

RESOLUTION NO. R-97- 2077

RESOLUTION APPROVING ZONING PETITION DOA79-119C
DEVELOPMENT ORDER AMENDMENT
PETITION OF BOCA CORPORATE CENTRE ASSOCIATES, LTD.
BY SARA LOCKHART, AGENT
(BOCA CORPORATE CENTER)

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, and the Palm Beach County Unified Land Development Code, 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 Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA79-119C was presented to the Board of County Commissioners at a public hearing conducted on October 23, 1997; 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 Unified 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Petition DOA79-119C, the petition of Boca Corporate Centre Associates, Ltd., by Sara Lockhart, agent, for a Development Order Amendment (DOA) to delete Condition 5 of R-87-92 (no drive-thru) and increase building square footage to allow a 8,980 square feet Financial institution with two drive-thru lanes 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 23, 1997, 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 Newell and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on December 4, 1997.

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

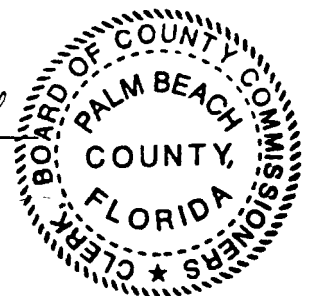


EXHIBIT A

LEGAL DESCRIPTION

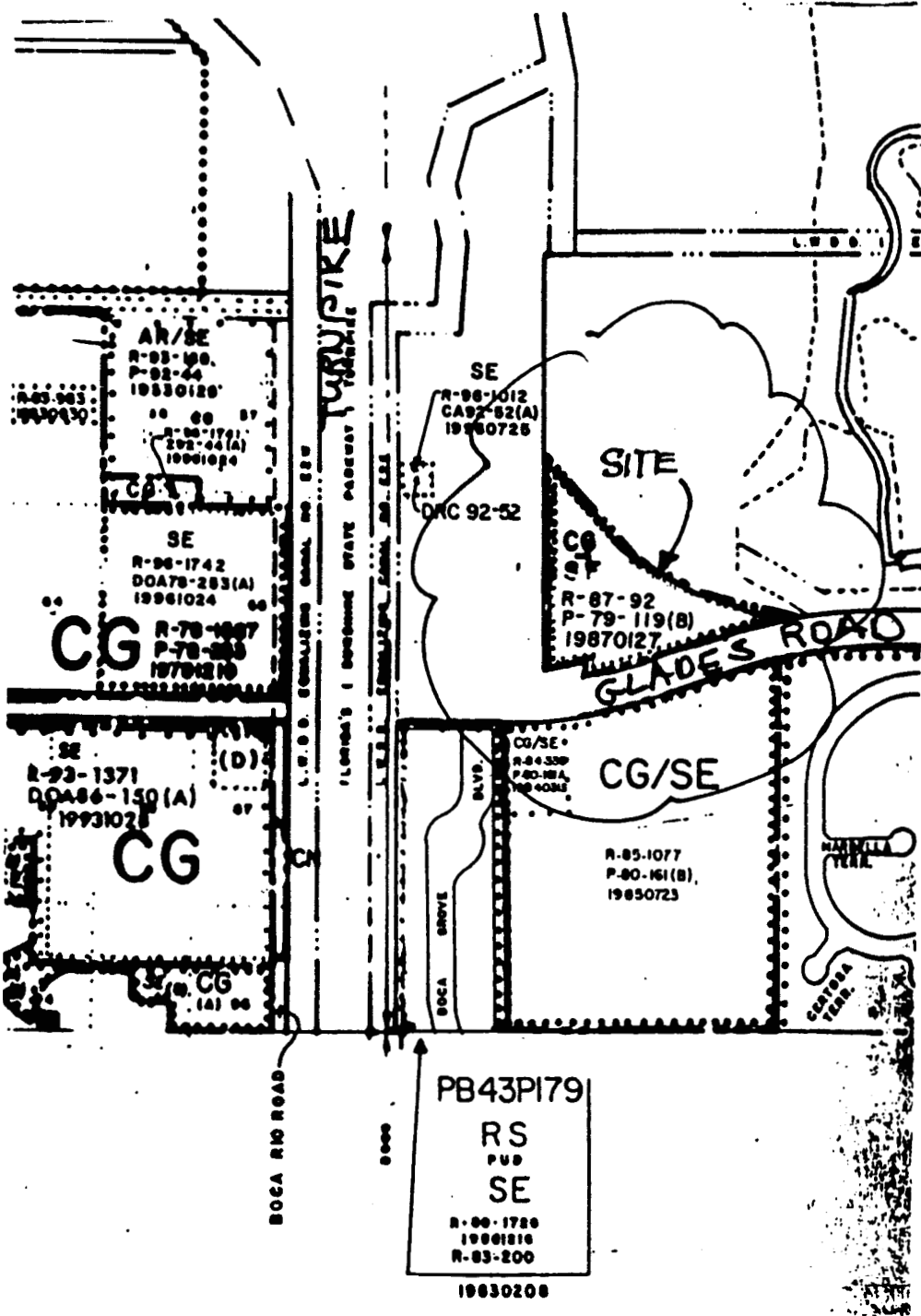
LEGAL DESCRIPTION

A parcel of land lying in the Southwest Quarter of Section 16, Township 47 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northeast Corner of the Southwest Quarter of said Section 16; thence $S89^{\circ}37'21''W$ along the North Line of said Southwest Quarter, a distance of 1809.39 feet; thence $S00^{\circ}22'39''E$, a distance of 1068.73 feet to the POINT OF BEGINNING of this Description; thence $S61^{\circ}47'27''E$, a distance of 212.33 feet; thence $S76^{\circ}16'39''E$, a distance of 401.02 feet to a point on the North Right-of-way Line of State Road No.808 as now laid