D)**, the petition of WRC PROPERTIES, INC. AND TEACHERS BOCA PROPERTIES, INC.; BY JOHN CORBETT, AGENT for a DEVELOPMENT ORDER AMENDMENT in the COMMERCIAL SPECIALIZED (CS) Zoning District, to amend the site plan for a Financial Institution, including five drive through tellers, previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on January 28, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell 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:

Mary McCarty, Chair	--	Aye
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of January, 1993.

APPROVED AS **TO FORM**  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD **OF** COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

Tracts 1 and 2, REPLAT OF PARCEL B "ARVIDA BUSINESS PLAZA," according to the Plat thereof as recorded in Plat Book 36, at Page 181, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

A portion of Section 23, Township 47 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Beginning at the Northwest corner of said Tract 1, REPLAT OF PARCEL B "ARVIDA BUSINESS PLAZA"; thence North 89 degrees 30' 16" E, along the North line of Tracts 1, 2 and 3 of said REPLAT OF PARCEL B "ARVIDA BUSINESS PLAZA", a distance of 1123.50 feet to a point on the arc of a circular curve to the left, whose radius bears N 65 degrees 10' 46" W from the last described point; thence Easterly and Northerly, along the arc of said curve, having a radius of 320.85 feet, an arc distance of 63.80 feet; thence S 89 degrees 30' 16" W, along a line parallel with, and 75.00 feet South of, as measured at right angles to, the North line of said Section 23, said line also being parallel with, and 60.00 feet North of, as measured at right angles to, the North line of said Tracts 1, 2 and 3, a distance of 1144.79 feet; thence S 00 degrees 23' 59" E, a distance of 60.00 feet to the Point of Beginning.

Property Control #00-42-47-23-06-001-0000  
00-42-47-23-06-002-0000  
00-42-47-23-00-000-1040