out and in use; said point being on the arc of a curve concave to the southeast having a radius of 1968.08 feet and a central angle of $11^{\circ}06'52''$ and whose tangent at this point bears $N81^{\circ}31'05''E$, thence southwesterly along the arc of said curve, being the Northerly Right-of-Way Line of said State Road No.808, a distance of 381.78 feet; thence $S70^{\circ}24'13''W$, along the tangent to said curve, a distance of 53.74 feet to the beginning of a curve concave to the Northwest having a radius of 2209.59 feet and a central angle of $09^{\circ}13'08''$, thence southwesterly along the arc of said curve, a distance of 355.52 feet; thence $N12^{\circ}30'43''W$, along a line radial to a curve to be described, making an angle with the tangent to the last described curve, measured from West to North of $87^{\circ}51'56''$, a distance of 17.49 feet to a point on a curve concave to the Northwest having a radius of 1820.08 feet and a central angle of $03^{\circ}18'19''$, thence southwesterly along the arc of said curve, a distance of 105.00 feet; thence $N62^{\circ}29'56''W$, making an angle with the tangent to the last described curve, measured from West to Northwest, of $36^{\circ}42'28''$, a distance of 50.60 feet to a point on the East Line of Florida Turnpike-Boca Raton Interchange as now laid out and in use; thence $N00^{\circ}41'53''W$ along said East Line, a distance of 739.06 feet; thence $S43^{\circ}50'54''E$, a distance of 501.73 feet to the POINT OF BEGINNING. Containing 6.42 Acres, more or less.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



79-119C

APR 16 1997



Petition Number: 79-119C
 Zoning Quad Page 53
 Date: _____



EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition No. 1 of Resolution No. R-87-92, Petition No. 79-119(B) which currently states:

The conditions of all previous approvals shall remain in force unless expressly modified herein **or** before.