EXHIBIT B  
VICINITY SKETCH

Sec. 23 Twp. 47 Rng. 42  
 Quadrant Sheet: 38, 39  
 Aerial Page: 64-3

Vicinity Sketch

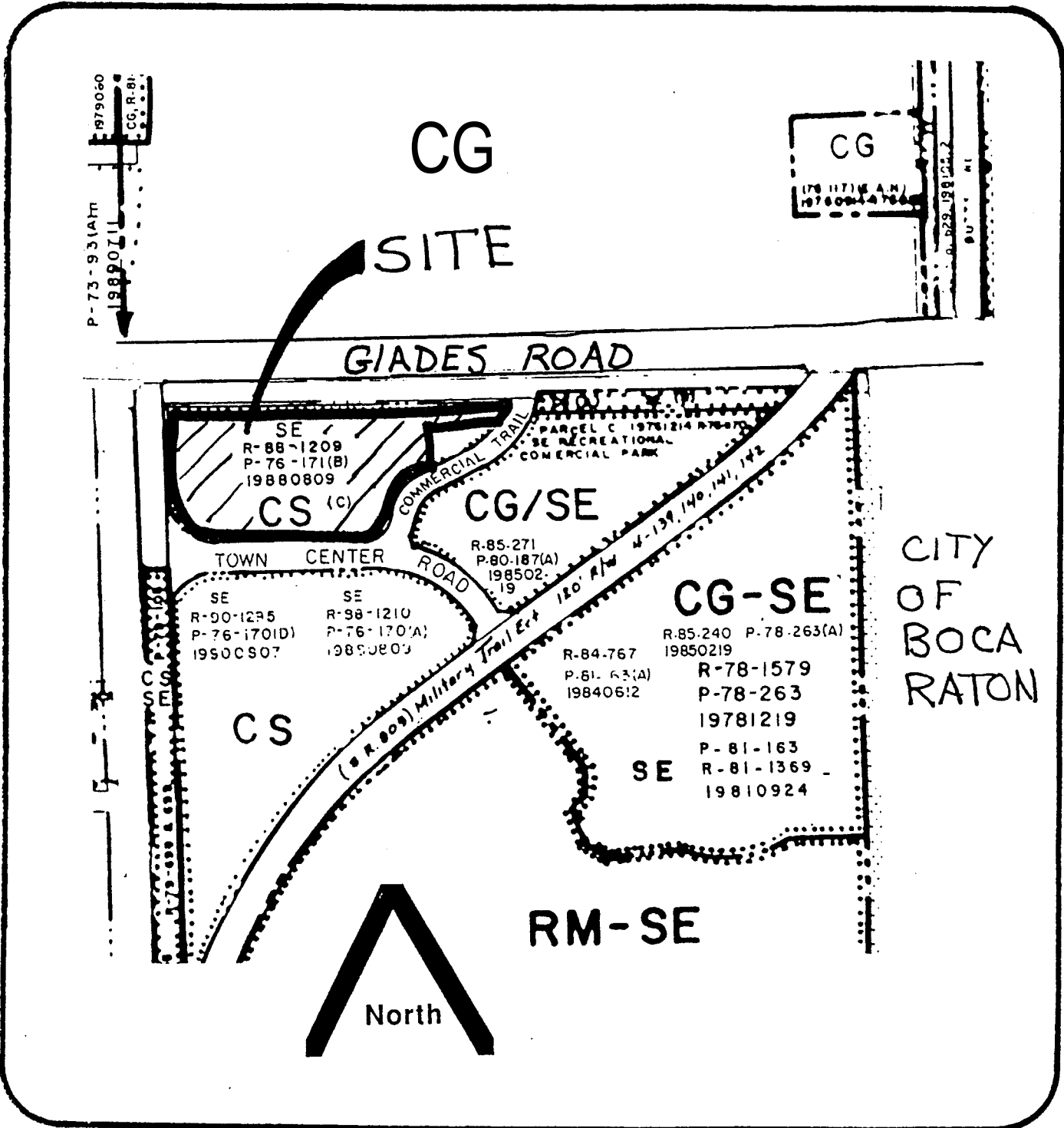


EXHIBIT C

CONDITIONS OF APPROVAL

A STANDARD CONDITIONS

1. All pervious condition of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all pervious condition of approval, including original deadline for Zoning Code Article 5 Compliance, as amended, unless expressly modified. (MONITORING)

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulate (dust particles) from this property do not become a nuisance to neighboring properties. **Previously Condition No. 6, Petition No. P-76-171(A), Resolution No. R-84-1284 (HEALTH)**
2. Reasonable measures shall be employed during site development to insure the at no pollutant from this property shall enter adjacent or nearby surface waters. **Previously Condition No. 7, Petition No. P-76-171(A), Resolution No. R-84-1284 (HEALTH-ERM)**
3. An affidavit for notification of Wellfield Protection Ordinance restrictions shall be executed prior to approval. An analysis of development plans shall also be conducted by the petitioner indicating:
  - a. Locations and types of business proposed;
  - b. Wellfield zones; and
  - c. Measures to be utilized to comply with Wellfield Protection Ordinances.  
**Previously Condition No. 9, Petition No. P-76-171(C), Resolution No. R-89-1148 (ERM)**

C. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. **Previously Condition No. 7, Petition No. P-76-171(C), Resolution No. R-89-1148 (HEALTH)**
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. **Previously Condition No. 8, Petition No. P-76-171(C), Resolution No. R-89-1148 (HEALTH)**

D. LANDSCAPING

1. Prior to certification, the site plan shall be amended to indicate the following:
  - a. Revised interior landscape tabular data. **Previously Condition No. 2, Petition No. P-76-171(C), Resolution No. R-89-1148 (condition completed)**
2. The financial institution shall be limited to three (3) drive in teller stations. **Previously Condition No. 3, Petition No. P-76-171(C), Resolution No. R-89-1148**

Is hereby amended to state:

The financial institution shall be limited to Five (5) drive in teller stations. (ZONING)

3. A restaurant or lounge shall not be permitted on site. **Previously Condition No. 4, Petition No. P-76-171(C), Resolution No. R-89-1148 (ZONING)**