Is hereby amended to state:

All previous conditions of approval applicable to the subject property, as contained in Resolution No. R-84-55, Petition No. 79-119(A), and Resolution No. R-87-92, Petition No. 79-119(B), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. 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)

B. BUILDING AND SITE DESIGN

1. Prior to site plan review certification, petitioner shall provide a **Unity of Title** agreement covering the entire site. (Previously Condition No. 4 of Resolution No. R-87-92, Petition No. 79-119(B) [condition in compliance])
2. **No** drive-in **or** fast food restaurant uses shall be permitted on site. (Previously Condition No. 5 of Resolution No. R-87-92, Petition No. 79-119(B).)
3. Buildings on site shall be designed to be architecturally compatible with the overall Planned Commercial Development. (Previously Condition No. 6 of Resolution No. R-87-92, Petition No. 79-119(B).)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Cond. 4 of Resolution No. R-79-716 Petition 79-119 which currently states:

Petitioner shall coordinate with the Palm Beach County Urban Forester to preserve the existing cypress stand in the eastern portion of the subject site.

Is hereby deleted. [REASON: Condition completed and replaced with other applicable conditions]

2. Condition No. 10 of Resolution No. R-84-55, Petition No. 79-119(A) which currently states:

The developer shall preserve the existing Cypress head.

Is hereby amended to state:

The existing on-site cypress preserve areas shall not be encroached upon by new driveways, parking tracts or signage, excepting directional signs.
(DRC: ERM)

D. HEALTH

1. Condition No. 7 of Resolution No. R-84-55, Petition No. 79-119(A) which currently states:

The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.

Is hereby deleted: [REASON: Code requirement]

2. Condition No.8 of Resolution No. R-84-55, Petition No. 79-119(A) which currently states:

The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.

Is hereby deleted: [REASON: Code requirement]

E. 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. (Previously Condition No. 1 of Resolution No. R-79-716, Petition No. 79-119.)
2. Petitioner shall construct a median opening with left turn lane, west approach, on **S.R 808** at the project's main entrance. (Previously Condition No. 2 of Resolution No. R-79-716, Petition No. 79-119.)
3. Petitioner shall construct a right turn lane, east approach, on **S.R. 808** at the easterly entrance. (Previously Condition No. 3 of Resolution No. R-79-716, Petition No. 79-119.)
4. This development shall retain onsite **85%** of the storm water runoff generated by a three (**3**) year storm per requirements of the Permit Section, Land Development Division. (Previously Condition No. 1 of Resolution No. R-84-55, Petition No. 79-119(A).)
5. The developer shall align the project's east entrance with the entrance to the development approved as Petition **No. 80-161**. (Previously Condition No. 2 of Resolution No. R-84-55, Petition No. 79-119(A).)

6. 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. (Previously Condition No. 3 of Resolution No. R-84-55, Petition No. 79-119(A).

7. 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. (Previously Condition No. 4 of Resolution No. R-84-55, Petition No. 79-119(A).

8. 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. (Previously Condition No. 5 of Resolution No. R-84-55, Petition No. 79-119(A).

9. 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. (Previously Condition No. 6 of Resolution No. R-84-55, Petition No. 79-119(A).

10. 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)**. (Previously Condition No. 3 of Resolution No. R-87-92, Petition No. 79-119(B).

11. 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 assignees or duly established Property Owner's Association and/or Homeowners' 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 healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (PLAT FINAL: 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)

F. LANDSCAPE

- 1. **A six-foot high wall (measured from parking lot grade) shall be installed between the parking lot and the Boca West Golf Course.** (Previously Condition No. 9 of Resolution No. R-84-55, Petition No. 79-119(A). [Condition in compliance])
- 2. Condition No. 2 of Resolution No. R-87-92, Petition No. 79-119(B) which currently states:

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

- a) **required landscape buffer**
- b) **required and proposed number of trees.**

It hereby amended to state:

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)

- 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)

G. 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)

H. COMPLIANCE

1. 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; 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 ULDC at the time of the finding of noncompliance, 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 a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)