E. ENGINEERING

1. Developer shall be required to plat the subject property. **Previously Condition No. 1, Petition No. P-76-171, Resolution No. R-76-1169 (condition completed)**
2. Developer shall obtain drainage easements through the adjacent land in Petition 76-170 to provide legal positive outfall to Lake Worth Drainage District Canal E-3. **Previously Condition No. 2, Petition No. P-76-171, Resolution No. R-76-1169 (condition completed)**
3. Developer shall install a traffic signal at the intersection of Military Trail and Boca West Road relocated to accommodate traffic volume generated by the Regional Shopping Center and the subject development, when warranted, by traffic volume as determined by the County Engineer. **Previously Condition No. 3, Petition No. P-76-171, Resolution No. R-76-1169 (condition completed)**
4. Developer shall construct at the intersection of Military Trail and Boca West Road (relocated):
  - a) Left turn lane, south approach
  - b) Right turn lane, north approach, when warranted
  - c) Right turn lane west approach, when warranted**Previously Condition No. 4, Petition No. P-76-171, Resolution No. R-76-1169 (condition completed)**
5. Developer shall convey to Palm Beach County within ninety days from the approval of the Special Exception Site Plan, ninety (90) feet of right-of-way for Boca West Road (relocated). **Previously Condition No. 5, Petition No. P-76-171, Resolution No. R-76-1169 (condition completed)**
6. Developer shall construct the access road on the east side of the property in conjunction with the Funeral Home. **Previously Condition No. 6, Petition No. P-76-171, Resolution No. R-76-1169 (condition completed)**
7. Developer shall construct two (2) lanes at Boca West Road (relocated) with County Participation of a compacted base wearing surface between Military Trail and Boca West Road. Palm Beach County's participation shall be limited to \$10,500.00, any additional expense shall be paid by the Petitioner. **Previously Condition No. 7, Petition No. P-76-171, Resolution No. R-76-1169 (condition completed)**
8. The County agrees to accept the petition to abandon Boca West Road from the present intersection with Military Trail north the point of relocation provided that the petition for abandonment complies with all applicable laws and ordinances. The County further agrees to process the petition in a timely manner. **Previously Condition No. 8, Petition No. P-76-171, Resolution No. R-76-1169 (condition completed)**
9. Petitioner shall seek a binding letter of determination from the Division of State Planning, that Petition No. 76-170, 76-171 and 76-172 either singularly or collectively do not constitute a Development of Regional Impact (DRI). In the event this determination is not made, that the Petitioner agrees to reprocess the above

numbered petitions according to those procedures applicable to Developments of Regional Impact. condition No. 9 of Zoning Petition 76-171. **Previously Condition No. 9, Petition No. P-76-171, Resolution No. R-76-1169** (condition completed) (MONITORING)

10. The developer shall retain onsite 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division. **Previously Condition No. 3, Petition No. P-76-171(A), Resolution No. R-84-1284** (ENGINEERING)
11. The Developer shall contribute \$18,563.00 toward the cost of meeting this project's direct and identifiable impact, and in addition, based upon the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$25,437.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds shall be deposited with Palm Beach County within six (6) months of the approval date by the Board of County Commissioners, or prior to the issuance of a Building Permit, whichever shall first occur. Should the amount assessed under the Impact Fee Ordinance be raised prior to the issuance of a Building Permit for this project, this amount shall be credited toward the increased Fair Share Fee. **Previously Condition No. 4, Petition No. P-76-171(A), Resolution No. R-84-1284** (condition completed)
12. The developer shall construct concurrent with onsite paving and drainage improvements, pursuant to a paving and drainage permit issued from the office of the County Engineer:
  - a.) Signalization at the intersection of Military Trail and Town Center Road, when warranted, as determined by the County Engineer.
  - b.) Left turn lane, west approach, on Town Center Road at the project's entrance road.

**Previously Condition No. 5, Petition No. P-76-171(A), Resolution No. R-84-1284** (condition completed).
13. 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 proposed restaurant is \$4,795.00 (179 trips X \$26.79 per trip). **Previously Condition No. 2, Petition No. P-76-171(B), Resolution No. R-88-1209** (condition completed)
14. Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$1,199.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$5,994.00 are to be paid prior to the issuance of the first building permit, or prior to October 1, 1987, whichever shall first occur. **Previously Condition No. 3, Petition No. P-76-171(B), Resolution No. R-88-1209** (TRAFFIC)
15. The petitioner 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. **Previously Condition No. 10, Petition No. P-76-171(C), Resolution No. R-89-1148** (BUILDING)

F. SIGNS

1. No off-site or off premise type signs shall be established on the site. **Previously Condition No. 6, Petition No. P-76-171(B), Resolution No. R-88-1209**  
Resolution No. **R-88-1209** (CODE ENFORCEMENT)

G. COMPLIANCE

1. Failure to comply with any conditions of approval 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. **Previously Condition No. 11, Resolution No. R-89-1148**  
(MONITORING)